

PROACT FACT SHEET



An Environmental Resource sponsored by HQ Air Force Center for Environmental Excellence

October 2001

Emergency Planning & Community Right-to-Notification

Introduction

The Emergency Planning and Community Right-to-Know Act ([EPCRA](#)), promulgated as Title III of the Superfund Amendments and Reauthorization Act (SARA), 42 United States Code § 1101 et seq, is designed to provide federal, state, and local agencies, as well as the public, access to information on chemical hazards. EPCRA has four major components that collectively implement the emergency planning and reporting provisions of the Act. These components require facilities to provide information on the type, amount, and location of chemical hazards by instituting multiple reporting requirements that are triggered if a facility uses, stores, and/or releases any specified chemical in an amount equal to or greater than established reportable quantities. This third installment in a series of fact sheets on EPCRA discusses the emergency notification provisions of EPCRA Section 304.

Notification Synopsis

The emergency release notification mandate of EPCRA, Section 304, requires the state and local community to be notified of a release of any chemical classified as an extremely hazardous substance (EHS) or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance.

A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Any facility that releases an EHS or CERCLA hazardous substance in an amount equal to or greater than the substance's established reportable quantity (RQ) must notify the State Emergency Response Commission (SERC) and Local Emergency

Planning Committee (LEPC). Regulations implementing Section 304 are promulgated in Title 40 Code of Federal Regulations (CFR) Part 355.40.

Chemical Classes

Two chemical classes are subject to emergency notification under EPCRA Section 304, EHSs and CERCLA hazardous substances.

An **EHS** is any chemical that has immediate health effects and is classified as such based on its hazardous and toxicity characteristics. These chemicals are specifically defined to mean any substance listed in Appendices A and B of Title 40 CFR Part 355. Some EHSs are also classified as a **CERCLA hazardous substance**, defined in Sections 101 and 102 of CERCLA as any elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health, public welfare, or the environment. These chemicals are specifically defined to mean any substance published in Title 40 CFR Part 302, Table 302.4.

Reporting Threshold

The RQ is the maximum amount, in pounds, that may be released into the environment without triggering the reporting requirements. The EHS RQ applies only to the release of an EHS that is not also categorized as a CERCLA hazardous substance. If a chemical is classified as both an EHS and CERCLA hazardous substance, then the established CERCLA RQ must be used.

The **EHS RQ** and **CERCLA RQ**, established by the Environmental Protection Agency (EPA), ranges from 1 to 5,000 pounds.

Section Summary

Section 304 requires owners/operators of facilities at which a hazardous substance, an EHS and/or CERCLA hazardous substance, is produced, used, or stored to notify the SERC and LEPC, within 24-hours, of a release that exceeds the substance's reportable quantity.

Emergency release notification requirements do not apply to releases that are federally permitted or result in exposures to persons solely within the boundaries of the facility, such as pesticide and fertilizer applications. Please note

emergency release notifications performed under EPCRA Section 304 for CERCLA hazardous substances do not fulfill notification requirements to the National Response Center at (800) 424-8802 under CERCLA Section 103, Title 40 CFR Part 302.

Initial Verbal Notification

The owner/operator shall make an initial notification to the LEPC of any area likely to be affected by the release and to the SERC of any state likely to be affected by the release. The verbal notification shall include the following elements, to the extent known at the time of notice:

- Chemical name or identity of any substance involved in the release;
- Indication as to whether the substance released was an *EHS*;
- An estimate of the quantity of any substance released into the environment;
- The time and duration of the release;
- The environmental medium or media (air, water, or land) into which the release occurred;
- Any known or anticipated acute or chronic health risks associated with the emergency along with treatment advice;
- Proper precautions to take as a result of the release, including evacuation; and
- Name and telephone number of the person to be contacted for further information.

Follow-up Written Notification

As soon as practicable after a release and initial verbal notification, the owner/operator must provide a written follow-up emergency notice to state and local emergency planning committees that includes:

- An update of the original notification information;
- Actions taken to respond to and contain the release;
- Any known or anticipated acute or chronic health risks associated with the release; and
- Advice regarding medical attention necessary for exposed individuals.

Additional Information

This is the third fact sheet in a series discussing [EPCRA reporting requirements](#), for additional information review our other fact sheets on EPCRA. Air Force personnel may contact Ms. Laura Maxwell, HQ AFCEE, DSN 240-4218 or PRO-ACT at DSN 240-4240.

Websites

- Environmental Quality Directorate, HQ AFCEE, <http://www.afcee.brooks.af.mil/>.
- Chemical Emergency Preparedness and Prevention Office, EPA, <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/index.html>.
- Office of Solid Waste, EPA, <http://www.epa.gov/epaoswer/osw/>.

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