

**< Emergency Response Plans must include:**

- < Names of facilities
- < Transportation routes for hazardous substances
- < Emergency response procedures, on-site and off-site
- < Designation of community and facility coordinators to implement plan
- < Emergency notification procedures
- < Methods of determining a release and the probable affected area and population
- < Description of community/industry emergency equipment and facilities, and persons responsible for them
- < Evacuation plans
- < Description and schedules of training programs for emergency response personnel
- < Methods and schedules for training drills to test emergency response plans

**EPCRA §304 REPORTING CHEMICAL ACCIDENTS AND RELEASES**

All facilities, regardless of SIC code, shall provide notification to the proper authorities of a release involving a reportable quantity (RQ) of any Extremely Hazardous Substance (EHS) or CERCLA Hazardous Substance.

A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of something to the environment. If a release is fully contained and only persons within the site or sites belonging to the facility are exposed, a notification is not required. If the release is not confined to the facility or has the potential of escaping containment, notification must be made when air, land surface, surface water, ground water or subsurface strata are or may be affected.

The chemicals covered by Emergency Release and Continuous Release reporting are listed in 40 CFR Table 302.4 (CERCLA Hazardous Substances) and in the EPA *Title III List of Lists* (Extremely Hazardous Substances). Reportable Quantities for these chemicals are listed in the EPA *Title III List of Lists*.

It should be noted that Table 302.4 consists of over 700 substances. These include raw materials and waste products released by manufacturing and non-manufacturing facilities such as power plants, refineries, incinerators, and dry cleaners. Also, there are 45 new Hazardous Substances published in 40 CFR Table 302.4 which have been added by the 1990 Clean Air Act Amendments. They have a statutory RQ of 1 lb. until otherwise adjusted by the EPA.

**TO REPORT A RELEASE**

1. Contact local fire department (call 911 or the operator) for transportation incidents.
2. Contact the affected county/counties Emergency Management Agency/Civil Defense Agency (which is the representative of the Local Emergency Planning Commission) (see page 32).

3. Contact the SC Department of Health and Environmental Control (SCDHEC), which serves as the SERC representative for receiving chemical accident/release information.

### **To Report Oil, Chemical, Hazardous Materials Spills & Releases Call:**

### **SCDHEC Emergency Response 24-Hour Toll Free: (888) 481-0125 or (803) 253-6488 (emergency/24-hours.)**

South Carolina Law requires reports of spills & releases that may impact the environment. Do not delay reporting! Calling a local DHEC office DOES NOT COUNT legally as reporting a spill. You must call the 24-hour SCDHEC Emergency Response number.

CERCLA (see *Title III List of Lists*) substance releases must also be reported to the National Response Center at 1-800-424-8802.

- < Initial notification can be by phone, radio, or in person. Transportation incidents can be reported by dialing 911 or the telephone operator.

CALLING 911 MAY NOT BE SUFFICIENT NOTIFICATION IN SOME COUNTIES. SOME ALSO REQUIRE CALLING THE AFFECTED COUNTY EMERGENCY PREPAREDNESS/CIVIL DEFENSE AGENCY.

The reporting facility representative must state he/she is reporting a §304 release if a Reportable Quantity has been or may have been released.

The notification information should include:

- < Chemical name or name of compound released.
- < Whether the substance is an Extremely Hazardous Substance (EHS).
- < Estimate of quantity released into the environment.
- < Time and duration of the release.
- < Medium into which the release occurred: soil, water, or air.
- < Any known or anticipated acute/chronic health risks associated with the emergency, and any need for medical attention of exposed individuals.
- < Proper precautions, i.e. evacuation plan.
- < Name and telephone number of contact person.

EPCRA §304 also requires WRITTEN follow-up information "as soon as practicable" after the release, to include:

- < Updated information from the initial notice.
- < Actual response actions.
- < Any known or anticipated data on health risks associated with release; advice on medical

attention necessary for exposed individuals.

Facilities must document the circumstances of a release of a Reportable Quantity for legal purposes. A record of communications should be kept.

## **CERCLA §103 CONTINUOUS RELEASE REPORTING**

When a release of a substance meeting, or in excess of, the Reportable Quantity occurs in a 24-hour period during the normal course of operations in a stable and routine manner, a Continuous Release report shall be submitted. Continuous Release reporting is intended to provide relief from notifications that would otherwise occur for every instance an RQ is met or exceeded. This report must be submitted to the EPA and the EPCRA Reporting Point at SCDHEC, annually or at any time there is a statistical increase in the quantity released. The procedure for submitting a Continuous Release Report, possible exemptions, and penalties can be found in:

The Federal Register, Tuesday, July 24, 1990, Part VII Environmental Protection Agency, 40 CFR Parts 302 and 355, Reporting Continuous Releases of Hazardous Substances; Final Rule.

## **EPCRA §311-312 HAZARDOUS MATERIALS COMMUNITY RIGHT-TO-KNOW**

### **Information Access**

Title III is intended to provide citizens and local agencies with information concerning potential chemical hazards in their communities. Facilities with employees exposed to hazardous chemicals in their workplaces, must report (subject to the Hazard Communication Standard Worker Right-to-Know 29 CFR 1910.1200 under EPCRA 311& 312.) The information submitted by these facilities to the SERC and LEPCs must generally be made available to the public by local and state governments during normal working hours.

< Requests for paper copies of Title III information from SCDHEC MUST be made in writing. A minimal fee will be charged as reimbursement for copying costs.

**SC DHEC Freedom of Information  
2600 Bull St.  
Columbia, SC 29201**

Questions may be referred to SCDHEC Freedom of Information Office: (803) 898-3882.

IF YOU ARE REQUIRED TO REPORT UNDER §311, YOU MUST ALSO REPORT UNDER §312.

## **EPCRA §311 MATERIAL SAFETY DATA SHEET SUBMISSIONS (MSDS)**

FACILITIES THAT MUST PREPARE OR MAINTAIN MATERIAL SAFETY DATA SHEETS (MSDS) FOR HAZARDOUS CHEMICALS UNDER OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS are required under Title III to submit copies of the

actual material safety data sheets or lists of MSDS chemicals to the SC SERC, through the EPCRA Reporting Point at SCDHEC, the local committee (LEPC, via the affected county Emergency Management Agency), and the local fire department with jurisdiction over the facility. This requirement applies to hazardous chemicals **on-site** in excess of threshold levels (10,000 lbs. for non-EHSs or 500 lbs or TPQ [for EHSs], whichever is lower at any one time.) The SERC requests only a chemicals list in lieu of the actual MSDS including the following information:

- < The chemical name or common name of each substance
- < Any hazardous component
- < Categories of health/physical hazards

Companies that send in lists must submit the actual Material Safety Data Sheet within 45 days if requested by the local emergency planning committee or local fire department. The SC SERC requires a list, NOT sheets! And ONLY for new products on-site, not previously reported ones. A revised list of new chemicals must be submitted within 90 days after receipt on-site of a chemical in excess of a Threshold Planning Quantity (TPQ).

### **EPCRA §311(e) Chemical Exemptions**

The following chemicals are exempt from the reporting requirements:

- < Any food, food additive, color additive, drug or cosmetic regulated by the FDA.
- < Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- < Personal, family, and household products packaged for use by the general public or present in the same form and concentration and quantities as those for the general public (*i.e.*, don't report your white-out and window cleaner unless you have 10,000 lbs. of it!)
- < Substances used under the supervision of a technically qualified individual in research labs, or administered to patients in hospitals, or other medical facilities. Exterior storage of TPQ or above must be reported.
- < Any substance to the extent it is used in routine agricultural operations (by the owner of the substance) or is a fertilizer held for sale by a retailer to the ultimate customer (PESTICIDES AND HERBICIDES ARE NOT EXEMPT for retailers.)

### **EPCRA §312 EMERGENCY and HAZARDOUS CHEMICAL INVENTORY FORM (TIER TWO FORMS)**

Facilities required to provide MSDS information under §311 must also submit a Hazardous Chemicals Inventory form to the SC SERC, through the EPCRA Reporting Point at SCDHEC, LEPC, and local fire department, by MARCH 1 OF EACH YEAR. Although the inventory forms incorporate a two-tier approach, the SERC requires that TIER TWO FORMS be submitted in lieu of Tier One information. TIER TWO REPORTS ARE REQUIRED BY THE SC SERC (sent to the

### EPCRA Reporting Point.)

Upon request of the SERC, a local committee, or local fire department; the company must provide more detailed information on specific chemicals, including:

- < The chemical name or common name as listed on the MSDS. Brand name or proprietary products must be accompanied by the common chemical names of major constituents.
- < An estimate (in ranges) of the maximum (at any time) and average daily amount of the chemical present during the preceding calendar year; and especially, for hazard analysis, the maximum amount in the largest container.
- < A brief description of the manner of storage of the chemical and the location of the chemical at the facility.
- < An indication of whether the owner chooses to withhold location information from the public under §324.

The form used should be the SC SERC Tier Two Hazardous Chemical Inventory form which is on pages 32-33 of this booklet, at <http://www.scemd.org/library/epcra/index.htm> , or electronic submission using Tier II Submit software on diskette with certification. Tier II Submit is available from the EPCRA Hotline 1-800-424-9346 or by internet: <http://www.epa.gov/oem/content/epcra/tier2.htm>

NOTE: PLEASE REFER TO THE TITLE III STATUTES OR CONTACT THE EPA HOTLINE (1-800-424-9346) FOR ADDITIONAL CLARIFICATION PERTAINING TO THE TREATMENT OF MIXTURES, ADDITIONAL MSDS SUBMISSION REQUIREMENTS AND OPTIONS, & CHEMICAL EXEMPTIONS.

### **FACILITY LOCATION**

(All Sections)

- < **Mailing & Street:** The SERC requests each facility to provide both mailing address and street address, if different, as well as the nearest major cross street/highway.
- < **Latitude & Longitude:** In order to correctly identify and locate facilities, the SERC requests each facility to provide its latitude and longitude. If you do not have a way of determining Lat/Long, a hand-drawn sketch map indicating your facility, entrances, storage areas, bounding streets/roads, and other structures/facilities will suffice:

### **North America Industry Classification System Code (NAICS)**

The Federal Government has assigned 5 digit code numbers to activities. The Tier Two form and the Toxic Chemical Release form (R-Form) both require facilities to report their NAICS code. To determine your code, refer to the U.S. Census Bureau for the codes.