

Missouri Emergency Response Commission

HOW TO COMPLY WITH THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

EPCRA, also known as SARA Title III, is the short name for the federal “Emergency Planning and Community Right-to-Know Act” of 1986. The four main provisions of the act require states, communities, and businesses to work together on emergency plans for accidental chemical releases, emergency notification procedures, toxic emissions reporting, and compiling an inventory of hazardous chemicals for planning and public review.

You may obtain general information, reporting forms, lists of hazardous substances and information about Local Emergency Planning Committees by writing the Missouri Emergency Response Commission (MERC), P.O. Box 3133, Jefferson City, MO 65102; or by calling 800-780-1014.

NOTE:

Missouri’s Community Right-to-Know law applies to “every employer” who exceeds the thresholds for hazardous substances (see Section 311, 312 on the back). Under the Missouri law, employers must provide a list of MSDS chemicals on a Tier II form, to the Local Emergency Planning Committee, the local fire department, and the Missouri Emergency Response Commission. If you have already submitted this information under the federal law, you do not have to submit it again to comply with the state law. The state law does apply to state and local governments.

In addition, the Missouri law contains special reporting requirements for 100 lbs. of explosives and blasting agents on site. Also, state law requires markings on buildings, rooms and containers where hazardous chemicals are present. These markings are to conform to the MFLPA 704 standard.

Reports required under Missouri’s law should be submitted on the MERC Tier II form. To obtain the form, call 800-780-1014. The deadlines for the following information were included in the federal law. If you have missed a deadline, submit the information as soon as possible.

EPCRA Section 302: EMERGENCY PLANNING

WHO’S COVERED	WHEN	HOW TO COMPLY
Any facility, business, or individual that has an “extremely hazardous substance” in an amount exceeding the “threshold planning quantity”.	Within 60 days of being on site	<ul style="list-style-type: none">• Obtain the list of “Extremely Hazardous Substances” (40CFR Parts 300 & 355).• Determine if you have any of these substances in an amount greater than the threshold planning quantity (TPQ).• Provide a completed MERC Tier II form listing the extremely hazardous substances that you have at your facility. Be sure to mark the “Extremely Hazardous Substances” box for each of these chemicals.

EPCRA Section 303: FACILITY COORDINATORS

WHO’S COVERED	WHEN	HOW TO COMPLY
Any facility, business, or individual that has an “extremely hazardous substance” in an amount exceeding the “threshold planning quantity”.	Within 60 days of being on site	<ul style="list-style-type: none">• Obtain the list of “Extremely Hazardous Substances” (40CFR Parts 300 & 355).• Determine if you have any of these substances in an amount greater than the threshold planning quantity (TPQ).• Provide a completed MERC Tier II form listing the extremely hazardous substances that you have at your facility. Be sure to mark the “Extremely Hazardous Substances” box for each of these chemicals.• Owner or operator of facility shall designate a facility representative who will participate in the local planning process as a facility emergency response coordinator. (40 CFR Part 355.30)

EPCRA Section 304: ACCIDENTAL RELEASES

WHO'S COVERED	WHEN	HOW TO COMPLY
Any facility where an "extremely hazardous substance" is released in excess of the reportable quantity (RQ):any facility where a hazardous substance on the Superfund (CERCLA) list is released in excess of the reportable quantity	As soon as possible	<ul style="list-style-type: none">• Call the state's official 24-hour number staffed by MDRN 573-634-2436.• Notify your LEPC or the appropriate response agency.• Call the National Response Center 1-800-424-8802.• Provide as much information as possible when making phone notifications.• Follow-up with a written report on response measures taken, on health risk information. Report should be sent to the MERC and your Local Emergency Planning Committee• 40 CFR Part 355, 10 CSR 24-3.010.

EPCRA Section 311, 312: CHEMICAL INVENTORY/TIER II

WHO'S COVERED	WHEN	HOW TO COMPLY
All facilities that have more than 10,000 pounds of "hazardous chemicals" for which a MSDS is required under the OSHA hazard communication standard; or facilities that have more than 500 pounds of the threshold planning quantity of the EPCRA "extremely hazardous substances." Also, more than 100 pounds of explosive or blasting agents (Under EPCRA sections 311 and 312, the LEPC, fire department or state commission can request additional information, even for quantities of hazardous substances below the reporting threshold?.	January 1 – March 1 of each year	<ul style="list-style-type: none">• Find out which chemicals you currently have MSDS for, and determine if you had more than 10, 000 pounds of these substances on hand at any one time from January through December of the preceding year.• Obtain the EPCRA list of "Extremely Hazardous Substances" and determine if you had more than 500 pounds or the threshold planning quantity of these substances on hand at any time from January through December of the preceding year.• Completed a MERC Tier II reporting form. Submit this form to the commission, local committee, and local fire department.• Updating this information must take place within three months of obtaining a hazardous chemicals or extremely hazardous substances in reportable amounts.• 40 CFR Part 370, 11 CSR 40-4.040.

EPCRA Section 313: TOXIC EMISSIONS

WHO'S COVERED	WHEN	HOW TO COMPLY
Facilities in Standard Industrial Classification Codes 20-39, with more than 10 employees, that have manufactured, processed, or otherwise used "toxic chemicals" in excess of the threshold quantities.	July 1 of each year	<ul style="list-style-type: none">• Obtain the "Toxic Substance List" (Federal Register, 40 CFR, Part 372), and determine if your facility manufactured or processed more than 25,000 pounds of any "toxic chemical" during the calendar year. In addition, determine if your facility otherwise used more than 10,000 pounds of any "toxic chemical in any year.• Use TRI-MEweb, a federal web application, to complete a Form R. The Form R will be available to Missouri DNR through the EPA Central Data Exchange.• Obtain additional information concerning TRI-MEweb or the Form R by contacting Missouri DNR.