

Emergency Planning & Community Right to Know Act (EPCRA)

Tier II & Toxic Release Inventory (TRI)



A Division of The Lane Construction Corporation

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History of EPCRA

- 1984 Union Carbide (Bhopal) chemical release kills 5,000.
- 1986 Congress enacts EPCRA for emergency preparing and community Rite-to-Know Act.
- Emergency response planning for emergency response.
- Provides transparency of chemicals to local government and public.
- **Sec. 311/ 312**: Tier I/Tier II reporting to SERC's, LEPC's, local FDs.
- **Sec. 313**: TRI – Toxic Release Inventory – reporting to EPA

Section 311: Tier I reporting

Subject to if...

- OSHA requires facility to prepare or have MSDS.
 - *Owners may submit a list of hazardous chemicals in place of the MSDS.*
- Hazardous chemical above 10,000 pound threshold.
- Extremely hazardous chemical above 500 pound threshold.

Section 311: Tier I reporting

Requirement...

- Submit MSDS for each hazardous chemical to:
 - State Emergency Response Commission (SERC)
 - Local Emergency Planning Commission (LEPC)
 - Local Fire Department
- One time reporting
- Updates within 3 months of significant new information.

- **Submittal of Tier II takes care of the Tier I report.**

Tier II Reporting

- Required by everyone subject to Section 311 reporting.
- Annual report of chemical storage from previous calendar year.
- Requires information on location and type of storage.
- Required by States (Tier II submittal will cover requirement of Tier I).
- EPA's Tier II Submit Software.

Tier II Reporting

- Submitted to:
 - SERC
 - LEPC
 - Local Fire Departments

- Due March 1

Applicability to HMA Plants

- Typical chemicals that require reporting (if MSDS and above 10K lbs.)
 - AC
 - Fuel Oil
 - Used Oil
 - Gasoline
 - Asphalt Emulsions
 - Aggregate (evaluate)
 - WMA Additives & others (evaluate)

Portable Plants

- Report to Local Fire Department and LEPC based on the location as of December 31 of prior year.

Emergency Planning & Community Right to Know Act (EPCRA) Reporting for Asphalt Plants

Toxic Release Inventory (TRI) Section 313



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- Tier II does not take care of TRI.

TRI Threshold Screening

- SIC/ NAICS Determination
- **AND**
- Full Time Employees (FTE)
- **AND**
- Chemical Thresholds

TRI Threshold Screening SIC/ NAICS Determination

- Major group or industry code
- 10,12, 20-39, 4911, 4931,4939,4953,5169, 5171, 7389
- 141 – Mining
- 142 – Crushed and Broken Stone
- 144 – Sand and Gravel
- 161 – Highway and Street Construction
- 162 – Heavy Construction except Highway and Street
- 291 – Petroleum Refining
- 2951 – Asphalt Paving Mixtures and Blocks

TRI Threshold Screening Primary **SIC vs NAICS**

- SIC 2951 Manufacturing of Asphalt Pavement Mixtures
- SIC 1611 Highway Street and Bridge Construction
- NAICS 324121 – Asphalt Mixtures and Block Mfg.
- NAICS 237310 – Highway Street and Bridge Construction
- NAICS 212321 – Construction Sand and Gravel Mining
- NAICS 212319 – Other Crushed and Broken Stone Mining and Quarrying.

TRI Threshold Screening Full Time Employees (FTE)

- 10 Full Time Employees
- 20,000 hours per year/ facility
- Includes vacation time, sick, and personal time.
- Includes subcontractors time.
- Includes truckers time if dedicated to facility.
- Does not include janitors
- Recordkeeping – Tracking timesheets

TRI Threshold Screening

Relevant TRI Reportable Chemicals

- List of Lists:
 - <http://www.epa.gov/emergencies/tools.htm#lol>
- Polycyclic aromatic compounds (PACS)
- Benzo(g,h,i)perylene
- Lead and Lead compounds
- Hydrogen Sulfide H₂S
- Found in fuels and/ or liquid petroleum asphalt

TRI Threshold Screening

Relevant TRI Reportable Chemicals

- Chemical Threshold Quantities
- Chemical Concentrations (PACs)
- Typical chemical concentrations : Lead & H₂S

EPCRA/ TRI Reporting

- Form R, Form A
- TRI
- Licensed Site Professional/ Engineer
- Pay attention to your emissions
- RAP and RAS
- Registering with EPA TRI System
- Recordkeeping and documentation
- EPA FAQ page

TRI Threshold Screening Summary

- Used to determine if reporting to EPA is required.
- Retain annual documentation especially when not reporting.
- TRI Threshold Screening
 - SIC/ NAICS Determination AND
 - Full time employees AND
 - Chemical thresholds – list of lists

EPA's TRI Threshold Screening

- Collect all the information necessary for using the screening tool.
- Understand the classification, full time employee inputs, process, and chemical concentrations.
- Only a screening tool...check calculations
- Documentation and Record Keeping

Questions?