

## Chapter 7: Emergency Planning and Communication

When accidental spills, fires, or other incidents occur, hazardous chemicals may present emergency situations. The federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 brings industry, government and the public together to plan for accidental chemical release responses and to provide access to information about chemical hazards in local communities. Wisconsin Emergency Management (WEM) implements EPCRA within the state.

Chemicals used in the printing industry may fall under some or all of EPCRA's requirements. The EPCRA summary table below outlines the regulations. The remaining sections in this chapter contain more detailed information about the applicable chemicals and associated reporting requirements.

### What does EPCRA address?

EPCRA planning provisions are designed to:

- Inform Local Emergency Planning Committee (*LEPC*), and WEM about businesses that have hazardous chemicals
- prevent accidents
- encourage preparation for chemical emergencies

EPCRA community right-to-know provisions:

- make information available to the public about chemicals that are stored, used or released in the local area
- require businesses to report their inventory of hazardous chemicals to the local fire department, the LEPC, and WEM
- require businesses to report their use and release of certain hazardous chemicals to EPA and WDNR

### What does EPCRA require printers to do?

Under the planning portion of EPCRA, printers are required to:

- participate in emergency planning for accidental chemical releases, if they store certain hazardous chemicals above specific thresholds
- report spills and releases of chemicals

Under the community right to know portion of EPCRA, printers may be required to:

- report hazardous chemical inventoried at their facilities
- report certain toxic chemical use and releases

EPCRA's reporting requirements for printers depend on the quantities of chemicals a facility uses or stores. The emergency release notification requirements apply to all printers, regardless of size, but depend upon the amount of the chemical spilled and/or released.

**WEM:** Wisconsin Emergency Management, the agency that implements EPCRA within Wisconsin.

**LEPC:** Local Emergency Planning Committee, as created by Wisconsin statutes [s. 59.07(146)(a)]. Each of Wisconsin's 72 counties has a LEPC.

**Extremely Hazardous Substance (EHS):** In EPCRA, chemicals subject to EPA's regulations for Emergency Planning and Notification under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, commonly known as Superfund).

**MSDS:** Material Safety Data Sheet, provides information on the chemical composition of a substance and its hazards. OSHA regulations require employers to maintain MSDSs for any of approximately 500,000 hazardous chemicals that could be stored or used at their facilities.

**Toxic Chemical:** Chemicals identified by EPA's Toxic Chemical Release Reporting Regulations, which are subject to TRI Reporting. Approximately 650 chemicals fall into this category.

**TPQ:** Threshold planning quantity, the amount of an EHS which triggers the Emergency Planning Notification requirements (EPCRA section 302). The EHS list gives chemical specific TPQ's.

**TRI:** In EPCRA, the Toxic Chemical Release Inventory is intended to inform the public and government officials about routine releases of toxic chemicals to the environment. This is an annual inventory that EPCRA requires qualifying businesses to report.

<b>EPCRA Provisions and Reporting Requirement Summary</b>				
Section	Sections 302/303	Section 304	Sections 311/312	Section 313
Topic	Emergency Planning Notification	Emergency Release Notification	MSDS Chemical List / Tier II Inventory Reporting	Toxic Chemical Release Inventory / TRI Reporting (Form R)
Chemicals identified	356 extremely hazardous substances (EHS)	>1,000 hazardous & extremely hazardous substances	any product with MSDS	650 toxic chemicals and categories
Threshold levels	Threshold Planning Quantity (TPQ), 1-10,000 lbs on site at any one time (chemical specific)	Reportable Quantity (RQ), >1-5,000 lbs, released in 24 hr period	TPQ or 500 lbs for extremely hazardous substances (EHS) and 10,000 lbs on site at any one time for other chemicals	25,000 lbs/year manufactured or processed; 10,000 lbs/year "otherwise used"; certain persistent bioaccumulative toxics have lower thresholds
Reporting requirements	Section 302: one time notification to WEM; section 303: updates as necessary	emergency notification for each occurrence of release of RQ	Section 311: one time notification, updated as necessary; section 312: Tier II report due annually by 1 March to WEM, LEPC & fire dept	TRI (form R) report due annually by 1 July to EPA & copy to WDNR

### **Section A: Emergency Planning Requirements (EPCRA Section 302)**

Emergency Planning Notification involves providing information about the toxic and hazardous chemicals at your facility to your Local Emergency Planning Committee and Wisconsin Emergency Management. If your facility stores and/or uses film and plate chemicals, inks, solvents, fuels, or other chemicals above threshold levels called Threshold Planning Quantities (TPQs), you will need to complete and submit the appropriate Emergency Planning Notification reports to WEM.

#### **Does my facility have to comply with Emergency Planning Notification requirements?**

Yes. Printers that store any Extremely Hazardous Substances (EHSs) in amounts larger than the Threshold Planning Quantities (TPQs), at any single time, must submit an Emergency Planning Notification form.

TPQs are:

- chemical-specific
- defined for each EHS in EPA's "Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act...".
  - the complete EHS list contains 356 chemicals and their TPQs
  - the list is available online through both EPA and WEM:

<http://emergencymanagement.wi.gov/docview.asp?docid=91>

OR

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/chemicalinfo.htm>

The Black Ink Room section of this workbook contains examples of some EHSs used in printing facilities and chemical-specific TPQs.

#### How do I account for EHSs in chemical mixtures?

EHSs sometimes occur in chemical mixtures. Any EHS at a concentration of more than 1%, or 0.1% if it is a carcinogen, must be included when calculating the total amount stored or used at your facility. In lieu of counting the entire amount of a product that contains a small fraction of a covered chemical, it might be worth the effort to calculate only that amount of chemical and not count the entire amount of product toward the threshold.

#### How is the total of EHSs calculated?

To calculate the total quantity of EHSs at your facility, add the total amount of each chemical in all mixtures containing more than 1% or 0.1% for any carcinogen of each EHS. (Any mixture containing a lower concentration of an EHS need not be included in the total determination.)

#### Where can I get help with these calculations?

EPA and WEM provide online assistance for calculating quantities of chemicals in mixtures and for converting gallons to pounds. See:

- WEM's EPCRA booklet, available online at <http://emergencymanagement.wi.gov/docview.asp?docid=94>
- EPA's guide "Emergency Planning and Community Right-To-Know Act Section 313 Reporting Guidance for the Printing, Publishing, and Packaging Industry," at [http://www.epa.gov/tri/guide\\_docs/2000/00printing.pdf](http://www.epa.gov/tri/guide_docs/2000/00printing.pdf)

#### When do I submit an Emergency Planning Notification form?

When a printer receives a shipment of or produces any EHS at their facility in amounts that meet or exceed the TPQ, an Emergency Planning Notification must be filed within 60 days.

An amended Emergency Planning Notification form must be filed within 60 days if new EHSs are received or produced or amounts stored at a printing facility increase so that TPQ limits are exceeded.

#### How do I submit an initial or amended Emergency Planning Notification?

Emergency Planning Notification may be done using an Emergency Planning Notification Fee Statement form or on company letterhead.

**Submitting by form:**

- facility owner or operator completes the WEM Emergency Planning Notification Fee Statement (form # DMA 1003)
  - see sample in The Black Ink Room section of the workbook
  - obtain the form online at  
**<http://emergencymanagement.wi.gov/docview.asp?docid=88>**

**Submitting by letter:**

- owner or operator submits required information on business letterhead
- required information includes:
  - facility name and location
  - name and phone number of the facility emergency coordinator (see Emergency Planning section below)
  - a list of all EHSs in quantities above their listed TPQs stored or used at the facility
  - for each chemical reported include:
    - ❖ the EHS name
    - ❖ total quantity
    - ❖ date the EHS was present at or above the TPQ

**Whether submitting by form or letterhead:**

- Send the original documents to WEM and a copy to the LEPC.
- Keep and file the facility copy.

**What if I don't store EHSs above the threshold quantities?**

If no EHSs are stored, or if chemicals are only present in amounts below the TPQ levels, your facility is exempt. No further emergency planning is required.

However, printers must certify that their facility is exempt. To do this:

- file an Emergency Planning Notification Fee Statement with WEM and the LEPC
- complete the Emergency Planning Notification Determination in Section 7 of the form
- indicate that the facility has never had an EHS at or above TPQ level
- this is a one-time notification unless a TPQ is later exceeded

	<p><b>Question EP.1:</b> Are you subject to the emergency planning requirements in EPCRA section 302?</p>	<p><input type="checkbox"/> Yes. Continue with section 303.</p> <p><input type="checkbox"/> No. Skip to page EP-6, Emergency Release Notification.</p>
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### **Section B: Community Emergency Planning (EPCRA Section 303)**

If your facility is subject to the reporting requirements in EPCRA Section 302, then you are also required to participate in community emergency planning.

**My facility must participate in community emergency planning. What is required?**

Community Emergency Planning involves the following:

- complete and submit the Emergency Planning Notification Fee Statement form
- the owner or operator must select a facility emergency coordinator
- notify the LEPC, in writing, of the coordinator’s name, address, and telephone number
- facility emergency coordinator works with the LEPC to develop your facility’s off-site emergency response plan
- pay fee if required (see next question)

	<p><b>Question EP.2:</b> Have you identified a facility emergency coordinator and notified the LEPC of their contact information?</p>	<input type="checkbox"/> Yes.  <input type="checkbox"/> No.
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Individual facility off-site plans include:

- facility name and location,
- name of facility emergency planning coordinator with 24 hr. contact phone number,
- list of primary emergency responders,
- list of resources available from/at facility,
- list of outside resources available,
- hazard analysis of the facility with a vulnerability zone for release of EHS stored at facility,
- identification of special facilities (i.e., schools, hospitals, nursing homes, day care centers, etc.) within the zone,
- population protection procedures (sheltering and evacuation) and attachments.

**Do I have to pay a fee?**

Complete section 8 of the Emergency Planning Notification Fee Statement (form DMA 1033) to determine whether a fee applies.

- if your facility has at least 10 *full-time equivalent (FTE)* employees in Wisconsin you must:
- pay a one-time Emergency Planning fee of \$800.00
- include the fee when submitting the form
- if your facility has fewer than 10 FTE employees in Wisconsin, the Emergency Planning fee is not required

FTE: 10 full-time equivalents is 20,000 hours or more worked per year

	<p><b>Question EP.3:</b> Have you filed the Emergency Planning Notification Fee Statement in the past year, and paid the fee if appropriate?</p>	<input type="checkbox"/> Yes.  <input type="checkbox"/> No.
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What does a facility emergency coordinator do?

- works with LEPC to develop an emergency response plan for the facility
- informs LEPC of any changes at the facility that may affect emergency response (i.e., changes in amounts or types of EHSs stored)

	<p><b>Question EP.4:</b> Have you worked with the LEPC to develop an emergency response plan?</p>	<input type="checkbox"/> Yes.  <input type="checkbox"/> No.
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### **Section C: Emergency Release Notification (EPCRA Section 304)**

When any hazardous substance is released in an amount that meets or exceeds the minimum *Reportable Quantity* (RQ), and which could potentially affect people or the environment outside the facility, emergency notification is required.

#### **What must be done if a hazardous substance is released at my facility?**

Printing facility management must immediately notify these organizations verbally:

1. Wisconsin DNR 24-hour Emergency Hotline: 800-943-0003
2. National Response Center: 800-424-8802
3. LEPC: your county Emergency Management Office

#### **What constitutes “immediate” reporting?**

The regulations do not specify any time limits but, in practice, notification should occur as soon as safely possible. DNR’s regulations contain the following general guidance:

- “In uncomplicated release situations, responsible parties are expected to provide notice to the department within a matter of a few minutes after they learned of the release.”
- “In other situations, especially where emergency action of some kind is being taken by the responsible party or where the responsible party does not have access to a telephone, notification may not be possible for several hours, but would still be considered ‘immediate’ if promptly given.”

The printer must follow up with a *written notice* to WEM and the LEPC as soon as practicable after the release, and should include the following:

1. Additional information available since the initial verbal notification;
2. Actions taken to respond to or contain the release;
3. Who responded to release;
4. Known or anticipated acute or chronic health risks; and
5. Where appropriate, advice regarding medical attention.

The Department of Energy’s Office of Pollution Prevention and Resource Conservation has developed an online **RQ calculator** (<http://homer.ornl.gov/oepra/rq/>) to assist you in evaluating your release to see if it must be reported to the National Response Center.

**Hazardous and Extremely Hazardous substances:** See the Black Ink Room section of this workbook for a list of chemicals commonly used by printers.

**NOTE:** The words “spill” and “release” are often used interchangeably.

This report is different than the one described in Chapter 5, page SR-8, on Spills Response.

	<p><b>Question EP.5:</b> Have you reported any releases in the past year?</p>	<input type="checkbox"/> Yes.  <input type="checkbox"/> No.
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### **Which chemicals trigger emergency release notification requirements?**

Two types of chemicals trigger emergency notification requirements:

- those classified as *hazardous substances* in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)
- EHSs identified by EPCRA.

The Black Ink Room section of this workbook provides examples of some hazardous substances commonly used by printers and the threshold RQs that trigger required emergency notification of a release, along with links to lists of these chemicals.

#### **A spill has occurred at my facility. What is required?**

If a spill occurs at your facility, refer to Chapter 5, Spills Response, for guidance and more information about emergency chemical releases.

## ***Section D: Community Right-to-Know Program***

EPCRA's Community Right-to-Know Program has two main components:

- hazardous chemical inventory reporting
- toxic chemical release reporting

Printers may be required to provide community right-to-know information about their chemical use under some or all of these regulations.

### ***D1. Chemical Storage (MSDS Chemical List) Reporting (EPCRA Section 311)***

#### **Does my facility have to do chemical storage (MSDS chemical list) reporting?**

Section 311 of EPCRA requires printers that store or use sufficient quantities of any hazardous chemicals to do chemical storage (also called MSDS chemical list) reporting. Generally, this regulation applies to any chemical requiring a MSDS.

This requirement applies if, at any single time during a calendar year, your facility stores:

- more than 10,000 pounds of any hazardous chemicals (defined by OSHA as those that require MSDSs) or
- more than the TPQ or 500 lbs, whichever is less, of any EHS

**Hazardous Chemical:** means any chemical which is a physical hazard or a health hazard under EPCRA or any substance for which OSHA requires a facility to maintain a MSDS. About 500,000 chemicals, including the EHSs, fall into this category.

**MSDS:** Material Safety Data Sheet, provides information on the chemical composition of a substance and its hazards. OSHA regulations require employers to maintain MSDSs for any of approximately 500,000 hazardous chemicals that could be stored or used at their facilities.

Many printers don't exceed the reporting thresholds. Those that do exceed the thresholds, and trigger the requirements for chemical storage reporting, may do so because the facility has one or more of the following:

- 10,000 lbs or more of all ink on-hand, such as ink totes for process colors
- storage tanks or tote storage for large volume materials, such as blanket wash and fountain solution, that contain hazardous chemicals
- ammonia chillers or other ammonia storage over 500 lbs (TPQ for this substance)
- metal etching plate developing processors (acids commonly used, such as nitric acid, have 500 lb TPQs)
- lift truck batteries containing sulfuric acid (an EHS chemical)

#### How do I determine if my facility is required to do chemical storage reporting?

To quantify your chemical storage:

- calculate the total quantity of each hazardous chemical and/or EHS stored at your facility
- include quantities occurring in any chemical mixture containing more than 1%, or 0.1% for carcinogens, of an EHS

WEM and EPA provide online resources and instructions for calculating chemical quantities—refer to the links on page EP-3.

#### My facility is required to do chemical storage reporting. What is involved?

Two options are available for chemical storage reporting. Printers may choose the most appropriate option:

- submit a copy of the MSDS for each individual chemical or
- submit a list of all chemicals that are subject to reporting requirements
  - > include the chemical/common name found at the top of each MSDS
  - > include the hazard category (i.e., acute health hazard, chronic health hazard, fire hazard, etc.) for each chemical reported

Follow these requirements for chemical storage reporting:

- submit reports within 90 days of the date when quantities of chemicals at the facility exceed the TPQs
- this information must only be submitted once for each chemical
- no fee is required for this report
- any time new chemicals are added or quantities increased at the facility so that the TPQs are exceeded, submit additional or updated MSDS sheets or lists within 90 days
- submit the reports to WEM, LEPC, and the local fire department

	<p><b>Question EP.6:</b> Have you filed a chemical storage/ chemical list report in the past year?</p>	<p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p>
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## ***D2. Chemical Inventory Reporting (EPCRA Section 312)***

### **Is my facility also required to do annual chemical inventory (Tier II) reporting?**

The community right-to-know provisions of EPCRA include annual Emergency and Hazardous Chemical Inventory, or Tier II, reporting.

Printers required to submit chemical inventory reports under EPCRA section 311 (above) must also file an annual inventory of the reported chemicals. The inventory includes basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility.

In Wisconsin, this annual report is called the Wisconsin Tier Two Emergency and Hazardous Chemical Inventory (WEM form DMA 1005). A sample of this form is in the Black Ink Room section of this workbook. WEM also makes the form available online at:

**<http://emergencymanagement.wi.gov/docview.asp?docid=1661&locid=18>**.

### **What should I know about submitting Wisconsin Tier Two Emergency and Hazardous Chemical Inventory reports?**

In Wisconsin, these requirements apply to annual Tier II reports:

- complete the Wisconsin Tier Two Emergency and Hazardous Chemical Inventory (DMA form 1005) and send it to WEM
- report chemicals at your facility during the previous calendar year
- this inventory is due by March 1st of each year
- submit copies to the LEPC and local fire department
- keep one copy for your facility files

### ***Do I have to pay a fee when submitting this form?***

Printers that participate in Tier II reporting may be required to pay an associated Inventory Fee, due with the Tier II Inventory:

- Printers with fewer than 10 FTE employees in Wisconsin (< 20,000 hours worked annually) are exempt from the fee.
- Printers with more than 10 FTE employees in Wisconsin are subject to fee requirements. The amount of the fee depends on the number and quantity of hazardous chemicals reported. See the Wisconsin Tier Two Emergency and Hazardous Chemical Inventory Fees table below.

All printers participating in Tier II reporting must submit:

- the Tier Two Emergency and Hazardous Chemical Inventory (WEM form DMA 1005) and
- the Inventory Fee Statement (WEM form DMA 1004).
  - See the example form in the Black Ink Room of this workbook
  - online at:

**<http://emergencymanagement.wi.gov/docview.asp?docid=1661&locid=18>**

- and the fee payment, if required.

Electronic submission of Tier II reports is available in Wisconsin. Go to: <http://emergencymanagement.wi.gov/sublink.asp?linksubcat2id=12&linksubcatid=39&linkcatid=77&linkid=30> (make sure all of text is on **one** line in your browser.)

<b>Wisconsin Tier Two Emergency and Hazardous Chemical Inventory Fees</b>		
<b>Number of chemicals</b>	<b>Cumulative amount &lt; 100,000 lbs</b>	<b>Cumulative amount =&gt; 100,000 lbs</b>
0	0	0
1	\$150	\$180
2-10	\$300	\$360
11-100	\$450	\$540
101-200	\$550	\$660
201-300	\$650	\$780
301-400	\$750	\$900
401-500	\$850	\$1020
500+	\$950	\$1140

My facility is not required to participate in Tier II annual reporting. What must I do?

Printers that are not required to do Tier II annual reporting must notify WEM that their facility is exempt. Submit an Inventory Fee Statement or a letter to WEM, stating that your facility is exempt from Tier II reporting requirements.

	<p><b>Question EP.7:</b> Have you filed in the past year, either a Tier II annual reporting form or a notification that you are exempt?</p>	<p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No.</p>
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### ***Section E: Toxic Chemical Release Inventory Reporting (EPCRA Section 313)***

**Does my facility have to do annual Toxic Chemical Release Inventory (TRI, or EPA Form R) reporting?**

*Toxic Chemical* Release Inventory (TRI) reporting documents releases and other management practices of toxic chemicals during the preceding calendar year. The report contains detailed information about the business, chemicals used, and amounts of chemicals released or transferred from the site.

**Toxic Chemical:**  
Chemicals identified by EPA's Toxic Chemical Release Reporting Regulations, which are subject to TRI Reporting. Approximately 650 chemicals fall into this category.

TRI reporting is:

- an annual inventory
- due on July 1st of each year
- submitted on EPA Form R, or under certain circumstances Form A (the short form) may be used
- The original TRI report is sent to EPA and a copy to WDNR.
- Instead of using the paper forms, you could use EPA's TRI-ME software – which is found at: <http://www.epa.gov/tri/report/trime/index.htm>

Not all printers are subject to the TRI reporting requirements. You are required to submit a TRI report if:

- the facility is in the manufacturing sector identified by Standard Industrial Classification (SIC) codes 20-39 (includes printing); and
- the facility has at least 10 full-time employees; and
- the facility used at least 10,000 lbs of listed toxic chemicals in the prior calendar year; and/or
- the facility imported, manufactured or processed at least 25,000 lbs of listed toxic chemicals in the prior calendar year; and/or
- the facility used more than the designated threshold for Persistent, Bioaccumulative, Toxic (PBT) compounds

Form A may be used instead of Form R under the following circumstances:

- Reporting facilities are allowed to use Form A for non-PBT (Persistent, Bioaccumulative, and Toxic) chemicals, so long as releases or other disposal is not greater than 2,000 pounds as part of the total waste management limit for the chemical, which is not more than 5,000 pounds.
- Form A may be used for certain chemicals of greater concern (i.e., persistent, bioaccumulative, and toxic, or PBT, chemicals) when there are no releases or other disposal and no more than 500 pounds of other waste management (e.g., recycling or treatment).
- This rule makes Form A available for use in reporting PBT chemicals under limited circumstances for the first time in the program's history.
  - Facilities may use Form A for PBT chemicals (except for dioxin and dioxin compounds), when there have been no releases or other disposal into the environment and the total amount of the chemical managed by treatment, energy recovery, and/or recycling is not more than 500 pounds.
- "Non-production related waste," i.e., waste from one time events such as facility cleanups or extraordinary weather events must be counted when determining eligibility to use Form A.

### **What chemicals trigger TRI reporting requirements?**

More than 650 toxic chemicals and chemical categories trigger TRI reporting. They are identified in EPA's consolidated list of chemicals (see the Black Ink Room section of this workbook for links to the list). In the printing industry, the primary sources of these chemicals are solvents found in the ink formulations and solvents used in cleanup operations.

The EPA resource book, "Emergency Planning and Community Right-To-Know Act Section 313 Reporting Guidance for the Printing, Publishing, and Packaging

Examples of Form R and Form A are included in the Black Ink Room section of this workbook.

Industry,” provides a step-by-step guide to compliance with section 313 of EPCRA. The guide includes information about how to determine if your facility must report, how to calculate amounts, and guidance for estimating quantities from releases and other waste management activities. This guide is available online in the Guidance Documents section of EPA’s TRI web site (<http://www.epa.gov/tri/>), under the Industry Specific resources.

	<p><b>Question EP.8:</b> If you have at least 10 FTE and chemicals above reporting thresholds, have you filed your TRI report in the past year?</p>	<p><input type="checkbox"/> Yes. <input type="checkbox"/> No. <input type="checkbox"/> NA. We don't have 10 FTE.</p>
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### **Where can I go if I want more information about the EPCRA and Community Right-to-Know requirements?**

The EPA web site includes a section on the Emergency Planning and Community Right-to-Know Act:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/EPCRA.htm?OpenDocument>

This page contains links to information and background about EPCRA and sections on compliance and reporting requirements and forms. The EPCRA Overview section contains links to EPA’s EPCRA Fact Sheet, a good source of background information.

WEM also provides information about EPCRA, resources, compliance information, forms and electronic submission of reports, at its Hazardous Materials & EPCRA site: [http://emergencymanagement.wi.gov/section\\_detail.asp?linkcatid=77&linkid=30](http://emergencymanagement.wi.gov/section_detail.asp?linkcatid=77&linkid=30)