

It's Reporting Season

The Emergency Planning and Community Right to Know Act (EPCRA) of 1986 requires, among other things, that hazardous material storage be reported annually. Many dealers use hazardous materials that EPA requires to be reported. For any chemical stored above the threshold quantity, at any time during a calendar year, dealers must annually submit an Emergency and Hazardous Chemical Inventory. This inventory must be submitted to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC), and the local fire department before March 1 (for the previous year). These inventories must be submitted on Tier II reporting forms.

If you have stored, at any one time during calendar year 2013, more than the amounts of the hazardous materials shown below you must complete the inventories and submit them to the proper authorities. These three hazardous materials are common to equipment dealers.

Hazardous Material	Gallons	Pounds
Diesel	1,300	10,000
Gasoline	1,640	10,000
Sulfuric acid (battery acid)	46	500

However any hazardous material you stored above the reporting threshold (10,000 pounds for hazardous substances and 500 pounds for extremely hazardous substances) must be reported. Note that one 55-gallon drum of battery acid exceeds the reporting threshold for battery acid.

EPA's instructions regarding completing the Tier II report on their web site implies that Tier II reports are only "required if requested." This statement is misleading and does not refer to your particular operation. Every state that SWA members operate in has made this general request; therefore, the reporting requirement is applicable if you meet the reporting thresholds identified above.

These reporting requirements are important to safeguard first responders and the public against spills, fires, explosions and other releases. The first responders need to know what hazardous materials you have on-site. If an incident occurs and you have not submitted the required Tier II reports you can be subject to civil and regulatory liability.

Both EPA and the states can and will enforce these regulations. In addition any SERC or LEPC may bring civil suit against an owner or operator of a facility for failure to provide Tier II information or for failure to provide emergency planning information needed for regional emergency plans. Bear in mind that the EPA penalty policy provides for stiff penalties for not reporting. The penalty policy is weighted most heavily on the current year, but they can look back for several years of non compliance.

SES, Inc. is the endorsed provider for environmental services for the Southwestern Association and is available to complete the Tier II inventories. SES offers a special price of \$450.00 per location to complete the inventories. Please contact Frank Bryant at 800-897-1163 or by email at

fbryant@ses-corp.com with questions or to schedule your reporting. Please schedule assistance from SES as early as possible ahead of the March 1, reporting deadline.