

FREQUENTLY ASKED QUESTIONS ON THE EMERGENCY PLANNING AND RIGHT-TO-KNOW ACT

Questions about Section 302 – EHS Notification

Q: Is there a form for Section 302 notification?

A: Yes. The Tier II form.

Q: What is the reportable threshold for reporting sulfuric acid under EPCRA Section 302?

A: The reportable threshold for sulfuric acid is 1000 pounds at any one time. The threshold is 500 pounds for Section 312 – Tier Two – Emergency & Hazardous Chemical Reporting.

Questions about Section 304 – Release Notification & Follow-up

Q: How soon do I need to report a release?

A: Immediately, contact the SERC of any state likely to be affected, the LEPC in the area likely to be affected and, depending on the chemical, the National Response Center. Then send a written, follow-up letter or Form A within 7 days to the same agencies.

Q: What are the telephone numbers for notifying the Kansas SERC (Commission on Emergency Planning and Response)?

A: 1-800-275-0297

Q: What is the telephone number for the National Response Center?

A: 1-800-424-8802

Q: How do I find the telephone number for the appropriate Local Emergency Planning Committee?

A: See the LEPC listing at this web site.

Questions about Section 311 – MSDS

Q: Must I submit copies of MSDS sheets along with the Tier Two reports?

A: No. The Kansas CEPR requests that businesses submit a Tier II form containing hazardous chemicals and their hazards to the state, rather than copies of the material safety data sheets.

Owners or operators of facilities that have chemical substances on hand in quantities that are subject to reporting under Section 312 of EPCRA must submit Kansas Tier II forms by March 1 of each year. If new chemical substances that require reporting are brought on site an update is required within 2 months for Section 302 extremely hazardous substance reporting and within 3 months for Section 311 inventory reporting. The Kansas Tier II can be used to update, by marking the appropriate box in item 5 of the Kansas Tier II form (Section 302, Section 311 and update, or Section 312 and update).

Q: What chemicals are excluded from Section 311 reporting requirements?

A: Section 311(e) of EPCRA excludes the following substances from reporting requirements. These exclusions do not apply to the reporting of extremely hazardous substances under Section 302 of EPCRA.

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in a manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) 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.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

This information does not have to be submitted if all the chemicals located at your facility are exempt from reporting. OSHA regulations, Section 1910.1200(b), stipulate exemptions from the requirement to prepare or have available MSDS.

Questions about Section 312 – Tier Two

Q: What is a Tier Two report?

A: SARA Title III Section 312 requires facilities to submit an Emergency and Hazardous Chemical Inventory (Tier Two) report to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the local fire department with jurisdiction over the facility. KDHE receives the Tier II reports in Kansas.

Q: How do I know if I need to report?

A: If you have chemicals on site, check the maximum quantity present at any one time during the calendar year. For EHSs, the reportable amount can be as low as 100 pounds at any one time. All other chemicals are reportable at 10,000 pounds at any one time. Some facilities voluntarily report although their chemicals are below thresholds. If you need assistance, you can contact the Kansas Department of Health and Environment's Community Right-to-Know Unit at 1-785-296-1688.

Q: What type of information is requested on the Tier Two report?

A: The information required on the Tier Two includes facility identification number, chemical name, health hazards, codes representing maximum and average amounts on site, and storage and location descriptions.

Q: How often must the Tier Two reports be submitted?

A: Yearly, between January 1st and March 1st. The forms must be submitted even if your chemical inventory and amounts have not changed or if the facility was closed during the year.

Q: What's the easiest way to report under 312?

A: Section 312 Tier II reports can now be submitted via the web. The website is located at <http://kansas.tier2online.com>. To gain access, facilities will need a User ID and password. Contact KDHE at (785)296-1688 for this information.

Q: Are there any fees or charges for Tier Two reporting?

A: Yes. The fees range from \$25 to \$300 depending on the total amount of all reportable quantities in pounds of hazardous chemicals. A Tier II Fee Worksheet can be downloaded at <http://www.kdheks.gov/radiation/indexRTK.html>

Q: Are there any penalties for non-compliance with the EPCRA laws?

A: Yes. Any owner or operator who violates Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$25,000 per day for each such violation.

We welcome new businesses each year. Our goal is to help reporters get into compliance with the EPCRA regulations. Contact 1-785-296-1688 for assistance.

Q: What is the reportable threshold for reporting sulfuric acid on the Tier Two report?

A: The reportable threshold for sulfuric acid is 500 pounds at any one time. It is 1000 pounds for Section 302 notification.

Questions about Section 313 - TRI or Form R

Q: Where do I send my TRI forms?

A: Federal copies of the forms are sent to the EPCRA Reporting Center (see current reporting instructions for address). SERC copies of the forms are sent to CRTK Program, Kansas Dept. of Health and Environment, 1000 SW Jackson, Suite 330, Topeka, KS 66612-1365.

Q: Does the State of Kansas accept electronic reports?

A: Yes, we encourage electronic reports. Visit the EPA's TRI Home Page <http://www.epa.gov/tri/> for the latest developments plus downloadable forms and software <http://www.epa.gov/tri/report.htm> related to EPCRA Section 313 reporting. EPA's TRI question and answer document can be found at <http://www.epa.gov/tri/guidance.htm>

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