

### Local Fire Departments

- < may request on-site visits to certain facilities
- < receive chemical inventory forms (§312, Tier Two) and data sheets or lists (§311, MSDS)

Facilities: Industries, businesses, government agencies, publicly owned/private owned facilities, warehouses, etc.

- < *Any facility that uses, stores, or produces any of the "Extremely Hazardous Chemicals" in amounts established by the EPA (EPCRA §302) is required to notify the State Emergency Response Commission through the SERC EPCRA Reporting Point at SCDHEC as being subject to emergency planning requirements.*
- < Facilities subject to emergency planning requirements must designate a representative to participate in the planning process.
- < Other statutes in the law require industry to submit various forms and provide information, including notification of a chemical release, to federal, state and local governments. These requirements are more specifically addressed in the appropriate sections of this booklet.
- < A facility can be designated by the SERC as subject to Title III (EPCRA) even if it doesn't meet "Extremely Hazardous Substance" criteria.

### Citizens

- < may request copies of each emergency response plan, Material Safety Data Sheet (MSDS), MSDS list, inventory form, toxic chemical release form, and follow-up emergency notice, with some exceptions for trade secrets
- < may initiate legal actions against facilities for violations, under certain conditions

## REQUIREMENTS BY SECTION

### **EPCRA §301/302/303**

#### Emergency Planning

These sections of the law establish state and local administrative units to oversee implementation of Title III (EPCRA). Reporting requirements for facilities and guidelines for local emergency response plans are also contained within these statutes.

The law requires the governor of each state to appoint a State Emergency Response Commission (SERC) to manage the program. The Commission, in turn, appoints members to the Local Emergency Planning Committees (LEPC), which implement EPCRA on the county level. The legislation requires that the committee include representatives from the media, private industry, state and local government, and health, police, fire, civil defense, environmental, hospital, transportation and any other relevant groups. The LEPCs are required to develop chemical emergency response plans for their communities.

The Governor appoints twelve members, including representatives from private industry, to the

South Carolina SERC. The SERC approves local committee nominations, which are submitted by county officials. The Governor designated the emergency preparedness director/coordinator of each county as the Committee coordinator.

**Facilities must notify the SERC and LEPC within 60 days of the arrival of an EHS at or exceeding the Threshold Planning Quantity (TPQ) at the facility.**

Any company, business, government agency, warehouse, or other facility that uses, produces, or stores any of the Extremely Hazardous Substances (EHS) identified by the Environmental Protection Agency (EPA) is REQUIRED to notify the SERC, through the EPCRA Reporting Point at SCDHEC, in writing for substances on-site in amounts in "excess of the threshold planning quantity (TPQ)," which is a level established by the EPA. This list of chemicals includes acids, cyanides, industrial gases, pharmaceuticals, pesticide compounds, metals, solvents, flavors, fragrances, catalysts, and numerous other substances. TPQs are listed in the *Title III List of Lists*.

The law does not require the state to notify companies of their responsibilities--failure to comply could result in a \$37,500-a-day fine for industries. The SERC believes it is in the best interest of South Carolina that the State make an effort to reach out to facilities that might be required to report.

The SERC created a Memorandum of Agreement delineating the operational duties and responsibilities among the following State agencies:

**Emergency Management Division of the Office of the Adjutant General**

- < Provides administrative support to SERC
- < Division Director serves as chairman of the SERC
- < Provides training, planning, and exercise support to LEPCs
- < Prepares the State Emergency Operations Plan
- < Approves local planning committee Hazmat response plans

**S. C. Department of Health and Environmental Control, Environmental Quality Control**

- < Addresses technical aspects of Title III EPCRA
- < Functions as the SC SERC EPCRA reporting point
- < Maintains files of §302 reporting
- < Provides for 24-hour, seven day notification point to receive notification of chemical accidents, spills and releases. Reporting releases to SCDHEC will satisfy SERC notification requirements mandated by Title III (EPCRA)
- < Responds to spills and accidents
- < Receives and maintains Tier Two Chemical Inventory Forms, MSDS lists, and Toxic Chemical Release R forms
- < Provides for community Right-to-Know release provisions at the State level

**< 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).