

Hazardous Materials

Reporting Requirements in Kansas

Emergency Preparedness Phase

1. Identification of Facilities Subject to Special Planning Requirements

- a. **What?** Facilities must report that they are subject to the EPCRA emergency planning requirements if they have certain extremely hazardous substances (EHS) listed in 40 CFR 355. Also, facilities subject to special planning requirements must identify who will participate in the emergency planning process as the facility representative and facility emergency coordinator.
- b. **By Whom?** Any facility that produces, uses or stores any of the more than 364 EHSs in quantities greater than the Threshold Planning Quantity (TPQ) listed in 40 CFR 355 at any time. Transportation vessels are exempt.
- c. **Why?** EPCRA Section 302, 40 CFR 355, and Kansas Right-to-Know Act
- d. **How?** Submit a Tier II form
- e. **To Whom?** The LEPC and Kansas Department of Health and Environment (KDHE), Bureau of Air and Radiation. Call 785-296-1688 for more information).
- f. **By When?** Within 60 days after a facility acquires EHSs in a quantity greater than the TPQ.

2. Annual Chemical Inventory Reporting

- a. **What?**
 1. EHSs in quantities equal to or greater than the TPQs listed in 40 CFR 355, or 500 pounds, whichever is less.
 2. Other hazardous chemicals as defined by OSHA in the Hazard Communication Standard (29 CFR 1910.1200) as presenting a physical or health hazard present in quantities of 10,000 lbs. or more. No specific list of chemicals is cited, but chemicals are covered if the owner/operator must maintain an MSDS on the material under OSHA rules.
 3. *Note:* All Kansas facility operators are required to provide hazardous chemical information at zero threshold quantities to a fire chief/marshal or representative of a LEPC, upon request.

- b. **By Whom?** Private industry. In Kansas, public entities are also subject to reporting. Certain substances are exempt from reporting. Refer to the Tier II Reporting Forms & Instruction on KDHE's website at:

www.kdheks.gov/radiation/resourcesrtk.html

- c. **Why?** Sections 311 & 312 of EPCRA; 40 CFR 370.20; Kansas Right-to-Know Act.

- d. **How?** Section 311 - A facility should complete a Kansas Tier II form for submission as their EPCRA Section 311 Chemical List Inventory (for first time and update filings). MSDSs for specific substances should only be submitted upon request of the LEPC, the fire department, or KDHE.

Section 312 - A facility should complete a Kansas Tier II form for submission, along with a filing fee, as their EPCRA Section 312 Emergency and Hazardous Chemical Inventory.

- e. **To Whom?** The facility will send the original Tier II report and fee to the KDHE, Bureau of Air and Radiation with copies to the LEPC and to the local fire department having jurisdiction over the facility. Contact KDHE, Bureau of Air and Radiation, (785) 296-1688 for more information.

- f. **By When?** According to Section 311, within 90 days of acquiring new hazardous chemicals.

According to Section 312, by March 1 of each year for the preceding calendar year. Changes must be submitted within 60 days.

3. Yearly Toxic Chemical Release Reporting

- a. **What?** Facilities must complete a Toxic Chemical Release Inventory Form R with estimates of releases of specifically cited toxic chemicals, which enter the environment.

- b. **By Whom?** Manufacturers (SIC Codes 20-39) which make, process, import or otherwise use a listed toxic chemical in excess of specified quantities and have 10 or more full-time employees. Toxics are chemicals, which have chronic or long-term adverse effects on human health. Quantities are 25,000 lbs over a year for usage in the direct processing or manufacturing. The threshold is 10,000 lbs over a year for substances used in other than direct processing or manufacturing.

- c. **Why?** Section 313 of EPCRA; 40 CFR 372

- d. **How?** File a Form R, available from EPA Region 7, phone (800) 223-0425, and KDHE, phone (785) 296-1688.

- e. **To Whom?** EPA National Headquarters and KDHE
- f. **By When?** By July 1 of each year, reporting on emissions and usage for the preceding year.

Emergency Response Phase

1. Reportable Spills or Release Reporting by Facilities or Transporters

- a. **What?** Make notification of any release of an EHS listed in 40 CFR 355 or a hazardous substance listed in 40 CFR 302 which meets or exceeds the threshold reportable quantity (RQ). The owner/operator shall immediately provide the information shown in Attachment 1.
- b. **By Whom?**
 - (1) **For Fixed Facilities.** Applies to any facility that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 364 EHSs and CERCLA 302(a) hazardous substances.
 - (2) **For Transportation Accidents.** The carrier that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 364 EHSs and CERCLA 302(a) hazardous substances.
- c. **Why?** Section 304 of EPCRA; 40 CFR 355; CERCLA 40 CFR 302; K.A.R 28-65-3; K.S.A 65-5705.
- d. **To Whom?** The facility must report to:
 - (1) The 24-hour emergency phone number designated by the LEPC
 - (2) KDEM (receives notification on behalf of the CEPR) at its emergency response number (785) 296-8013 or (800) 275-0297.
 - (3) The National Response Center (NRC) at (800) 424-8802.
 - (4) KDHE, for any spill that impacts the soil, ground water, or waterway at (785) 296-1679

Copies of written follow-up reports/Form A must go to the LEPC and KDEM.

- e. **By When?** As soon as it is determined that a spill or release has occurred for a substance covered by the law. Follow-up notifications (Form A) must be made as soon as practical after the release, but no later than 7 working days.
- f. **How Made?** Initial notifications should be made by phone or radio. If the release occurs from a fixed facility, the LEPC, KDEM, and the NRC must be notified. If

the spill impacts the soil or waterway, KDHE must also be notified. When a transportation-related release occurs LEPC notification is fulfilled by calling 911.

2. Determining What Spills Are Reportable to KDEM

a. Extremely Hazardous Substances. The reportable quantity (RQ) shall be:

- (1) For spills onto land - the quantity designated as the Final Reportable RQ in 40 CFR 355; or
- (2) For spills into waters in the state - the quantity designated as the RQ in 40 CFR 355, except where the RQ is greater than 100 lbs in which case the reporting level shall be 100 lbs.

b. Hazardous Substances. The RQ shall be:

- (1) For spills onto land - the quantity designated as the Final Reportable RQ in Table 302.4 in 40 CFR 302.4; or
- (2) For spills into waters in the state - the quantity designated as the RQ in Table 302.4 in 40 CFR 302.4, except where the RQ is greater than 100 lbs. in which case the reporting level shall be 100 lbs.

c. Oil, Petroleum Product, and Used Oil.

The RQ for oil, petroleum product, and used oil shall be:

- (1) For spills onto land - 110 gallons; or
- (2) For spills directly into water in the state - a quantity sufficient to create a sheen.

d. Other Reportable Incidents

- (1) All explosions and/or fires associated with oil, gas, and geothermal activities.
- (2) Any injury, death, property damage, evacuation from gas pipelines or hazardous liquid pipelines or other significant incident.
- (3) Any incident, accident, or theft involving radiological materials
- (4) Any injury, death, property damage, or evacuation resulting from any hazardous event

3. Determining What Spills Are Reportable to KDHE, Bureau of Environmental Remediation (BER) at 785-296-1679

a. Report within two (2) hours of discovery to BER spills of brine, product or any chemical that impacts the soils or waters of the state. Examples of spills subject to the two (2) hour reporting requirement are:

- (1) Uncontrolled spill;

- (2) Spill enters a waterway;
- (3) Spill will result in potential fish kill or threat to wildlife;
- (4) Spill of sufficient quantity to impact groundwater;
- (5) Brine spill amount greater than 1 barrel that impacts soil.

b. Spills that do not significantly impact the soils or waters of the state can be reported during normal business hours. Example:

- (1) Brine spill amount that is less than one barrel.

c. Spills that do not have to be reported at all are spills that do not impact the soils or waters of the state. Examples are:

- (1) Dripping valves, salt crystals on brine valves;
- (2) Spills within a containment structure that does not threaten human health, safety or the environment.

d. Provide notification to KDHE, Underground Hydrocarbon Storage (UHS) Unit in the Bureau of Water, within two (2) hours of any event that could result in potential harm to or endanger public health, safety or the environment (K.A.R 28-45-12 (h)). UHS Unit's emergency response number is 785-224-6717. Two-hour reportable incidents include:

- (1) The release of product or any other chemical parameter that poses a threat to public health, safety, or the environment. (The notification of releases of brine and product also follows guidelines for BER's spill notification procedure.);
- (2) The over pressuring, overfilling, establishment of communication, or any other event that causes a loss of integrity to the cavern or well and results in a potential threat to public health, safety or the environment;
- (3) Equipment malfunction that cannot be readily corrected and could result in a threat to public health, safety or the environment;
- (4) Uncontrolled release of brine or product;
- (5) Any event that requires emergency notification of agencies as outlined in the facility emergency response plan.

e. If the reportable event does not endanger public health, safety, or the environment, it can be reported during normal business hours. Examples are:

- (1) Alarms that have been triggered by conditions such as lightning, ice, etc.;
- (2) Pressure exceeded the maximum allowable operating pressure but was corrected and did not pose a threat.