

Planning Requirements under SARA Title III / Emergency Planning Community Right-to-know Act (EPCRA) Questions & Answers

Q: What is a facility?

A: A facility consists of all buildings, structures and other stationary items located on a single site or a contiguous or adjacent site which are owned or operated by the same person and which actually manufacture, produce, use transfer, store, supply or distribute any hazardous material. The term includes railroad yards and truck terminals but does not include individual trucks, rolling stock, water vessels, airplanes, or other transportation vehicles.

Q: What types of facilities are exempt from Section 302 notification requirements?

A: Section 302 notifications are required from owners or operators of any facility that has present at any time an EHS in any amount at or above the TPQ for that substance.

Q: What should a facility owner/operator do if the facility contains one or more of the EHS identified by EPA?

A: If your facility has on its premises one or more EHS's, the PEMC must be notified in writing. The specific substance(s) must be listed in the letter. A copy of this notification letter should also be sent to the LEPC of the county in which the facility is located. A sample notification letter is included in this section.

Q: What is the primary purpose of Section 302, SARA Title III, notification requirements?

A: Notification by a facility indicating that the facility has one or more EHS's at or above the TPQ. This notice identifies locations where emergency planning activities must be initially focused. Section 302 notifications are useful in helping state and local governments identify those facilities and geographic areas that pose a potential threat for a significant hazardous material incident.

Q: What is the reporting time required for initial notification of an Extremely Hazardous Substances/Hazardous Chemical?

A: Notification by the owner or operator of any facility that supplies, manufactures, produces, uses, transfers, stores or distributes any hazardous material, which meets or exceeds federal reporting threshold quantities, to report the presence of these hazardous /extremely hazardous materials to state and local government authorities within five (5) business days after the substance is first present at the facility.

Q: What is the purpose of the list of EHS's in regard to the emergency planning requirement of SARA Title III?

A: This list and the TPQ's identify the substances of most immediate concern for emergency planning and response. Without a list of this kind, most communities would find it very difficult to identify potential chemical hazards among the many chemicals present in any community.

Q: Who must determine whether an amount of any EHS, which equals or exceeds the TPQ, is present in a facility?

A: The owner or operator of a facility must determine the total amount of an EHS present at a facility. This calculation must take into account the amount of an EHS present in mixtures or solutions in excess of one (1) percent and should include examination of such process components as reaction vessels or piping where formation of an EHS as a by-product may take place.

Q: Do Section 302 notification requirements apply to transportation of an EHS?

A: Section 302 requirements do not apply to the transportation of any EHS, including transportation by pipeline.

Q: Must "rolling stock" be reported?

A: Yes, in Pennsylvania, the law requires owners or operators of owned or leased properties that maintain "rolling stock," such as railcars, which are used as storage facilities for hazardous materials, to report the presence of those hazardous materials when they are present for a period in excess of five continuous days.

Q: If an EHS is not stored on-site, but is produced in a process such as incineration, is it exempt from both TPQ calculation and release reporting, if the release is covered by a permit under the federal Comprehensive Environment Resource and Conservation liability Act (CERCLA)?

A: If the EHS is produced on-site in a process such as incineration, it is considered present at the facility and subject to Section 302 reporting requirements. However, if a TPQ is not met or exceeded at any one time, then the EHS need not be reported to the LEPC. Further, if the release is federally permitted under Section 101(10) of the CERCLA, which includes permitted emissions into the air, then the release need not be reported under Section 304 of SARA Title III.