Emergency Planning and Community Right-to-Know Act and Tier II

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in 1986 in response to public safety concerns. Congress imposed requirements for federal, state, and local governments, tribes, and industry to reduce the likelihood of a similar disaster in the United States.

Key Provisions of EPCRA

Sections	What is it?
301	The governor of each state has designated a State Emergency Response Commission (SERC) that is responsible for implementing the EPCRA provisions within the state. The responsibilities include: - Designating local emergency planning districts - Appointing a Local Emergency Planning Committee (LEPC) for each district - Reviewing local emergency response plans - Supervise the activities of the LEPCs - Establish procedures for receiving and processing public requests for information collected under EPCRA
302	Facilities must comply with EPCRA emergency planning requirements if an Extremely Hazardous Substance (EHS) is present at any one time in an amount equal to or greater than the threshold planning quantity (TPQ). Facilities must: - Provide notice to the SERC and LEPC within 60 days of becoming subject to the notification requirements - Designate a facility emergency response coordinator - Provide notice of any changes at the facility that may be relevant to emergency planning to the LEPC within 30 days of the changes - Provide any information necessary to developing and implementing emergency plans if requested by the LEPC
303	LEPCs are responsible for developing and maintaining comprehensive emergency response plans and submitting them to the SERC.
304	EPCRA requirements for emergency notification require facilities to immediately report accidental releases of EHSs and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances. Facilities must also provide a detailed follow-up written report as soon as practicable after the release.
311	Facilities must submit the Safety Data Sheets (SDSs) of hazardous chemicals present on-site at or above the reporting threshold to the SERC, LEPC, and local fire department with jurisdiction over the facility.
312	Tier II Reporting thresholds - 500 pounds for EHSs or the TPQ, whichever is lower. The EHSs and their TPQs can be found in the EPA's List of Lists and in 40 CFR part 355 Appendices A and B - 10,000 pounds of hazardous chemicals - Gasoline at a retail gas station in a UST is 75,000 gallons - Diesel at a retail gas station in a UST is 100,000 gallons
313	Facilities must submit a toxic chemical release inventory (TRI) form annually to the Environmental Protection Agency and provide a copy to the state. For information regarding TRI, please check out our website azdeq.gov/TRI.

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Tier II Reporting

Facilities that are required to maintain SDSs and meet or exceed the reporting thresholds, even for a single day, must comply with sections 311 and 312.

- Facilities that do not meet these thresholds may still be required to submit Tier II information if the LEPC, SERC, or fire department with jurisdiction requests submission.

Tier II reports are submitted annually with a deadline of March 1. Reports are submitted using the myDEQ online reporting platform. These reports contain facility, contact, chemical storage and inventory information from the previous year. Facilities must provide the following documents during submission:

- Safety Data Sheets (SDS) for each reported chemical
- Site Map showing facility layout and chemical location information
- A Facility Emergency Response Plan, which is required when reporting an EHS at or above TPQ

Are any substances exempt from reporting requirements?

Substances that are not required to have a safety data sheet do not have to be reported. There are also exemptions for substances under EPCRA section 311(e), which are also listed in 40 CFR 370.13, that include:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- 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.
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. This means that the substances are packaged in a similar manner and present in the same concentration as when they are packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public.
- Any substance in a research laboratory, a hospital or other medical facility under the direct supervision of a technically qualified individual.
- Any substance in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Contact Us

If you have questions about EPCRA Reporting Requirements or Tier II reporting, please email us at tier2@azdeq.gov or call 602-771-0397. For information regarding submitting reports using myDEQ and additional resources for common reporting questions, please check out our website azdeq.gov/TierII.