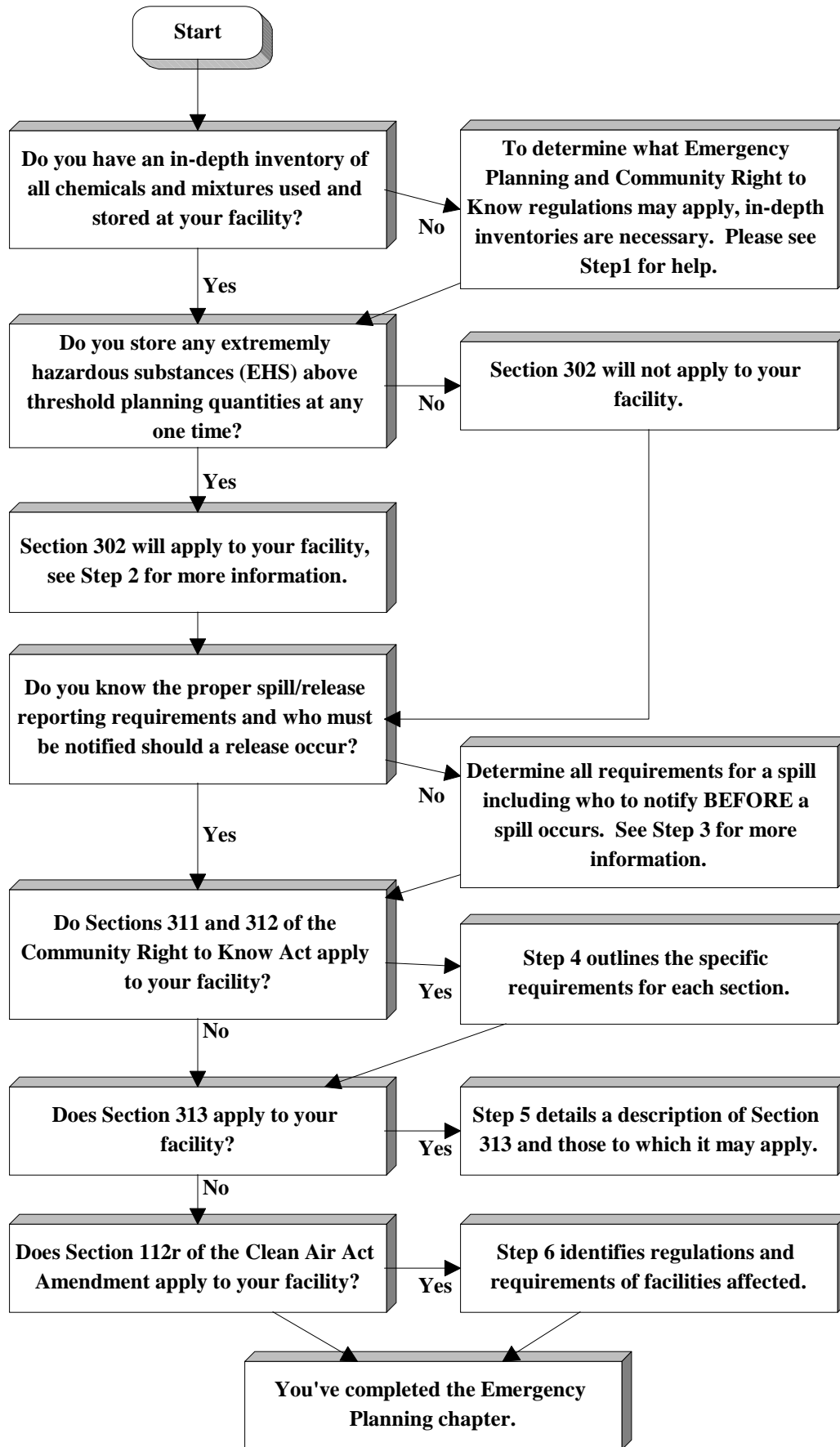




Emergency Planning



Emergency Planning

The Emergency Planning and Community Right-To-Know Act requires emergency planning and reporting of hazardous and toxic chemicals. The act has four major sections:

- Section 302 Emergency Planning
- Section 304 Emergency Release Notification
- Section 311-312 Community Right-To-Know
- Section 313 Toxic Chemical Release Reporting Emissions Inventory

Subpart 112 (r) of the Clean Air Act Amendments builds on the Emergency Planning and Community Right-To-Know Act. This chapter covers these rules as well as Wyoming requirements for reporting spills. For more information, contact:

Spill Response: Emergency Response Coordinator (307) 777-7781;
National Response Center (800) 424-8802

Step 1: Inventory Stored and Used Chemicals

In determining what Emergency Planning and Community Right-To-Know regulations may apply, first inventory chemicals used and stored at your facility.

For chemical mixtures, you must inventory individual components. The MSDS provides the chemical makeup of the material. You must also know the quantity of each chemical used or stored and the quantity of each chemical left in the product, by-product or waste.

Because each section of the rule applies to a certain set of chemicals at specific thresholds, this information is critical in determining if a section of the rule applies.

Step 2: Determine if Section 302 Applies

Section 302 applies to facilities storing any Extremely Hazardous Substances (EHS) above threshold planning quantities (TPQ) at any one time. You must examine the list of EHS found in the column labeled 302 EHS TQP in Appendix II to determine if Section 302 applies to your facility.

If your business stores an EHS **above** threshold planning quantities, you must submit a Tier II report and notify the State Emergency Response Commission (SERC), Local Emergency Planning Committees (LEPC), and local fire dept of that fact in writing. The letter must include:

- Location of your facility;
- Name, telephone number and mailing address of your facility's emergency coordinator;
- List of chemicals at the facility.

Step 3: Determine Spill/Release Reporting Requirements

Do not wait until there is a spill to figure out who must be notified. You may use the inventory of the chemicals and raw materials you use, transport or store to determine who must be contacted if there is a spill.

A hazardous substance release in any amount, which enters, or threatens to enter waters of the state shall be reported. The following releases are not required to be reported to the Department of Environmental Quality provided the release does not physically enter, or threaten to enter waters of the state:

- Ten barrels (420 gallons) or less of crude oil, petroleum condensate, produced water, or a combination thereof;
- Twenty-five (25) gallons or less of refined crude oil products, including but not limited to, gasoline, diesel motor fuel, aviation fuel, asphalt, road oil, kerosene, fuel oil, and derivatives of mineral, animal, or vegetable oils.

If a spill or release meets or exceeds a reportable quantity (RQ) under Section 304, the local emergency response agencies and the National Response Center must also be notified. Look through the list of chemicals in Section 304 and their reportable quantities, which can be found in Appendix II. The columns labeled 304 EHS-RQ (extremely hazardous substances) and 304 RQ (RCRA compounds are compounds regulated under Resource Conservation Recovery Act) are the chemicals regulated under Section 304. Compare the chemicals listed on your inventory to these lists.

If you store, use or transport chemicals and a spill or release could potentially occur, you should be prepared to contact the following agencies **immediately**.

- **911 or local emergency agency**
- **Wyoming DEQ, Emergency Response Coordinator (307) 777-7781**
- **State Emergency Response Commission**
- **Local Emergency Planning Committees**
- **National Response Center toll-free (800) 424-8802**

Post these spills response phone numbers in convenient locations so staff need not search for telephone numbers when a spill occurs.

Spills subject to Section 304 also require submission of an Emergency Release Follow-Up Report to the Wyoming DEQ within seven (7) days of the spill.

Step 4: Determine if Section 311 and 312 Apply

Section 311 and 312 are the Community Right-To-Know requirements of the act. These sections apply to your facility if you store:

- 500 pounds (approximately one 55-gallon drum of liquid) OR the threshold planning quantity of an EHS as defined in Section 320, whichever is less.
- 10,000 pounds (about 21 55-gallon drums of liquid) of any hazardous chemical that requires a Material Safety Data Sheet.

Section 311 require facilities that must prepare material safety data sheets (MSDS) under Occupational Safety and Health Administration (OSHA) regulations to submit either copies of their MSDSs or a list of MSDSs chemicals to the appropriate committees. Reports must be sent to the SERC, LEPC, and the local fire department within three months of receiving chemicals subject to this rule.

Section 312 requires you to file an annual Tier II – Emergency and Hazardous Chemical Inventory. The Tier II report is due March 1st of each year and is based on chemicals stored at your site in the previous calendar year. Any changes can be made on the report and sent to the SERC, LEPC, and the local fire department. Report forms are available from the SERC.

Step 5: Determine if Section 313 Applies

Section 313 covers the Toxic Chemical Release Inventory reports. Your facility is subject to Section 313 if:

- The Standard Industrial Classification (SIC) code for your facility is included in the following table;
- You have 10 or more full time equivalent employees;
- You use 10,000 pounds (approximately 21 55-gallon drums of liquid) of a chemical or chemical category on the Section 313 Toxic Chemical List;
- You manufacture or process 25,000 pounds (approximately 53 55-gallon drums of liquid) of a chemical or chemical category on the Section 313 Toxic Chemical List

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| Section 313 SIC Codes |
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| SIC Code | SIC Description |
|-----------------------------------|--|
| 10XX (except 1011, 1081 and 1094) | Metal Mining |
| 20XX – 39XX | Manufacturing Food and Kindred Products – Miscellaneous Manufacturing |
| 40XX | Railroad Transportation |
| 45XX | Transportation by Air |
| 4911, 4931, 4939 | Coal or Oil Combustion Sources for Electricity Generation and Distribution in Commerce |
| 5162 | Plastic Materials and Basic Forms and Shapes |
| 5169 | Chemicals and Allied Products, Not Elsewhere Classified |
| 5171 | Wholesale Bulk Petroleum Terminals and Plants |
| 7384 | Photofinishing Laboratories |
| 7389 | Solvent Recovery Facilities |
| 806X | Hospitals |
| 807X | Medical and Dental Laboratories |
| 822X | Colleges, Universities, Professional Schools and Junior Colleges |
| 8734 | Testing Laboratories |
| 9223 | Correctional Institutions |

The Toxic Chemical List is found in Appendix I. One shortcut to paging through the list is to look at the MSDS or other information, such as a letter, from your supplier. The manufacturers of materials containing chemicals subject to Section 313 are required to inform end users that the materials contain these chemicals.

Step 6: Determine if Section 112(r) Applies

Section 112(r) of the Clean Air Act Amendments affects facilities that produce, handle, process, distribute or store any of more than the threshold quantity of any chemical listed in Appendix II. Section 112(r) focuses on accident-prevention rather than emergency preparation and response.

Examples of chemicals and thresholds that could affect small businesses are:

- Chlorine: in excess of 2,500 pounds;
- Ammonia (anhydrous): in excess of 10,000 pounds;
- Propane: in excess of 10,000 pounds (2,500 gallons).

If your facility is subject to Section 112(r), you are required to develop and implement safe business practices to identify hazards and manage risks. This could involve:

- Analyzing worst-case releases;
- Documenting a five-year history of serious accidents;
- Coordinating with local emergency responders;
- Completing and submitting a Risk Management Plan (RMP) with EPA.

For additional information on Section 112(r) requirements, contact the Wyoming State Emergency Response Commission at (307) 777-4910 or the US EPA.