

## **SPECIFIC REQUIREMENTS AND REPORTING IN SOUTH CAROLINA**

Reporting requirements in South Carolina generally mirror those contained in EPCRA. Since overseeing industry EPCRA reporting is one of the LEPCs primary functions, this section outlines specific EPCRA requirements by section and South Carolina reporting requirements. The material noted below was extracted from the "South Carolina EPCRA Reporting" handbook, which is a companion publication to this handbook. It is intended for distribution to industry to keep them abreast of reporting requirements and each county Emergency Manager should have a quantity of these books. If not, contact the SCEMD HazMat Program Manager to obtain more copies.

### **SPECIFIC EPCRA REQUIREMENTS BY SECTION**

#### **EPCRA 301/302/303: Emergency Planning**

These sections of the law establish state and local administrative units to oversee implementation of Title III (EPCRA) Reporting requirements for facilities and guidelines for local emergency response plans are also contained within these statutes.

The law requires the governor of each state to appoint a State Emergency Response Commission (SERC) to manage the program. The Commission, in turn, appoints members to the local Emergency Planning Committee (LEPC), which implement EPCRA on the county level. The legislation requires that the committee include representatives from the media, private industry, state and local government, health, police, fire, civil defense, environmental, hospital, transportation, and any other relevant groups. The LEPCs are required to develop chemical emergency response plans for their communities.

The Governor appoints twelve members, including representatives from private industry, to the South Carolina SERC. The SERC approves local committee nominations, which are submitted by county officials. The Governor designated the emergency preparedness director/coordinator of each county as the Committee coordinator.

Facilities must notify the SERC and LEPC within 60 days of the arrival of an EHS at or exceeding the Threefold Planning Quantity (TPQ) at the facility.

Any company, business, government agency, warehouse, or other facility that uses, produces, or stores any of the extremely Hazardous Substances (EHS)

identified by the Environmental Protection Agency (EPA) is REQUIRED to notify the SERC, through the EPCRA Reporting Point at SCDHEC, in writing for substances on-site in amounts in “excess of the threshold planning quantity (TPO),” which is a level established by the EPA. This list of chemicals includes acids, cyanides, industrial gasses, pharmaceuticals, pesticide compounds, metals, solvents, flavors, fragrances, catalysts, and numerous other substances. TPQs are listed in the Title III List of Lists.

The law does not require the state to notify companies of their responsibilities-failure to comply could result in a \$25,000-a-day fine for industries. The SERC believes it is in the best interest of South Carolina that the State make an effort to reach out to facilities that might be required to report.

The SERC created a Memorandum of Agreement delineating the operational duties and responsibilities among the following State agencies:

**Emergency Management Division of the Office of the Adjutant General**

- Provides administrative support to SERC
- Division Director serves as chairman of the SERC
- Provides training planning and exercises support to LEPCs.
- Prepares the State Emergency Operations Plan.
- Approves local planning committee Hazmat response plans.

S.C. Department of Health and Environment Control, Environmental Quality Control

- Addresses technical aspects of Title III ERCRA.
- Functions as the SC SERC EPCRA reporting point.
- Maintains files of 302 reporting.
- Provides for 24-hour seven-day notification point to receive notification of chemical accidents, spills and releases. Reporting releases to SCDHEC satisfies SERC notification requirements mandated by Title III (EPCRA).
- Responds to spills and accidents.
- Receives and maintains Tier II Chemical Inventory Form, MSDS lists, and Toxic Chemicals Release R forms.
- Provides for community Right-to-Know release provisions at the State level.

Emergency Response Plans must include:

- Names of facilities.
- Transportation routes for hazardous substances.
- Emergency response procedures, on-site and off-site.
- Designation of community and facility coordinators to implement plan.
- Emergency notification procedures.
- Methods of determining a release and the probable affected areas and population.

Description of community/industry emergency equipment and facilities, and persons responsible for them.

Evacuation plans.

Description and schedules of training programs for emergency response plans.

## **EPCRA 304: REPORTING CHEMICAL ACCIDENTS AND RELEASES**

All facilities, regardless of SIC code, shall provide notification to the proper authorities of a releases involving a reportable quantity (RQ) of any Extremely Hazardous Substance (EHS) or CERCLA Hazardous Substance.

A release is defines as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of something to the environment. If a release is fully contained and only persons within the site or sites belonging to the facility are exposed, a notification is not required. If the release is not confined to the facility or has the potential of escaping containment, notification must be made when air, land surface water, ground water or subsurface strata are or may be affected.

The chemicals covered by Emergency Release and Continuous Release reporting are listed in 40 CFR Table 302.4 (CERCLA Hazardous Substances) and in the EPA Title III list of lists (Extremely Hazardous Substances).

If should be noted that Table 302.4 consists of over 700 substances. These include raw materials and waste products released by manufacturing and non-manufacturing facilities such as power plants, refineries incinerators, and dry cleaners. Also there are 45 new Hazardous Substances published in 40 CFR Table 302.4 which have been added by the 1990. Clean Air Act Amendments. They have a statutory RQ of 1 lb. until otherwise adjusted by the EPA.

## **TO REPORT A REALEASE**

1. Contact local fire department (call 911 or the operator) for transportation incidents.
2. Contact the affected county/counties Emergency Preparedness Agency/Civil Defense Agency (which is the representative of the Local Emergency Planning Committee).
3. Contact the SC Department of Health and Environmental Control (SCDHEC) since it serves as the SERC representative for receiving chemical accident/release information.

## **To Report Oil, Chemical, Hazardous Materials Spills & Releases**

Call: SCDHEC Emergency Response 24-Hour Toll Free: (888) 481-0125 or (803) 253-6488 (emergency/24-hours.)

**South Carolina Law requires reports of spills and releases, which may impact the environment. Do not delay reporting! Calling a local DHEC office DOES NOT COUNT legally as reporting a spill. You must call the 24-hour SCDHEC Emergency Response number.**

CERCLA (see *Title III List of Lists*) substance releases must also be reported to the National Response Center at 1-800-424-8802. Initial notification can be by phone, radio, or in person. Transportation incidents can be reported by dialing 911 or the telephone operator.

CALLING 911 MAY NOT BE SUFFICIENT NOTIFICATION IN SOME COUNTIES. SOME ALSO REQUIRE CALLING THE AFFECTED COUNTY EMERGENCY PREPAREDNESS/CIVIL DEFENSE AGENCY.

The reporting facility representative must state he/she is reporting a 304 release if a Reportable Quantity has been or may have been released.

The notification information should include:

- Chemical name or name of compound released.
- Whether the substance is an Extremely Hazardous Substance (EHS).
- Estimate of quantity released into the environment.
- Time and duration of the release.
- Medium into which the release occurred: soil, water, or air.
- Any known or anticipated acute/chronic health risks associated with the emergency, and any need for medical attention of exposed individuals.
- Proper precautions, i.e. evacuation plan.
- Name and telephone number of contact person.

EPCRA 304 also requires WRITTEN follow-up information “as soon as practicable” after the release, to include:

- Updated information from the initial notice.
- Actual response actions.
- Any known or anticipated data on health risks associated with release, advice on medical attention necessary for exposed individuals.

**Facilities must document the circumstances of a release of a Reportable Quantity for legal purposes. A record of communications should be kept.**

## **CERCLA 103: CONTINUOUS RELEASE REPORTING**

When a release of a substance meeting, or in excess of, the Reportable Quantity occurs in a 24-hour period during the normal course of operations in a stable and routine manner, a Continuous Release report shall be submitted. Continuous Release reporting is intended to provide relief from notifications that would otherwise occur for every instance an RQ is met or exceeded. This report must be submitted to the EPA and the EPCRA Reporting Point at SCDHEC, annually or at any time there is a statistical increase in the quantity released. The procedure for submitting a Continuous Release Report, possible exemptions, and penalties can be found in:

The Federal Register, Tuesday, July 24, 1990, Part VII Environmental Protection Agency, 40 CFR Parts 302 and 355, Reporting Continuous Releases of Hazardous Substances; Final Rule.

## **EPCRA 311-312: HAZARDOUS MATERIALS COMMUNITY RIGHT-TO-KNOW**

Title III is intended to provide citizens and local agencies with information concerning potential chemical hazards in their communities. Facilities with employees exposed to hazardous chemicals in their workplaces, must report (subject to the Hazard Communication Standard Worker Right-to-Know 29 CFR 1910.1200 under EPCRA 311& 312.) The information submitted by these facilities to the SERC and LEPCs must generally be made available to the public by local and state governments during normal working hours.

Requests for paper copies of Title III information from SCDHEC MUST be made in writing. A minimal fee will be charged as reimbursement for copying costs.

SCDHEC Freedom of Information  
2600 Bull St  
Columbia, SC 29201

Questions may be referred to SCDHEC Freedom of Information Office: (803) 898-3882.

IF INDUSTRY IS REQUIRED TO REPORT UNDER 311, THEY MUST ALSO REPORT UNDER 312.

## **EPCRA 311: MATERIAL SAFETY DATA SHEET SUBMISSIONS (MSDS)**

FACILITIES THAT MUST PREPARE OR MAINTAIN MATERIAL SAFETY DATA SHEETS (MSDS) FOR HAZARDOUS CHEMICALS UNDER OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS are required under Title III to submit copies of the actual material safety data sheets or lists of MSDS chemicals to the SC SERC, through the EPCRA Reporting

Point at SCDHEC, the LEPC, via the affected county Emergency Preparedness Agency, and the local fire department with jurisdiction over the facility. This requirement applies to hazardous chemicals on-site in excess of threshold levels (10,000 lbs. or TPQ [for non-EHSs] or 500 lbs or TPQ [for EHSs], whichever is lower at anyone time.) The SERC requests only a chemical list in lieu of the actual MSDS including the following information:

- The chemical name or common name of each substance.
- Any hazardous component.
- Categories of health/physical hazards.

Companies that send in lists must submit the actual Material Safety Data Sheet within 45 days if requested by the local emergency planning committee or local fire department. The SC SERC requires a list, NOT sheets, and ONLY for new products on-site, not previously reported ones. A revised list of new chemicals must be submitted within 90 days after receipt on-site of a chemical in excess of a Threshold Planning Quantity (TPQ).

### **EPCRA 311 (e): Chemical Exemptions**

The following chemicals are exempt from the reporting requirements:

Any food, food additive, color additive, drug or cosmetic regulated by the FDA.

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.

Personal, family, and household products packaged for use by the general public or present in the same form and concentration and quantities as those for the general public (*i. e.*, don't report white-out and window cleaner unless you have 10,000 lbs. of it).

Substances used under the supervision of a technically qualified individual in research labs, or administered to patients in hospitals, or other medical facilities. Exterior storage of TPQ or above must be reported.

Any substance to the extent it is used in routine agricultural operations (by the owner of the substance) or is a fertilizer held for sale by a retailer to the ultimate customer (PESTICIDES AND HERBICIDES ARE NOT EXEMPT for retailers).

### **EPCRA 312: HAZARDOUS CHEMICAL INVENTORY FORM (TIER II FORMS)**

Facilities required to provide MSDS information under 311 must also submit a Hazardous Chemicals Inventory form to the SC SERC, through the EPCRA Reporting Point at SCDHEC, LEPC, and local fire department, by MARCH 1 OF

EACH YEAR. Although the inventory forms incorporate a two-tier approach, the SERC requires that TIER II FORMS be submitted in lieu of Tier One information. TIER II REPORTS ARE REQUIRED BY THE SC SERC (sent to the EPCRA Reporting Point).

Upon request of the SERC, a local committee, or local fire department, the company must provide more detailed information on specific chemicals, including:

The chemical name or common name as listed on the MSDS. Brand name or proprietary products must be accompanied by the common chemical names of major constituents.

An estimate (in ranges) of the maximum (at any time) and average daily amount of the chemical present during the preceding calendar year; and especially, for hazard analysis, the maximum amount in the largest container.

**A brief description of the manner of storage of the chemical and the location of the chemical at the facility.**

An indication of whether the owner chooses to withhold location information from the public under 324.

The form used should be the SC SERC Tier II Hazardous Chemical Inventory form, which is on the last two pages of this section, at <http://www.scdhec.net/eqc> I or electronic submission using Tier2Win software on diskette with certification. Tier2 for Windows is available from the EPCRA Hotline 1-800-424-9346 or by Internet: <http://www.epa.gov/swercepo/tier2.htm>.

NOTE: PLEASE REFER TO THE TITLE III STATUTES OR CONTACT THE EPA HOTLINE (1-800-424-9346) FOR ADDITIONAL CLARIFICATION PERTAINING TO THE TREATMENT OF MIXTURES, ADDITIONAL MSDS SUBMISSION REQUIREMENTS AND OPTIONS, AND CHEMICAL EXEMPTIONS.

#### **FACILITY LOCATION (All Sections)**

Mailing and Street: The SERC requests each facility to provide both mailing address and street address, if different, as well as the nearest major cross street/highway.

Latitude and Longitude: In order to correctly identify and locate facilities, the SERC requests each facility to provide its latitude and longitude. If you do not have a way of determining Lat/Long, a hand-drawn sketch

map indicating your facility, entrances, storage areas, bounding streets/roads, and other structures/facilities will suffice:

### Standard Industrial Classification (SIC)

The Federal Government has assigned 4 digit code numbers to activities. The Tier Two form and the Toxic Chemical Release form (R-Form) both require facilities to report their SIC code.

### **EPCRA 313: TOXIC CHEMICAL RELEASE REPORT (Form R)**

The purpose of Section 313 is to provide the public and environmental officials with annual reports on listed toxic chemicals as they are utilized or generated by manufacturers. Over 300 chemicals and chemical categories including ozone depletors are included. They may exist at your facility in the form of pure raw materials, mixtures, reaction intermediates, products and byproducts, or wastes. Facilities that qualify must submit a separate Form R for each chemical to the EPA and the State on July 1 of each year. The Form R requires information on facility identification, toxic chemical usage, releases, treatment methods, and pollution prevention activities. Most types of manufacturers are covered by this law, including; food, tobacco, textiles, apparel, lumber and wood, furniture, printing and publishing, paper, petroleum and coal, chemicals, rubber and plastics, leather, stone, clay and glass, machinery, primary metals, instruments, fabricated metals, misc. manufacturing, transportation equipment, electrical and electronic equipment. The law permits confidential treatment of certain data, and limits general availability of information to the EPA and designated state officials.

Under this law, the EPA is required to establish a national database Toxic Chemical Release Inventory (TRI) to store information for general public and agency use. Information about access is available from the EPA. This information will assist the EPA in research and the development of regulations, guidelines, and standards.

### **Facilities Subject to EPCRA 313:**

Must have 10 or more full-time employees, ~;

Carry on operations classified as manufacturing by Standard Industrial Classification Codes 20 through 39, AND;

Exceed a reporting threshold by: Manufacturing or importing more than 25,000 pounds, or processing more than 25,000 pounds, or otherwise using more than 10,000 pounds of any 313 listed toxic chemical within a calendar year.

Facility environmental coordinators can determine whether they need to report by obtaining a copy of the 313 Toxic Chemical Release Inventory Form R

reporting package and industry-specific technical guidance documents by calling the EPA Hotline (1-800-424-9346) or the SC SERC Release Coordinator (803-898-4385).

## **FACILITY COMPLIANCE**

### **NON-COMPLIANCE FINE: \$25,000 A DAY**

Although authorities are more concerned about voluntary compliance than punishment, failure to comply with Title III EPCRA notification requirements could result in a "civil penalty of not more than \$27,500 a day for each day in which such violation occurs." The fine equates to \$1 million every 40 days. The SERC does not have the authority to fine companies. That responsibility rests with the Environmental Protection Agency which, to date, has penalized several companies in South Carolina. The EPA would not hesitate to impose penalties, particularly in cases where an accident occurs at non-complying facilities. Non-complying facilities may also face federal and citizen lawsuits.

### **OTHER EPCRA PROVISIONS:**

EPCRA 305 requires EPA to review facilities' emergency systems for monitoring, detecting, and preventing releases.

NOTE: 126 of SARA requires the training of general site workers and emergency response personnel who may be exposed to toxic substances in carrying out their responsibilities in handling hazardous chemical accidents.

EPCRA 322 addresses trade secrets and applies to emergency planning, community right-to-know and toxic chemical release reporting. The specific chemical identity of a hazardous substance may be withheld from the public under strict guidelines, but the chemical's generic class or category must be provided.

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NOTE: Information claimed and substantiated as trade secrets must be submitted to the EPA. Trade secret claims may be challenged by petitioning the EPA.

EPCRA 323 requires that chemical identities withheld under 322 be disclosed to health professionals for diagnostic or assessment purposes if certain conditions are met.

EPCRA 324 requires that each emergency response plan, Material Safety Data Sheet (MSDS), MSDS list, inventory form, toxic chemical release form, and follow-up emergency notice be made available to the general public during normal working hours at a location designated by EPA, the Governor, SERC, or

LEPC. The location of specific chemicals may be withheld from the public under certain conditions.

EPCRA 325 allows the EPA to fine facilities \$27,500 a day for violations or failure to comply with Title III regulations. In certain cases, subsequent violations could be \$75,000 a day. Other fines, penalties, and legal measures, including citizen lawsuits, are addressed.

FOR INFORMATION ABOUT OTHER SECTIONS OF TITLE III NOT MENTIONED IN THIS SECTION, PLEASE REFER TO THE SARA TITLE III EPCRA LAW, DESIGNATED AS PUBLIC LAW 99-499 (October 17, 1986), in its entirety. The law may also be found in the U. S. Code, Title 42, Chapter 116, or in the appendices of this handbook.

## **WHERE TO REPORT: *NEW OPERATIONS***

### **EPCRA 301/303: Emergency Planning**

Companies/agencies that missed the **May 17, 1987**, deadline or are new operations should send written notice of emergency planning to:

South Carolina Emergency Response Commission (SERC)  
SC Emergency Management Division  
2779 Fish Hatchery Road  
West Columbia, SC 29172  
(803) 737-8500

### **EPCRA 302: Extremely Hazardous Substance Notification**

Facilities that have not notified the SERC of the presence of an Extremely Hazardous Substance (EHS) or that have changed any of the required information should write to:

<p><b>SC SERC EPCRA Reporting Point</b> <b>2600 Bull Street</b> <b>Columbia, SC 29201</b></p>
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Include the following information: Name of company, facility location, mailing address and phone number, county, latitude and longitude, company contact person, type of company, and SIC code.

### **EPCRA 304: Chemical Accidents and Releases**

NOTIFY IMMEDIATELY UPON OCCURRENCE. Follow up in writing.

Local Fire Department

Local Emergency Planning Committee  
SERC via the SCDHEC Toll Free 24-hour: (888) 481-0125 or (803) 253-6488  
NATIONAL RESPONSE CENTER 1-800-424-8802 (to report CERCLA releases)

### **EPCRA 311/312: MSDS List/Sheets and Tier Two Chemical Inventory Forms**

311: **Send MSDS List UPDATES** within 90 days of change of inventory.

312: Tier Two Inventory Forms (or Tier 2 5.0 diskette with certification)-  
March 1<sup>st</sup> every year.

Send Both To:

<b>SC SERC EPCRA Reporting Point 2600 Bull St. Columbia SC 29201</b>
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### **ALSO Send Both To:**

Local Emergency Planning Committee  
Local fire Department

### **EPCRA 313: TOXIC Chemical Release Forms**

DEADLINE: July 1<sup>st</sup> of every year

Environmental Protection Agency  
Toxic Chemical Release Inventory  
470 L'Enfant Plaza East  
Suite 710, S.W.  
Washington, DC 20024

SC SERC EPCRA Reporting Point  
2600 Bull St.  
Columbia SC 29201

### **IF NOT REQUIRED TO REPORT**

If a facility is not required to report under any section of Title III EPCRA, it should send SCDHEC EPCRA Reporting Point a brief letter stating the reason so that the facility may be properly as not required to report.