Emergency Planning & Community Right to Know Act (EPCRA)

Tier II & Toxic Release Inventory (TRI)

Presenter:
Chris Monahan
Virginia Paving Company
History of EPCRA

- 1984 Union Carbide (Bhopal) chemical release kills 5,000.
- 1986 Congress enacts EPCRA for emergency preparing and community Rite-to-Know Act.
- Emergency response planning for emergency response.
- Provides transparency of chemicals to local government and public.
- **Sec. 311/312**: Tier I/Tier II reporting to SERC’s, LEPC’s, local FDs.
- **Sec. 313**: TRI – Toxic Release Inventory – reporting to EPA
Section 311: Tier I reporting

Subject to if...

- OSHA requires facility to prepare or have MSDS.
  - Owners may submit a list of hazardous chemicals in place of the MSDS.
- Hazardous chemical above 10,000 pound threshold.
- Extremely hazardous chemical above 500 pound threshold.
Section 311: Tier I reporting

Requirement…

- Submit MSDS for each hazardous chemical to:
  - State Emergency Response Commission (SERC)
  - Local Emergency Planning Commission (LEPC)
  - Local Fire Department
- One time reporting
- Updates within 3 months of significant new information.
Submittal of Tier II takes care of the Tier I report.
Tier II Reporting

- Required by everyone subject to Section 311 reporting.
- Annual report of chemical storage from previous calendar year.
- Requires information on location and type of storage.
- Required by States (Tier II submittal will cover requirement of Tier I).
- EPA’s Tier II Submit Software.
Tier II Reporting

- Submitted to:
  - SERC
  - LEPC
  - Local Fire Departments

- Due March 1
Applicability to HMA Plants

- Typical chemicals that require reporting (if MSDS and above 10K lbs.)
  - AC
  - Fuel Oil
  - Used Oil
  - Gasoline
  - Asphalt Emulsions
  - Aggregate (evaluate)
  - WMA Additives & others (evaluate)
Portable Plants

- Report to Local Fire Department and LEPC based on the location as of December 31 of prior year.
Emergency Planning & Community Right to Know Act (EPCRA) Reporting for Asphalt Plants

Toxic Release Inventory (TRI)
Section 313
Tier II does **not** take care of TRI.
TRI Threshold Screening

- SIC/ NAICS Determination
- **AND**
- Full Time Employees (FTE)
- **AND**
- Chemical Thresholds
TRI Threshold Screening
SIC/NAICS Determination

- Major group or industry code
- 10,12, 20-39, 4911, 4931, 4939, 4953, 5169, 5171, 7389
- 141 – Mining
- 142 – Crushed and Broken Stone
- 144 – Sand and Gravel
- 161 – Highway and Street Construction
- 162 – Heavy Construction except Highway and Street
- 291 – Petroleum Refining
- 2951 – Asphalt Paving Mixtures and Blocks
TRI Threshold Screening
Primary SIC vs NAICS

- SIC 2951 Manufacturing of Asphalt Pavement Mixtures
- SIC 1611 Highway Street and Bridge Construction
- NAICS 324121 – Asphalt Mixtures and Block Mfg.
- NAICS 237310 – Highway Street and Bridge Construction
- NAICS 212321 – Construction Sand and Gravel Mining
- NAICS 212319 – Other Crushed and Broken Stone Mining and Quarrying.
TRI Threshold Screening
Full Time Employees (FTE)

- 10 Full Time Employees
- 20,000 hours per year/ facility
- Includes vacation time, sick, and personal time.
- Includes subcontractors time.
- Includes truckers time if dedicated to facility.
- Does not include janitors
- Recordkeeping – Tracking timesheets
TRI Threshold Screening

Relevant TRI Reportable Chemicals

- List of Lists:
  - [Link](http://www.epa.gov/emergencies/tools.htm#lol)
  - Polycyclic aromatic compounds (PACS)
  - Benzo(g,h,i)perylene
  - Lead and Lead compounds
  - Hydrogen Sulfide H$_2$S
  - Found in fuels and/or liquid petroleum asphalt
TRI Threshold Screening

Relevant TRI Reportable Chemicals

- Chemical Threshold Quantities
- Chemical Concentrations (PACs)
- Typical chemical concentrations: Lead & $H_2S$
EPCRA/ TRI Reporting

- Form R, Form A
- TRI
- Licensed Site Professional/ Engineer
- Pay attention to your emissions
- RAP and RAS
- Registering with EPA TRI System
- Recordkeeping and documentation
- EPA FAQ page
TRI Threshold Screening Summary

- Used to determine if reporting to EPA is required.
- Retain annual documentation especially when not reporting.
- TRI Threshold Screening
  - SIC/ NAICS Determination AND
  - Full time employees AND
  - Chemical thresholds – list of lists
EPA’s TRI Threshold Screening

- Collect all the information necessary for using the screening tool.
- Understand the classification, full time employee inputs, process, and chemical concentrations.
- Only a screening tool…check calculations
- Documentation and Record Keeping
Questions?