

Westchester County LEPC

Westchester County is strongly encouraging facilities to use E-Plan as the basic Tier II reporting methodology. LEPC meetings are open to the public. Meeting dates and more information about the LEPC can be found on the LEPC website.

Website:

<http://health.westchestergov.com/lepc>

Mailing Address:

Local Emergency Planning Committee (LEPC)
c/o Westchester County Office of Emergency Management
200 Bradhurst Avenue
Hawthorne, NY 10532
Phone: (914) 864-5450

New York State Emergency Response Commission (SERC)

Tier II Administration:

New York State is strongly encouraging facilities to use E-Plan as the basic Tier II reporting methodology. By using E-Plan, those required to report will satisfy the Tier II submission to the State as well as to the County.

Website:

<http://www.dhSES.ny.gov/oem/disaster-prep/index.cfm>

Address:

1220 Washington Avenue,
Building 22, Suite 101
Albany, NY 12226-2251
Phone: (518) 292-2302

RESOURCES

TIER II Forms, Lists, and Instructions

<http://www2.epa.gov/epcra/tier-ii-forms-and-instructions>

E-Plan and CAMEO

First responders can request access to E-Plan and CAMEO files for facilities in their jurisdiction by contacting the Westchester County Office of Emergency Management at (914) 864-5450

WESTCHESTER COUNTY, NEW YORK LOCAL EMERGENCY PLANNING COMMITTEE

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Hazardous Chemical Storage Reporting Requirements Tier II

Local Emergency Planning Committee (LEPC)
c/o Westchester County Office of Emergency Management
200 Bradhurst Avenue
Hawthorne, NY 10532

What is required by the Community Right-to-Know Act? (Sections 311/312)

Overview of Regulation

Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place.

Approximately 500,000 products have MSDSs. Section 311 requires facilities that have MSDSs for chemicals held above certain quantities; 10,000 pounds or a Threshold Planning Quantity to submit either copies of their MSDSs or a list of MSDS chemicals to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department.

Facilities covered by section 311 must, under Section 312, submit annually a completed emergency and hazardous chemical inventory form to the LEPC, the SERC, and the local fire department. New York State requires the submission of the Tier II form.

What is on the Tier II Form

The Tier II report contains basic chemical and storage information that is used by emergency responders in the event of fire, flood, weather, or a seismic event. The information is used to assess whether people living or working nearby would need to be evacuated to a safer location. The forms would also identify where responders should concentrate their effort and what precautions they need to take as part of a response.

Tier II forms provide the following information for each substance:

- The chemical name or the common name as indicated on the MSDS;
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner elects to withhold location information from disclosure to the public.

Reporting Quantity Requirements

If you are submitting Tier II forms, you must report the required information on this Tier II form for each hazardous chemical present at your facility in quantities equal to or greater than established threshold amounts, unless the chemicals are excluded under Section 311(e) of Title III.

Minimum thresholds have been established for Tier I/Tier II reporting under Title III, Section 312. These thresholds are as follows:

For Extremely Hazardous Substances (EHSs) designated under Section 302 of Title III, the reporting threshold is 500 pounds (or 227 kg.) or the threshold planning quantity (TPQ), whichever is lower, use the Consolidated List of Lists (<http://www.epa.gov/epcra/consolidated-list-lists>) for the TPQ amounts;

For all other hazardous chemicals for which facilities are required to have to prepare an MSDS, the minimum reporting threshold is 10,000 pounds, or 4,540 kg (29 CFR 1910.1200).

What Chemicals are Excluded

Section 311(e) of EPCRA excludes the following substances:

- (I) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- (II) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- (III) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- (IV) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;
- (V) Any substance to the extent it is used in routine agricultural operations as fertilizer.

Where to submit the TIER II Form

Send the completed Tier II form(s) to each of the following organizations:

1. Your State Emergency Response Commission (SERC).
(Submit through E-Plan or address on back)
2. Your Local Emergency Planning Committee (LEPC).
(Submit through E-Plan or address on back)
3. The fire department with jurisdiction over your facility.

Reporting Period

January 1st to December 31st of the previous year

Report Deadline

March 1st of the following year

Report Signatory Requirements

Each page of the Tier II form must be signed by the facility owner/operator. The site environmental contact responsible for the information submission should schedule time with that person allowing time to ensure submission by the deadline.

Reporting Penalty

Any owner or operator who violates any Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$27,500 for each such violation. Each day that a violation continues, shall constitute a separate violation.

Examples of Covered Chemicals

Examples of chemicals that are covered include: fuel oil, gasoline, propane, solvents, paints, adhesives, acids, bases, cryogenic gases, and any hazardous liquid stored in quantities greater than 1,000 gallons, or solid chemical stored in excess of 10,000 pounds, or the threshold Planning Quantity for extremely hazardous chemicals. Examples of extremely hazardous chemicals are: ammonia gas, chlorine gas, sulfuric acid, mercury, cyanides, and some pesticides.

Westchester County Hazardous Materials Emergency Response Annex

Contact the Westchester County Office of Emergency Management at 914-864-5450 for related information.