
MINNESOTA
EMERGENCY PLANNING
AND
COMMUNITY RIGHT-TO-KNOW
ACT
(EPCRA)
PROGRAM

SARA TITLE III INFORMATION PACKET



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EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OVERVIEW

Title III of the federal *Superfund Amendments and Reauthorization Act* (SARA) is also called the *Emergency Planning and Community Right-to-Know Act* (EPCRA). EPCRA establishes requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and reporting on hazardous and toxic chemicals. Visit the [U.S. Environmental Protection Agency Website](http://www.epcra.state.mn.us) for an overview of the program.

For more information:

EPCRA Program
445 Minnesota Street, Suite 223
St. Paul, MN 55101
(651) 201-7416 <http://www.epcra.state.mn.us>

SECTION 302 – EXTREMELY HAZARDOUS SUBSTANCES

What is the purpose?

- Identify facilities to be considered in emergency plans.
- Involve facilities in emergency plan development.

Which facilities are covered?

- Facilities having present at any one time any of 355 [Extremely Hazardous Substances](#) (EHS) above Threshold Planning Quantities (TPQ). Facilities include manufacturers, retailers, wholesalers, agriculture, state and local governments.

What are the requirements?

- Assign a facility emergency planning coordinator.
- Notify the Minnesota EPCRA Program by answering the question entitled “Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?” This question is included in the Tier II Emergency and Hazardous Chemical Inventory which can be submitted using the [Online Tier II Manager](#).

SECTION 304 – EMERGENCY NOTIFICATION

What is the purpose?

- Inform authorities about emergency releases of hazardous substances.

What is covered?

- Substances that are:
 - Extremely Hazardous Substances (EHS).
 - Covered by Section 103(a) of the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), 40 CFR § 302.4.
- Releases that exceed Reportable Quantity (RQ).
Note: Refer to the [Consolidated List of Chemicals \(List of Lists\)](#) for RQs.
- Releases outside the control of the facility (air, sewer, land, surface water).

What are the notification requirements?

In Minnesota, ***virtually all hazardous materials spills and releases*** — whether or not they involve a Reportable Quantity — ***must be reported to the Minnesota Duty Officer***. MDO personnel are responsible for making notifications to *other state agencies*. This one-call system removes the burden on the caller to notify multiple state agencies. However, the caller is still responsible for making whatever local and federal government notifications may be required. For example, in the event of a spill or release that meets or exceeds the Reportable Quantity, the caller is responsible for calling 911 *and* the National Response Center *in addition to* the MDO.

- In the event of a release, the following must be contacted in the order listed:
 1. Local Emergency 911 (or if not available, the county sheriff).
 2. Minnesota Duty Officer (MDO): 1-800-422-0798 or (651) 649-5451.
 3. National Response Center: 1-800-424-8802.
- Submit an [Emergency Release Follow-up Report](#) to the EPCRA Program.
- The facility should first contact the local authorities to inform them of the need for emergency response. When contacting the Minnesota Duty Officer, the facility should specify that the release is subject to Title III Notification.
- As soon as practicable after a release, but no later than 30 days, an *Emergency Release Follow-up Report* must be sent to the EPCRA Program.

Title III requires a facility to notify the Minnesota EPCRA Program if there is a spill or release of a hazardous substance that meets or exceeds the RQ for that substance, except for a release that results in exposure to persons solely within the facility.

The state of Minnesota has separate spill reporting requirements that remain in effect. Visit the [MPCA Emergency Response page](#) for more information.

SECTION 311 – CHEMICAL LIST

What is the purpose?

- Identification of hazardous chemicals currently present at a facility.
- Emergency planning and response.
- Community right-to-know.

Which facilities are covered?

Any facility required to prepare or have available safety data sheets (formerly known as *material* safety data sheets) under the federal OSHA hazard communication standard. In Minnesota, public sector facilities are also covered.

What chemicals must be reported?

- Extremely Hazardous Substances present at any one time at 500 pounds or the threshold planning quantity (whichever is less).
- Any hazardous chemical requiring a safety data sheet under the OSHA [Hazard Communication Standard](#), and present at any one time at 10,000 pounds or more.

What facilities or chemicals are exempt?

- Retail gas stations with less than 75,000 gallons of gasoline and 100,000 gallons of diesel fuel. Fuel must be stored entirely underground and the facility must be in full compliance with underground storage tank regulations.
- In-transit and in-transit storage.
- Food, drugs and cosmetics regulated by the Food and Drug Administration.
- Substances present as a solid in manufactured items where exposure does not occur under normal conditions of use. According to EPA guidance, facilities only have to count the amount of fume or dust given off a manufactured solid (such as brick or metal) that is being modified (e.g., cut or welded) to determine the reporting threshold.
- Substances used for personal, family or household purposes, or present in the same form and concentration as a product packaged for distribution and use by the general public.
- Substances used in research labs or hospitals or other medical facilities under the direction of a technically qualified individual.
- Substances used in routine agricultural operations or as a fertilizer sold to the ultimate customer (farmer).
- Hazardous waste.
- Tobacco or tobacco products.
- Wood or wood products.

What are the requirements?

- Use the Update feature in the online Tier II Manager to submit a [Hazardous Chemical Report](#) to the EPCRA Program and local fire department (Minnesota does not require you to submit a copy to the Regional Review Committees serving as Local Emergency Planning Committees).

- One time reporting requirement — updates required within three months after the facility receives chemicals that meet the reporting requirements.

SECTION 312 – CHEMICAL INVENTORY FORM

What is the purpose?

- Quantities and locations of chemicals reported under [Section 311](#).
- Emergency planning and response.
- Community right-to-know.

Which facilities are covered?

- Same facilities as section 311.
- Same exemptions as section 311.

What are the requirements?

Minnesota requires annual submission (by March 1) of the Tier II Emergency and Hazardous Chemical Inventory covering chemicals present at any one time during the previous reporting (calendar) year. Facilities are encouraged to submit the report electronically using the [Online Tier II Manager](#). Changes to facility and chemical information can be made in Tier II Manager and the report certified electronically. In addition, reporting facilities need to submit a copy to their local fire department (Minnesota does not require you to submit a copy to the Regional Review Committees serving as Local Emergency Planning Committees).

SECTION 313 – TOXIC CHEMICAL RELEASE FORM

What is the purpose?

- Provide the public with data on toxic chemical releases to the environment and on and off-site chemical management.
- Basis for regulations, guidelines and standards.

Which facilities are covered?

- Facilities with 10 or more full-time equivalent employees (20,000 paid personnel hours per year) that fall within a covered North American Industry Classification System (NAICS) Code. A list of the codes can be found in the most current version of the [Toxic Chemical Release Inventory Reporting Forms and Instructions](#).
- Facilities that manufacture, import, process or otherwise use any chemicals or chemical categories found on the [Section 313 Toxic Chemical List](#) in amounts greater than the following specified thresholds:
 - 25,000 pounds for each chemical or chemical category "manufactured" or "processed" during the reporting year.
 - 10,000 pounds for each chemical or chemical category "otherwise used" during the reporting year.

- Persistent, Bioaccumulative and Toxic (PBT) chemicals have lower thresholds ranging from 0.1 gram (for example, dioxin) to 100 pounds (for example, lead).

What are the requirements?

Submit an EPA *Form R* and/or *Form A* to the U.S. Environmental Protection Agency and the EPCRA Program annually by July 1. For more information, please visit [the EPA Toxics Release Inventory \(TRI\) Program](#).

MINNESOTA TOXIC POLLUTION PREVENTION ACT

What is the purpose?

Encourages facilities to eliminate or reduce at the source the use, generation or release of toxic pollutants, hazardous substances and hazardous wastes.

Which facilities are covered?

Facilities in Minnesota that are required to submit an EPA *Form R*.

What is exempt?

- Facilities not required to submit an EPA *Form R* for any Section 313 Toxic Chemicals.
- Section 313 Toxic Chemicals for which a facility submits an EPA *Form R* but reports no releases or transfers.
- Section 313 Toxic Chemicals for which a facility is eligible for the alternate threshold option and submits an EPA *Form A* instead of an EPA *Form R*.
- Facilities that are required to submit an EPA *Form R* are not required to prepare a plan or submit an annual progress report if the generation or release of toxic pollutants results solely from research and development activities.

What are the requirements?

- Prepare a pollution prevention plan, which is a non-public document kept at the facility. [The Minnesota Guide to Pollution Prevention Planning](#) was developed by the Minnesota Technical Assistance Program (MnTAP) and the Minnesota Pollution Control Agency (MPCA), with assistance from the EPCRA Program, to help companies comply with the Minnesota Toxic Pollution Prevention Act.
- Submit an annual [Minnesota Pollution Prevention Progress Report](#), a public document based on the plan, to the EPCRA Program by July 1 of every year.

EPCRA PROGRAM FEES

General Information

The EPCRA Program is responsible for implementing SARA Title III in Minnesota. To do this, the EPCRA Program collects information and fees related to hazardous materials storage and release. The information and fees are used to prepare communities for emergencies that result from hazardous materials incidents/accidents.

FEE REQUIREMENTS

Facilities in Minnesota that utilize hazardous materials may be subject to two separate fees:

The Hazardous Chemical Inventory Fee

Facilities reporting the presence of hazardous materials under Section 312 of SARA Title III are required to pay a fee based on the number of chemicals they have present at any one time:

Chemicals Reported	Annual Fee
1 to 9	\$ 25
10 to 49	\$ 100
50 or more	\$ 1,000

An invoice can be printed from the [Online Tier II Manager](#) upon completion of the Tier II Emergency and Hazardous Chemical Inventory, which must be submitted by March 1 each year. The invoice due date reflects our 30 day billing cycle. The statutory deadline for payment is June 1.

NOTE: Facilities that submit Hazardous Chemical Inventory Fee payments after the due date are subject to a late payment fee.

The Hazardous Materials Incident Response Act Fee

Section [299A.49](#) of the Minnesota Hazardous Materials Incident Response Act of 1992 defines *regional hazardous materials response team*, which may include strategically-located chemical assessment teams. The mission of the team is to respond to and mitigate a hazardous materials release when authorized by the state. Minnesota Statutes, section [299K.095](#) creates a fee structure to support these teams.

Facilities that have present at any one time an extremely hazardous substance (EHS) under Section 302 of SARA Title III are required to pay a fixed annual fee of \$75 per facility.

Facilities that report releases and/or transfers under Section 313 of SARA Title III are required to pay an annual fee based on the amount released and transferred.

Pounds Released/Transferred	Annual Fee
0	\$ 200
1 to 25,000	\$ 400
25,001 or more	\$ 800

The EPCRA Program staff calculates the total pounds released and/or transferred, based on sections 8.1, 8.3, 8.5, and 8.7 of the *Form R* filed under SARA Title III, Section 313.

An invoice will be issued after Program staff receive the *Form R*, which must be submitted by July 1 each year. Payment is due January 1 of the following year.

QUESTIONS?

For more information call the Minnesota EPCRA Program at (651) 201-7416 or visit the Program [online](#).