



Surviving EPCRA 311/312/313 reporting

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Didn't we just do this?

Section 312

- Community Right-to-Know Requirement
- Tier I or Tier II
- Due March 1
- Applies to over 500,000 products
- How much is stored?

Section 313

- Toxic Release Inventory (TRI)
- Form A or Form R
- Due July 1
- Applies to over 650 chemicals
- How much is released?

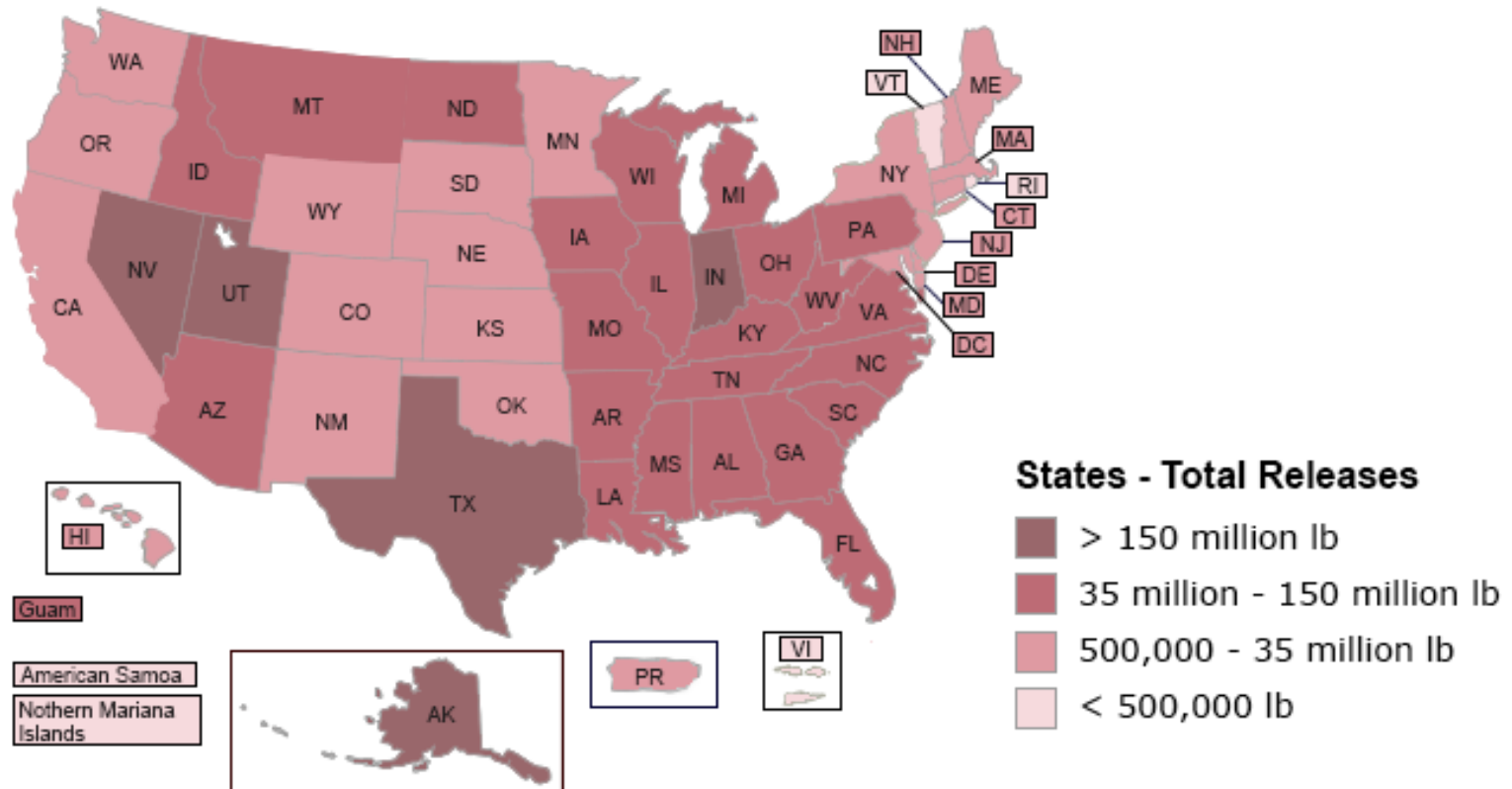


For more information:

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211415648-What-are-the-differences-between-Tier-I-and-Tier-II-forms->

<https://tri-epa.zendesk.com/hc/en-us/articles/212345617-What-is-the-Form-A-and-when-may-it-be-used->

2015 total releases by state



2015 releases by state

Description	Iowa	Kansas	Missouri	Nebraska	U.S.
Number of TRI Facilities:	472	319	513	204	21,898
Total Production-Related Waste Managed:	249.2	336.8	401.8	104.6	27,200
Total On-site and Off-site Disposal or Other Releases:	35.3	18.5	75.4	20.9	3,300
Total On-site:	28.7	15.7	70.3	19.1	2,800
Air:	19.6	8.9	10.3	5.4	687.5
Water:	3.6	0.9615	2.2	7.3	191.1
Land:	5.3	5.8	57.7	6.3	2,000
Total Off-Site:	6.5	2.7	5.1	1.8	500,800
Rank (out of 56)	28	46	17	41	

Note: weight units are million pounds



Do I need to report?

Section 312

- Does it have a Safety Data Sheet (SDS)?
- Is there more than 10,000 pounds on-site at one time?
- Check the List of Lists – there are lower thresholds for extremely hazardous substances; 500 pounds or the Threshold Planning Quantity, whichever is lower.
 - Don't forget about fork truck and server batteries!

Section 313

- Industry-Specific: Mining, utilities, manufacturing merchant wholesalers, wholesale electronic markets, publishing, hazardous waste, federal facilities
- TRI-Listed Chemicals: carcinogens, persistent bioaccumulative toxic (PBT) chemicals
- More than 25,000 pounds per year manufactured or processed; more than 10,000 pounds otherwise used (lower thresholds for PBTs)
- Ten or more full-time equivalents

For more information:

<https://www.epa.gov/sites/production/files/2013-08/documents/t2-instr2012-1.pdf>

<https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry>

https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf

<https://www.epa.gov/toxics-release-inventory-tri-program/persistent-bioaccumulative-toxic-pbt-chemicals-covered-tri>



Can I prepare both at the same time?

- Remember – concentration ranges are treated differently for Tier II and for TRI
 - Tier II uses the maximum concentration, this may result in a total of greater than 100% and that's ok
 - TRI uses the midpoint of the concentration range – unless the lower bound is zero
- Generally more detailed information is required for TRI than Tier II
 - TRI requires composition information for all TRI chemicals above the de minimis exemption level, i.e. concentrations below 1.0 % by weight (0.1 % for carcinogens)
 - Tier II only requires composition information for extremely hazardous chemicals



For more information:

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416408-Reporting-for-an-EHS-mixture-based-on-a-concentration-range>

<https://tri-epa.zendesk.com/hc/en-us/articles/211671128-TRI-chemical-concentration-calculation-when-lower-bound-concentration-is-zero>

<https://tri-epa.zendesk.com/hc/en-us/articles/211670978-What-is-the-de-minimis-exemption->

What about section 311?

- Section 311 is a one-time reporting requirement to submit either SDSs for chemicals located on-site or a list of chemicals grouped by hazard
 - Same thresholds as Section 312
- An updated Section 311 submission is required within 3 months of bringing a new chemical on-site in quantities exceeding thresholds. Tier II reporting is sufficient to address this requirement for new chemicals discovered October through December.
- Chemicals brought on-site by a contractor in quantities exceeding reporting thresholds are separate from the facility Tier II reporting. In this instance the contractor would serve as the owner and be responsible for compliance with Section 311/312 reporting requirements.



For more information:

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416288-Updates-for-311-MSDS-reporting>

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416668-Can-the-Tier-II-form-serve-as-a-list-of-hazardous-chemicals->

<https://emergencymanagement.zendesk.com/hc/en-us/articles/212089177-Reporting-responsibility-for-hazardous-chemicals-brought-on-site-by-contractors>

Select frequently asked questions: section 311/312

- Are the railcars out back reported in the Section 312 report?
 - Exemption for transportation vehicles
 - Requires active shipping orders
 - Tank cars delivered to a facility as overflow storage are not covered by this exemption
- What if the facility closes and removes all chemicals during the reporting year?
 - If chemicals exceeded thresholds anytime during the reporting year it still needs to be reported
- Is there a time period that constitutes "present at the facility?"
 - No, any exceedance of 10,000 pounds or TPQs must be reported for Section 311 and/or Section 312



For more information:

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416718-Are-hazardous-chemicals-in-transportation-subject-to-EPCRA-311-312->

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211415978-Facilities-that-close-during-a-reporting-year>

<https://emergencymanagement.zendesk.com/hc/en-us/articles/211416458-Is-there-a-time-period-that-constitutes-present-at-the-facility->

Select frequently asked questions: section 313

- What is the difference between recycling and direct reuse?
 - Direct reuse – returning material from emission control device to the process inlet
 - Direct reuse – melting down scrap metal but not changing the composition
 - Reclamation/Recycling – treating a byproduct to separate the hazardous chemical for recycling
- A covered facility receives listed toxic chemicals in a tank car. Once emptied, the car remains at the facility for a period of time before being returned to the supplier. Does the residue in the tank car that leaves the facility have to be counted as an off-site transfer for Section 313?
 - If the tank will be refilled with the same product, the residue does not need to be counted as off-site transfer
 - If the tank will be washed out and residue disposed, the residue needs to be counted as off-site transfer



For more information:

<https://tri-epa.zendesk.com/hc/en-us/articles/212346007-What-is-the-difference-between-recycling-and-direct-reuse->

<https://www.epa.gov/sites/production/files/documents/1998qa.pdf>

Common audit findings

- Chemical storage quantities “the same as last year” (312)
- Facility doesn’t report because an SDS indicates 311/312/313 do not apply
- No release to surface water identified (313)
 - analytical results identify the chemical in facility stormwater
 - chemical was below detection limits
- Releases to air are not consistent with facility emissions inventory (313)
- Not correctly accounting for chemical use in a dip tank type process (313)
 - Year 1 entire volume of dip tank plus additions throughout the year
 - Year 2+ material added throughout the year



For more information:

<https://tri-epa.zendesk.com/hc/en-us/articles/212346187-If-a-toxic-chemical-is-below-the-detection-limit-can-the-facility-report-zero-releases->

<https://www.epa.gov/sites/production/files/documents/1998qa.pdf> - questions 83 and 90

<https://www.epa.gov/sites/production/files/documents/1998food.pdf> - 3.2.3.1 Reuse Activities



Questions?

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