

2013 Compliance Assistance Conference

Right to Know (RTK)



RTK Intent

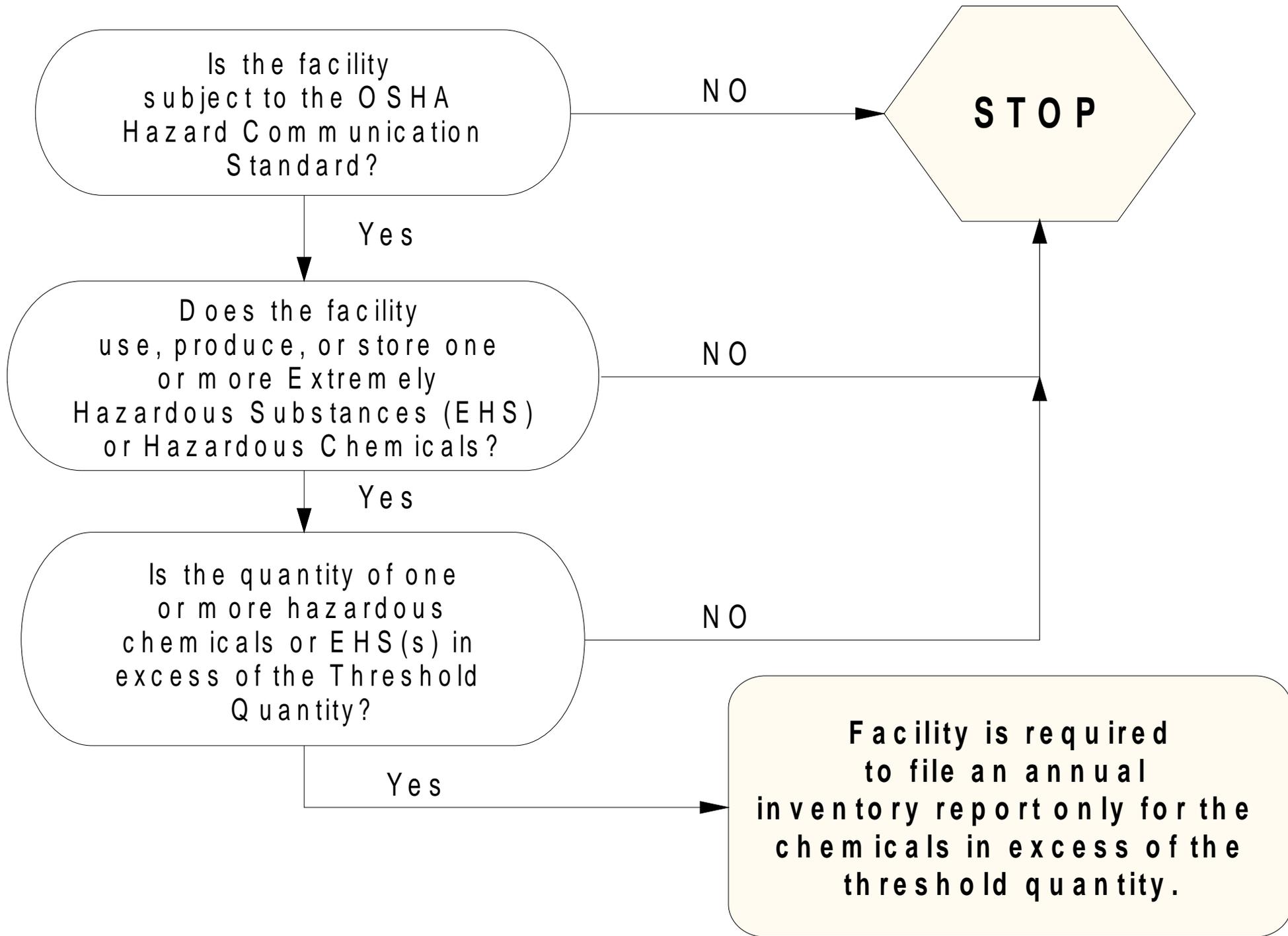
- Emergency Planning:
 - Information Gathering and Management
 - Hazard Analysis (EHS facilities)
 - County HazMat Plan Development/Exercise
- Community Right-to-Know:
 - The public can request facility specific information

Who Must Report?

- Facility that is subject to the OSHA Hazard Communication Standard, 1910.1200.
- Facility has one or more Extremely Hazardous Substances (EHS)
 - There is a published list of Extremely Hazardous Chemicals of approximately 360 chemicals
 - List is available in the Right to Know Reporting Booklet
 - Threshold Quantity ranges from 1 to 500 pounds
 - Examples include
 - Ammonia (500 pounds)
 - Chlorine (100 pounds)
 - Sarin (10 pounds)
 - Sulfuric Acid (500 pounds)

Who Must Report Cont'd

- Facility has one or more hazardous chemicals
- There is no comprehensive list of hazardous chemicals.
- The term "Hazardous Chemical" refers to any chemical, chemical compound or mixture with health hazard or physical hazard characteristics
 - Examine MSDS for words such as:
 - Carcinogen, Irritant, Corrosive, Toxic Agent, Combustible, Compressed Gas, Explosive, Flammable, Organic, Reactive, Unstable (Reactive), Etc.
 - Examples of hazardous chemicals include gasoline and 1,1,1-trichloroethane
- Threshold Quantity is 10,000 pounds or more



Reporting Exemptions

- 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 used by the general public

Reporting Exemptions Cont'd

- Any substance to the extent it is in used a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual
- 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

Rule Changes

July 13, 2012, EPA published the final rule in the [Federal Register](#) that **revises the Tier Two form** by adding mandatory and optional data elements. It also revises some existing data elements in the chemical reporting section.

- Maximum # of Occupants
- Facility manned or Unmanned
- TRI Facility ID#
- RMP Facility ID#
- Facility Subject to RMP (yes/no)
- Reporting Ranges "Narrowed"

Rule Changes

July 13, 2010, EPA published guidance in the [Federal Register](#) regarding the **Hazardous Chemical Exemption for Solids** under SARA Title III section 311(e)(2): "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."

- Consider the amount of fume or dust emitted or released from a manufactured solid that is being modified. This interpretation applies to metal, bricks, and any other manufactured solid item that undergoes a modification process. It does not apply to lead in batteries.

Rule Changes

March 22, 2012, EPA published the final rule in the [Federal Register](#) that revises the manner for applying the threshold planning quantities (TPQs) for those extremely hazardous substances (EHSs) that are non-reactive solid chemicals in solution.

- Facilities that have a **non-reactive solid EHS in solution** to first multiply the amount of the solid chemical in solution on site by 0.2 before determining if this quantity equals or exceeds the lower published TPQ.

Trade Secrets Claims

- Only the specific chemical identity required to be disclosed in sections 303, 311, 312, and 313 submissions may be claimed trade secret on the Title III submittal itself.
 - Ohio law also allows the specific chemical identify to be claimed as trade secret under ORC 3750.09
- At the time of the first submission claiming the chemical identify as a trade secret, the trade secret substantiations must be sent to U.S. EPA

Trade Secrets Claims

- Trade Secret Substantiation with USEPA includes substantiation form, questions, and certification statement.
- Submitter-Devised Forms will not be accepted
- Must Submit to U.S. EPA a Sanitized and Unsanitized Report to U.S. EPA
 - Please see "Instructions for Completing the EPCRA Trade Secret Substantiation Form"

www.epa.gov/emergencies/content/epcra/tier2.htm#sub

Trade Secrets Claims

- Send Claims to: EPCRA Trade Secret
c/o CGI Federal, Inc.
PO Box 10162
Fairfax, VA 22038
- Must send sanitized copies of the report form and substantiation to state and locals
 - Substantiation may also be sanitized

Trade Secrets Claims

- Check form to indicate that the chemical identify is being claimed as trade secret.
- Use a generic class or category on the sanitized version as the chemical name.

Chemical Description								
SPECIFIC CHEMICAL NAME	PURE	MIXTURE	COMPONENTS	EHS CHEMICAL	SOLID	LIQUID	GAS	TRADE SECRET
Olefin Sulfide		X				X		X

Claiming Storage Location as Confidential

- Location information claimed as confidential is not to be submitted to USEPA. It is a state issue.
- Claim is made on the chemical inventory report that is submitted to SERC, LEPC, and jurisdictional fire department.
- Location information is to be submitted either on inventory report and will be redacted for any public information requests or the facility can provide a sanitized and unsanitized report for file.

Claiming Storage Location as Confidential

- Check form to indicate that the location is being claimed as confidential

Location of Chemicals					
B, T, OR A BUILDING, TANK OR AREA NO.	DIVISION OR ROOM LETTER	FLOOR	STORAGE TYPE CODE	PRESSURE & TEMPERATURE CONDITIONS	LOCATION- CONFIDENTIAL
					X

Ohio Trade Secret & Location Confidential Claims

- 19 chemical companies have “Trade Secret Substantiation” claims documented with USEPA, but the Ohio SERC has 80 or so companies claiming “Trade Secret” without USEPA approval.
- 1,342 facilities have requested “Location Confidential” for one or more chemicals being reported at their location.

Who's Reporting?

Reports received from, but not limited to:

- Large Chemical Manufactures
- Refineries
- Paint Manufacturers
- Hospitals
- Petroleum Distributors
- Trucking Companies
- Liquid Propane (LPG) Distributors
- Concrete Companies
- Cold Storage facilities
- Agricultural Dealers
- Private WWTP/WTP
- Asphalt Plants
- Gasoline Stations
- Oil & Gas Extraction Sites

Reporting Overview

- Reports are due annually on March 1 for the previous calendar year.
- One report covers the entire facility and includes information on any chemical for which the reporting threshold was exceeded.
- A complete report consists of the following parts:
 - Facility Identification Form
 - Emergency & Hazardous Inventory Form(s)
 - Site Map
 - Annual Filing Fee

Facility Identification Form

- County
- Parent Company information
- Facility information
- Facility Emergency Contact Names & Phone Numbers
- Permit Numbers
- Certification

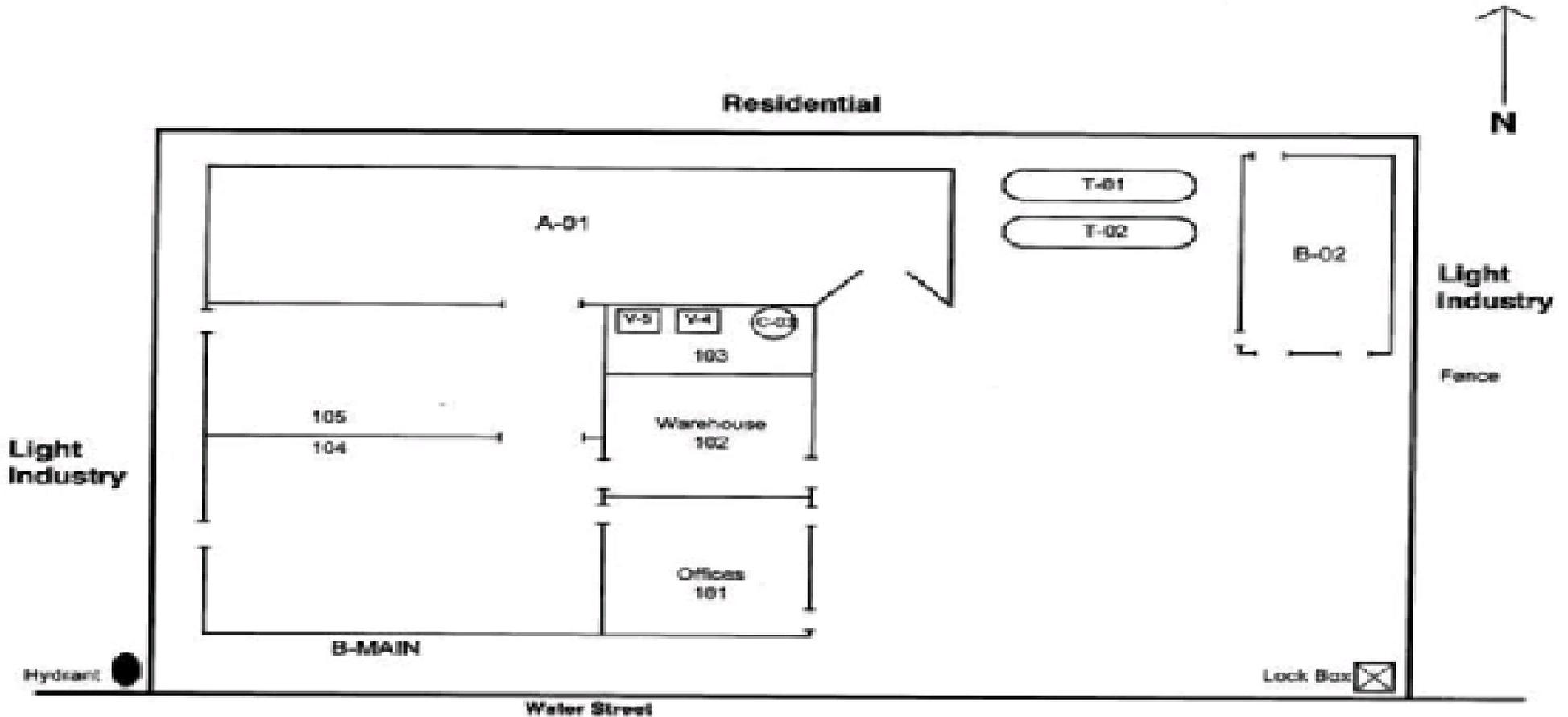
Emergency & Hazardous Inventory Form

- Facility Name/Address
- CAS Registry Number
- Chemical Name(s)
- Physical/Health Hazards
- Specific Storage Location
- Storage Containment Type
- Temperature/Pressure Conditions
- Amount

Reporting Form Cont'd

- You have the option of completing a hard copy form, or U.S. EPA's reporting software (Tier2Submit)
 - Software is FREE and can be downloaded from the internet at www.epa.gov/emergencies/content/epcra/tier2.htm
 - The validation program checks for basic information and data entry errors
 - It is easy to import/export and update data.
 - Software was designed for compatibility with the CAMEO software which is a software program used by emergency responders in the areas of planning, preparedness, and response

Site Map



Lambeau Industries, Inc.
4 Green Bay Drive
Favreburg, Ohio 01963
(02/23/2005)

Light Industry

(1 inch = approximately 42 feet)

Filing Fee Schedule

- Industry
 - Base Fee of \$150
 - Additional fee of \$20 for each hazardous chemical reported
 - Additional fee of \$150 for each EHS reported
 - Maximum Fee = \$2,500
 - Late Fee Penalty – 10% for reports filed after March 31

Filing Fee Schedule

- Oil & Gas
 - Base Fee of \$50
 - Additional fee of \$10 for each oil and gas well after the 25th
 - Maximum Fee = \$900
 - Late Fee Penalty – 10% for reports filed after March 31

Send Original Report to:

State Emergency Response Commission (SERC)
50 West Town Street/PO Box 1049
Columbus, OH 43216-1049

Send copy to:

(County) Local Emergency Planning Committee (LEPC)

Jurisdictional Fire Department

Joint Access to Information:

States may implement the Partnership Program for Joint Access.

- Must ensure that statutory and regulatory requirements are met. A formal agreement is necessary between SERC, LEPCs and fire department. Notification to facilities must be made.

Tier II Reporting Procedure

- Tier II reports that have been submitted using
 - Paper reports
 - Tier 2 Submit (US EPA's software) submitted by diskette, CD or e-mail.
- Tier II reports will now be accepted by an electronic, web-based process called E-Plan.
- Paper will still be accepted.

E-Plan

What is it?

- An initiative developed for EPA Region VI
- Developed as Joint Program between
 - The University of Texas at Dallas
 - Environmental Protection Agency
 - Department of Homeland Security
- E-Plan is a highly secure web-based system for receiving chemical information to the State.

E-Plan

What is it?

- E-Plan is a proven system that provides
 - A web-based system for facilities to submit their chemical inventory on-line; and
 - First Responders and others with on-site hazardous chemical information for fixed facilities around the United States.
 - <https://erplan.net/>
- E-Plan online training website
 - <http://eplan.erplan.net/training/>

E-Plan

What is it?

- It is free, simple and easy for reporting facilities, First Responders and State and Federal users to use.
- E-plan operations run 24 hours a day, 7 days a week.

Benefits of E-Plan

Facilities use UT Dallas Online Tier II reporting system to save time and money filing Tier II reports.

- Fully compatible with Tier2 Submit software developed by EPA
 - No software to download or install
- Copy data submission from previous year to filing year
- Maintain multiple years of facility data
- Import data from EPA Tier2 zip and export to Tier2.zip and PDF.
- Upload site plans and other documents
- Use one account for facilities in multiple states.

Benefits of E-Plan

- Free of charge to users
- All information is stored in secure database
- Once data is submitted
 - The system sends an e-mail message attached with a PDF report to data filer.
 - The submitted data is immediately available online for first responders and government officials.
 - Facilities can update information at any time.

E-Plan Use

- For filing year 2012, at least 9 states accepted UT Dallas online Tier2 submittals
 - New York
 - North Carolina
 - South Carolina
 - Georgia
 - Tennessee
 - Mississippi
 - New Mexico
 - Florida
 - Ohio
- Some LEPCs accepted E-Plan submittals
 - Contact your LEPC and Fire Department to determine if they require hard copy reports.
 - The SERC will be working with LEPCs to encourage them to accept reports through E-Plan

How to Use E-Plan

Welcome to E-Plan's Online Tier II Reporting System

This easy E-Plan online reporting system will allow you to create a report you can submit to your state to meet their requirement for filing of (SARA Title III) Tier II Emergency and Hazardous Chemical Inventory Reports.

This system is free to company managers required to file their Tier II reports to the State.

If you have comments or questions, please use the [Contact Us](#) button on any E-Plan page.

In order to create a new account, you have to register with E-Plan.

New Users must first register their facility

[Register Now](#)

to obtain a 7-digit AccessID

[Click Here](#)

If you have already registered for an account, enter your Access ID and password in the boxes below and Sign In to access or update your account and data.

Access ID

[Forgot Access ID](#)

Password

[Forgot Password](#)

[Sign In](#)

New Users Register On-Line



E-Plan Online Facility Filing

A new Access ID will be generated in the next page for your submission. For confidentiality purposes please provide a password for this Submission. This password will protect your submission against unauthorized access.

Password:

Confirm Password:

Name of Submitter:

Email address

[Continue](#)

New Users Register On-Line

E-Plan Online Filing Submission Management

Access ID: 1015810 (Test)

DATA/ DATA	COPY
ENTER DATA FOR CHANGES TO FILE SUBMITTED	USE THIS FUNCTION A SUBMITTED YEAR THE CURRENT FILING
FILE/RETRIEVE	NOTE: COPY FUNCTION V PREVIOUSLY FILED SITE PLANS
FROM:	Previous Year

Your access id appears here

The system will send you email message with the account information.

Please note down the access id along with the password you entered during registration for future access

Getting Started in E-Plan

Enter new data or import old data

ENTER NEW DATA/ RETRIEVE OLD DATA	COPY DATA	IMPORT TIER2
<p>USE THIS FUNCTION TO ENTER DATA FOR A NEW YEAR OR MAKE CHANGES TO DATA OF AN YEAR ALREADY SUBMITTED</p> <ul style="list-style-type: none">SELECT A YEAR TO FILE/RETRIEVE TIER II DATA: <input type="text" value="SELECT FILING YEAR"/>CURRENTLY FILED YEARS : <input type="text" value="2011"/>	<p>USE THIS FUNCTION TO COPY DATA FROM A SUBMITTED YEAR TO ANY YEAR UP TO THE CURRENT FILING YEAR</p> <p>NOTE: COPY FUNCTION WILL TRANSFER ALL PREVIOUSLY FILED TIER II DATA AND SITE PLANS</p> <p>FROM: <input type="text" value="PREVIOUS YEAR"/></p> <p>TO: <input type="text" value="FILING YEAR"/></p>	<p>USE THIS FUNCTION TO IMPORT AN EXISTING TIER2 '.ZIP', TIER2 '.T2S', OR CAMEO '.ZIP' FILE.</p> <ul style="list-style-type: none">NOTE THAT THE TIER2 '.ZIP' OR TIER2 '.T2S' FILE SHOULD CONTAIN UP TO NINE (9) DATA FILES AND CAMEO '.ZIP' FILE SHOULD CONTAIN 16 DATA FILES.THESE DATA FILES SHOULD HAVE COMMA-SEPARATED VALUES AND '.MER' FILE EXTENSIONS.

Importing Data from Tier2 Submit

- Log into the E-Plan's Online Tier II Reporting System at <https://tier2.erplan.net> using your Access ID and password.
- On the E-Plan Online Filing Submission Management page, click on Import 'zip/t2s' of the IMPORT TIER2 section.
- The Import Tier2 or CAMEO Data Files page will appear. Click on Choose File and select the appropriate zip or t2s file on your computer that you want to upload.
- Click on the Upload button to load the selected zip or t2s file. The Importing Uploaded File screen will appear. Please wait while the uploaded file is processed. This process may take several minutes depending on the size of the uploaded file.
- Once the process is completed, the Import is complete message will appear. You can verify the result and then scroll down to the bottom of the page and click on Continue to save.

IMPORT TIER2

USE THIS FUNCTION TO IMPORT AN EXISTING TIER2 '.ZIP', TIER2 '.T2S', OR CAMEO '.ZIP' FILE.

- NOTE THAT THE TIER2 '.ZIP' OR TIER2 '.T2S' FILE SHOULD CONTAIN UP TO NINE (9) DATA FILES AND CAMEO '.ZIP' FILE SHOULD CONTAIN 16 DATA FILES.
- THESE DATA FILES SHOULD HAVE COMMA-SEPARATED VALUES AND '.MER' FILE EXTENSIONS.

Import Tier2 or CAMEO Data Files

Upload Tier2 Zip, Tier2 T2s, or CAMEO Zip file :

How the SERC, LEPC, and Emergency Responders Use E-Plan



[Contact Us](#)



[Home](#)

[Chemical Search](#)

[WMD Information](#)

[NIOSH Pocket Guide](#)

[ATSDR Toxic Profile](#)

[CHEMTREC](#)

[E-Plan Online Training](#)

[E-Plan Online Filing \(Tier2\)](#)

[E-Plan News](#)

[E-Plan Facilities/State](#)

[OSHA/EPA Occupational Chemical Database](#)

[DISASTERHELP.GOV](#)

[EPA's October 2006 Consolidated List of Chemicals](#)

[NOAA Chemical Response Tools](#)

[NOAA Oil Response Tools](#)

[U.S. Fire Administration](#)

[U.S. National Response Team](#)

[CAMEO Chemicals](#)

[EPA Tier2 Submit](#)

[Weather](#)

[Other Important Links](#)

Welcome to E-Plan - Emergency Response Information System

Notices: 1) Companies - If you want to fill out your Tier II reports using E-Plan's Online Tier2 Submit, click [here](#)
2) State and Local Government Agencies - click [here](#) to get information on how to load your Tier II data into E-Plan

UserID [Forgot User Id](#)
Password [Forgot Password](#)

New E-Plan users and others must sign up for an account
Click [here](#) to continue

E-Plan - Delivering Vital Hazmat Information to First Responders

E-Plan is - The Nation's Largest Database of Chemical and Facility Hazards Data with over 200,000 facilities and 22,000 unique chemicals.

It is free, simple and easy for First Responders and State and Federal users to use.

E-Plan is a proven system that provides First Responder and others with on-site hazardous chemical information for facilities around the United States. It utilizes emergency contact and hazardous material information submitted under the U.S. Environmental Protection Agency (EPA) regulations and sends it via the Internet to First Responders just when they need it the most.

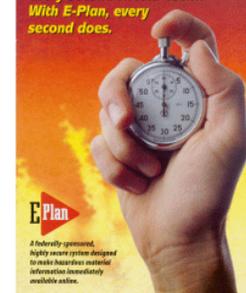
E-Plan provides Tier II reporting data and other important information instantly such as

1. Maps of the area surrounding a fixed facility showing schools and hospitals,
2. Maps of all facilities with a specified hazardous material in specific area,
3. Chemical Hazards Response Information System (CHRIS) data,
4. Material Safety Data Sheets (MSDS),
5. Chemical profiles,
6. Emergency Response Guidebook (ERG) pages,
7. National Fire Protection Association (NFPA) codes,
8. Facility Risk Management Plans (RMPs).

It has nationwide coverage in all 50 States and four U.S. territories.

In emergency situations, the E-Plan system can make the difference between life and death for First Responders and victims of the emergency. E-Plan has been enthusiastically embraced by fire fighters and hazmat response teams, nationwide wherever it has been introduced. Without E-Plan, this information is currently available only in paper form and retrieving this information from a file storage room during an emergency is a difficult, lengthy process if even possible at all. Instant access to the critical hazmat information provided by E-Plan makes it an invaluable tool for First Responders.

In hazmat or terrorism disasters, every second should count. With E-Plan, every second does.



E-Plan

A federally governed, highly secure system designed to make hazardous material information immediately available online.

[Contact Us](#) | [Acceptable Use Policy](#) | [News](#)

© 2010 E-Plan

E-Plan

How does it work?

- First Responders access facility information through a secure login using an assigned “User ID” and “Password.”
- Once logged on, the First Responders have immediate access to all Hazmat information for all facilities in the selected E-Plan area

E-Plan

How does it work?

- This includes information from sources such as:
 - State Tier II information
 - MSDS, Chemical Profiles, ERGs
 - Facility/Building Maps (if available)
 - Chemical storage locations
 - Pertinent Web links
 - EPA, Cameo, GIS Mapping, RRT6, NRT, EPA's CEPPO, Weather, etc.

E-Plan: Secure User Accounts

- Users must agree to E-Plan Acceptable Use Policy
- Users must be approval by Local Authorizing Authority
 - LEPC representative with authorizing authority will give all First Responders and Inspectors within their jurisdiction access to E-Plan. If requesting person has a multi-county jurisdiction, neighboring LEPCs can grant access as well.

Who Has Access?

- State:
 - Ohio EPA – Emergency Responders
 - Ohio EMA – Field Liaisons
 - LEPCs
 - Local Emergency Responders
 - Fire Firefighters
 - County EMA

Questions?

- Go to E-Plan website to Frequently Asked Questions

LEPC Compliance Reports

- SFY 2011 (July 1, 2010 thru June 30th, 2011)
- SFY 2012 (July 1, 2011 thru June 30th, 2012)

	SFY 2011	SFY 2012
# of EHS Facilities	2,997	3,309
# of Hazardous Chemical Facilities	4,734	4,540
Total	7,731	7,849
Statewide Compliance Rate	92.9%	92.2%

Information Management

Coshocton County Reporting Facilities

- Total Number of Reporting Facilities: 41
- # Facilities reporting one (1) or more EHS: 14
- # Facilities reporting one (1) or more hazardous substances: 27

Information Management

Coshocton County Type of Facilities

- Propane (+/-4)
- Agricultural (+/-4)
- Communications (9)
- AK Steel
- AEP- Conesville
- Coshocton Ethanol, LLC
- Organic Technologies
- Smurfit-Stone Containers
- The Jones Metal Products Inc
- TMK Bakersville

Information Management Coshocton County Inventory Reported

- Extremely Hazardous Substances:

Ammonia (5 locations)

Sulfuric Acid (10 facilities)

Hydrogen Fluoride

Nitric Acid (2 locations)

Gramoxone Inteon

Information Management

Coshocton County Hazardous Substances

- Diesel Fuel (4+ locations)
- Gasoline (2+ locations)
- Calcium Hydroxide
- Sodium Hypochlorite
- Propane
- Antimony Trioxide
- Nitrogen; Refrigerated
- Mineral Spirits
- Methanol
- #2 Fuel Oil
- Cement Dust

Release Reporting

Regulated Substances:

- Extremely Hazardous Substances (40 CFR Part 355)
- CERCLA Hazardous Substances (40 CFR Part 302)
- Oil
 - Reportable Quantity (RQ) - a visible sheen on navigable waters
 - RQ - 25 gallons or more on land

Verbal Notification

- Within 30 minutes upon discovery and/or knowledge
- Verbal notification must be made to:
 - Jurisdictional Fire Department
 - Ohio EPA Emergency Response (1-800-282-9378)
 - Local Emergency Planning Committee (LEPC) Emergency Coordinator

Written Follow-Up Report

- “Due within 30 days of release”
- A written follow-up report must be submitted to:
 - Ohio EPA/DERR/Emergency Response
Attention ER Records Management
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, OH 43216-1049
 - Local Emergency Planning Committee Emergency Coordinator

Ohio EPA Release Reporting Facts

	2010	2011	2012
Total # Spills	3,447	4,051	3,089
Spill Source			
Fixed Facility	2,208	2,782	1,872
Transportation	823	871	861
Oil & Gas	54	56	53
Mother Nature	19	19	10
Unknown	323	304	272

Ohio EPA

Release Report Facts (Cont'd)

Area Affected	2010	2011	2012
Air	353	313	290
Building	166	168	104
Ground Water	17	21	12
Land	1,610	1,604	1,513
Other	67	105	88
Sanitary Sewer	14	8	9
Surface Water	1,190	1,784	1,023

Ohio EPA Release Report Facts (Cont'd)

Type	Average # of statewide spills
Hydrocarbons	40.5%
Sewage	21.6%
Waste Water (NPDES violations)	2.1%
Chemicals (Environment)	6.2%
Chemicals (Waste)	1.4%
Air Chemicals	6.1%

Information Management

Fairfield County Spills/Releases

Type	Amount
Transformer Oil	288 gallons
Diesel Fuel	unknown
Diesel Fuel	110 gallons
Herbicide	unknown amount
Hydraulic Oil	39 gallons
Transformer Oil	29 gallons
Mercury (small beads)	unknown
Urea Solution (32%)	2,400 gallons
Rotten Egg Odor	unknown
Open Burning	unknown
Ammonia Aqua 19%	300 gallons
Latex Paint	unknown amount

For Additional Information

- Right to Know Contacts at Ohio EPA
 - Jeff Beattie – jeff.beattie@epa.state.oh.us
 - 1-888-644-2260 (toll free)
 - 1-644-2260
 - www.epa.state.oh.us/dapc/serc/index.aspx
- U.S. EPA Software Assistance
 - (703) 227-7650
 - userrmp.usersupport@csc.com

Questions?