Washington State Emergency Response Commission
Emergency Planning & Community Right-to-Know Act
Emergency Planning & Community Right-to-Know Act

Why a new law?
Emergency Planning & Community Right-to-Know Act

Superfund Amendments and Reauthorization Act (SARA) 1986

- Signed by President Reagan
- Commonly known as the Emergency Planning & Community Right-to-Know Act - EPCRA

Created for:
- Emergency Planning
- Preparedness and Training
- Community Right-to-Know
EPCRA Overview

• Expands the role of citizens
• Emphasizes the importance of response planning and training

• Provisions for emergency preparedness and chemical risk management in communities
• Ensures the public has access
EPCRA Subchapters

Subchapter I – Emergency Planning and Notification
• Requires development of local response plans
• Imposes reporting requirements for chemical releases

Subchapter II – Reporting Requirements
• Imposes Community Right-to-Know reporting requirements

Subchapter III – General Provisions
Subchapter I – Emergency Planning & Notification

- Establishes State commissions, planning districts, and local committees
- Identifies substances and types of facilities
- Requires response plans
- Requires emergency notification
- Requires training and review of response systems
Emergency Planning (Sections 301-303)

➢ LEPCs are required to develop and maintain response plans for their jurisdiction

➢ Planning activities focus on the 355 chemicals identified as Extremely Hazardous Substances (EHS)

➢ Identifies the required plan components
Emergency Release Notification (Section 304)

➢ Requires immediate notification to the LEPC and the SERC or TERC of a release equal to or exceeding the specified reportable quantity

➢ Includes not just the 355 EHS, but also >700 substances subject to CERCLA regulations

➢ Written follow-up notice must be sent and include response actions and any pertinent medical impact information
# Reporting Thresholds

<table>
<thead>
<tr>
<th>Chemicals Covered</th>
<th>Section 302</th>
<th>Section 304</th>
<th>Sections 311/312</th>
<th>Section 313</th>
</tr>
</thead>
<tbody>
<tr>
<td>355 Extremely Hazardous Substances</td>
<td>&gt;1,000 substances</td>
<td>Approximately 800,000 hazardous chemicals</td>
<td>&gt; 650 Toxic Chemicals and categories</td>
<td></td>
</tr>
</tbody>
</table>

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<tr>
<th>Thresholds</th>
<th>Section 302</th>
<th>Section 304</th>
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</tr>
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<tbody>
<tr>
<td>Threshold Planning Quantity1-10,000 pounds on site at any one time</td>
<td>Reportable quantity, 1-5,000 pounds, released in a 24-hour period</td>
<td>500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)<em>; diesel greater than or equal to 100,000 gallons (all grades combined)</em>; 10,000 pounds for all other hazardous chemicals</td>
<td>25,000 pounds per year manufactured or processed; 10,000 pounds a year otherwise used; persistent bioaccumulative toxics have lower thresholds</td>
<td></td>
</tr>
</tbody>
</table>
Subchapter II – Reporting Requirements

➢ Requires submission of MSDS to SERC, LEPC, and local Fire Department

➢ Requires preparation of hazardous chemical inventory forms

➢ Requires completion of toxic chemical release form
Storage Reporting Requirements (Sections 311-312)

Community Right-to-Know Requirements

➢ Section 311
  o Requires facilities to submit either a list of, or MSDS for, all substances held in amounts above identified threshold quantities
  o If a list is submitted, it must identify the applicable hazard category of each substance
Storage Reporting Requirements (Sections 311-312)

Community Right-to-Know Requirements

➢ Section 311 – Hazard Categories

<table>
<thead>
<tr>
<th>Physical Hazards</th>
<th>Health Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flammable (gases, aerosols, liquids, or solids)</td>
<td>Carcinogenicity</td>
</tr>
<tr>
<td>Gas under pressure</td>
<td>Acute toxicity (any route of exposure)</td>
</tr>
<tr>
<td>Explosive</td>
<td>Reproductive toxicity</td>
</tr>
<tr>
<td>Self-heating</td>
<td>Skin Corrosion or Irritation</td>
</tr>
<tr>
<td>Pyrophoric (liquid or solid)</td>
<td>Respiratory or Skin Sensitization</td>
</tr>
<tr>
<td>Oxidizer (liquid, solid, or gas)</td>
<td>Serious eye damage or eye irritation</td>
</tr>
<tr>
<td>Organic peroxide</td>
<td>Specific target organ toxicity (single or repeated exposure)</td>
</tr>
<tr>
<td>Self-reactive</td>
<td>Germ cell mutagenicity</td>
</tr>
<tr>
<td>In contact with water emits flammable gas</td>
<td>Aspiration Hazard</td>
</tr>
<tr>
<td>Corrosive to metal</td>
<td>Hazard Not Otherwise Classified (HNOC)</td>
</tr>
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</table>
Storage Reporting Requirements (Sections 311-312)

Community Right-to-Know Requirements

- Section 312
  - Requires annual submission of an Emergency and Hazardous Chemical Inventory Form
  - Tier I or Tier II

- Tier I is aggregated information by hazard category
- Tier II list specific chemicals
Toxic Chemical Release Inventory (Section 313)

- Tracks the management of certain toxic chemicals that pose a threat to humans or the environment
- Includes recycling, energy recovery, treatment, and environmental releases
- Submitted to EPA, SERC or TERC by July 1
- Information is publicly available through the TRI program website
EPCRA Implementation in Washington

The Washington SERC was established by Executive Order from the Governor
- April 17, 1987 -
SERC Responsibilities

Defined by WAC 118-40:

➢ Coordination with EPA on EPCRA implementation and programming
➢ Establishment and oversight of State EPCRA program
➢ Designation of LEPCs and oversight of their activities
➢ Review and evaluate local response plans
➢ Delegation of EPCRA responsibilities between Ecology, WSP, and EMD
SERC Responsibilities

Who is responsible for EPCRA enforcement?

- EPCRA Section 325 - Civil and Administrative penalties ranging up to $10,000 - $75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Potential penalties for facilities that fail to report in a timely manner are $37,500 per violation per day. Criminal - <$50K or 5 years in prison
- EPCRA Section 326 - citizens to initiate civil actions against EPA, SERCs, and the owner/operator of a facility for failure to meet the EPCRA requirements.
Department of Ecology Responsibilities

➢ Implement and maintain an EPCRA Program (Sections 302 – 313) Advise SERC on emergency spill response and environmental restoration issues
➢ Advise the SERC on Community Right-to-Know issues
➢ Liaison between the SERC and the EPA on Community Right-to-Know issues
➢ Serve as SME on emergency responder equipment and training needs at state and local levels, and on-scene spill response
Military Department Responsibilities

➢ Provide administrative staff support for the SERC
  o Meeting information, correspondence, and written reports to SERC members, Tribes, and LEPCs
➢ Receive and record verbal emergency release notifications
➢ Provide assistance to LEPCs developing emergency response plans
  o Coordinate review of LEPC emergency response plan
  o Serve as repository for LEPC emergency response plans
➢ Administer training, exercise, and planning grant applications on behalf of the SERC
LEPCs Responsibilities

➢ Report tracking
➢ Hazard analysis
➢ HazMat Emergency Response Plans
➢ Coordination of exercises for community response partners
➢ Ensure public access to CRK information
Questions?