

## **EPCRA §313 TOXIC CHEMICAL RELEASE REPORT & SUBMISSION GUIDANCE**

The purpose of Section 313 is to provide the public and environmental officials with annual reports on listed toxic chemicals as they are utilized or generated by manufacturers. The TRI program has expanded significantly since its inception in 1987. EPA has issued rules to roughly double the number of chemicals included in the TRI to approximately 650, including chemical categories including ozone depletors . They may exist at your facility in the form of pure raw materials, mixtures, reaction intermediates, products and byproducts, or wastes. Seven new industry sectors have been added to expand coverage significantly beyond the original covered industries, i.e. manufacturing industries. Most recently, EPA has reduced the reporting thresholds for certain persistent, bioaccumulative, and toxic (PBT) chemicals in order to be able to provide additional information to the public on these chemicals.

Facilities that qualify must submit for each chemical to the EPA and the State on July 1st of each year. This submittal requires information on facility identification, toxic chemical usage, releases, treatment methods, and pollution prevention activities. Most types of manufacturers are covered by this law, including; Food, Tobacco, Textiles, Apparel, Lumber and Wood, Furniture, Printing and Publishing, Paper, Petroleum and Coal, Chemicals, Rubber and Plastics, Leather, Stone, Clay and Glass, Machinery, Primary Metals, Instruments, Fabricated Metals, Misc. Manufacturing, Transportation Equipment, Electrical and Electronic Equipment. The law permits confidential treatment of certain data, and limits general availability of information to the EPA and designated state officials.

Under this law, the EPA is required to establish a national database Toxic Chemical Release Inventory (TRI) to store information for general public and agency use. Information about access is available from the EPA. This information will assist the EPA in research and the development of regulations, guidelines, and standards.

EPA and SC compile the TRI data each year to make it available to the public through several data access tools, including the TRI Explorer and Envirofacts.

### **Facilities Subject to Reporting**

To determine if reporting is required, South Carolina facilities should use EPA's "Toxics Release Inventory - Made Easy" software, or TRI-ME. It is an interactive, user-friendly, intelligent software that guides facilities through the entire TRI reporting experience, including "one-stop" guidance searching, threshold calculations, and reporting forms completion.

TRI-ME leads prospective reporters through a series of logically ordered questions that eliminates a good portion of the analysis required to determine if a facility needs to comply with the TRI reporting requirements (EPCRA Section 313). For those facilities required to report, the software provides guidance for each of the data elements on the reporting forms.

Submissions are received by EPA and SC simultaneously when a facility transmits by internet only once to the Central Data Exchange. Follow up corrections are also sent in this manner.

TRI-ME can be downloaded at <http://www.epa.gov/tri/index.htm>.

### **Facilities Subject to EPCRA §313:**

must have 10 or more full-time employees, AND;

carry on operations classified as manufacturing by North American Industry Classification Codes , AND;

exceed a reporting threshold by: Manufacturing or importing more than 25,000 pounds, or processing more than 25,000 pounds, or otherwise using more than 10,000 pounds of any §313 listed toxic chemical within a calendar year.

Facility environmental coordinators can determine whether they need to report by obtaining a copy of the §313 Toxic Chemical Release Inventory Form R reporting package and industry-specific technical guidance documents by calling the EPA Hotline (1-800-424-9346) or the EPCRA TRI Coordinator (803-898-1422).

### **Title III EPCRA Funding**

The State of South Carolina receives \$0 from the federal government to cover Title III EPCRA administrative, equipment, and personnel costs. Minimal federal funding is available for limited training of emergency personnel.

Because of the lack of federal funding, the State of South Carolina can provide no funding to the 46 counties for Title III expenses. The federal government has given no indication to date that it intends to provide any direct funding to the counties.

Money has been funneled from other program areas in order to keep the state in compliance with the federal law. Our efforts at seeking federal funding for this law have been intensive and ignored. The state agencies charged with implementing the law are making valiant efforts to handle the thousands of pieces of information and forms which facilities must submit each year.

In spite of the lack of direct federal funding to support EPCRA, LEPCs/County EMDs have made many efforts to deal with the handling, storage and interpretation of information received from reporting facilities. In conjunction with EPA Region IV, we have arranged to distribute the Computer Aided Management of Emergency Operations (CAMEO) software free of charge to requesting LEPCs. In addition, we make the computer map at DHEC and download our information for each requesting jurisdiction as well as provide on-site training and over the phone software support.

For first responders to a chemical accident, it is crucial that fire fighters have immediate access to information that can assist them in controlling the chemical release. Considering the volume of chemicals and the number of facilities subject to this law, computerization is the only realistic means of storing and accessing this information.

## **FACILITY COMPLIANCE**

### **NON-COMPLIANCE FINE: \$37,500 A DAY**

Although authorities are more concerned about voluntary compliance than punishment, failure to comply with Title III EPCRA notification requirements could result in a "civil penalty of not more than \$37,500 a day for each day in which such violation occurs." The fine equates to \$1 million every 40 days. The SERC does not have the authority to fine companies. That responsibility rests with the Environmental Protection Agency which, to date, has penalized several companies in South Carolina. The EPA would not hesitate to impose penalties, particularly in cases where an accident occurs at noncomplying facilities. Noncomplying facilities may also face federal and citizen lawsuits.

## **OTHER EPCRA PROVISIONS**

< EPCRA §305 authorized the Federal Emergency Management Agency to provide \$5 million nationwide for each fiscal year from 1987-1990 for grants to support state and local government efforts to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. This funding has continued at varying amounts on a year-to-year basis since 1990 but is subject to termination at any time. Unfortunately, such funding is inadequate and other sources of revenue must be pursued if the state and local governments are to meet the training requirements.

EPCRA §305 also requires EPA to review facilities' emergency systems for monitoring, detecting, and preventing releases.

NOTE: §126 of SARA requires the training of general site workers, and emergency response personnel who may be exposed to toxic substances in carrying out their responsibilities in handling hazardous chemical accidents.

< EPCRA §322 addresses trade secrets and applies to emergency planning, community right-to-know and toxic chemical release reporting. The specific chemical identity of a hazardous substance may be withheld from the public under strict guidelines, but the chemical's generic class or category must be provided.

NOTE: Information claimed and substantiated as trade secrets must be submitted to the EPA. Trade secret claims may be challenged by petitioning the EPA.

< EPCRA §323 requires that chemical identities withheld under §322 be disclosed to health professionals for diagnostic or assessment purposes if certain conditions are met.

- < EPCRA §324 requires that each emergency response plan, Material Safety Data Sheet (MSDS), MSDS list, inventory form, toxic chemical release form, and follow-up emergency notice be made available to the general public during normal working hours at a location designated by EPA, the Governor, SERC, or LEPC. The location of specific chemicals may be withheld from the public under certain conditions.
- < EPCRA §325 allows the EPA to fine facilities \$37,500 a day for violations or failure to comply with Title III regulations. In certain cases, subsequent violations could be \$75,000 a day. Other fines, penalties, and legal measures, including citizen lawsuits, are addressed.
- < EPCRA §330 authorizes the appropriation of funds to carry out this act. This provision, to date, has been ignored by Congress.

FOR INFORMATION ABOUT OTHER SECTIONS OF TITLE III NOT MENTIONED IN THIS BOOKLET, PLEASE REFER TO THE SARA TITLE III EPCRA LAW, DESIGNATED AS PUBLIC LAW 99-499 (October 17, 1986), in its entirety. The law may also be found in the U. S. Code, Title 42, Chapter 116.

## WHERE TO REPORT - ***NEW OPERATIONS***

### **EPCRA §301/303 Emergency Planning**

Companies/agencies that missed the **May 17, 1987**, deadline or are new operations should send written notice of emergency planning to:

South Carolina Emergency Response Commission (SERC)  
SC Emergency Management Division  
2779 Fish Hatchery Road  
West Columbia, SC 29172  
(803) 737-8500

### **EPCRA §302 Extremely Hazardous Substance Notification**

Facilities that have not notified the SERC of the presence of Extremely Hazardous Substance (EHS) or that have changed any of the required information should write to:

<p><b>SC SERC EPCRA Reporting Point</b> <b>2600 Bull St.</b> <b>Columbia, SC 29201</b></p>
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Include the following information: Name of company, facility location, mailing address and phone number, county, latitude & longitude, company contact person, type of company, and SIC & NAICS codes.