

C H A P T E R 2

SARA Title III SECTIONS 302 & 303

- **Emergency Planning and Notification**

CHAPTER 2: SARA Title III Sections 302 & 303

SARA Title III Sections 302 & 303 Emergency Planning & Notification 40 CFR Part 355

Look at the list of **extremely hazardous substances (EHSs)** in Appendix A of this guidebook. Does your facility have any of the EHSs on site? Keep in mind that these substances might be ingredients in products that you have. If yes, then your facility might be subject to important requirements designed to help protect you, your community and the emergency responders.

What Facilities are Subject to Emergency Planning Requirements?

A facility is subject to the emergency planning requirements in SARA Title III if it has an EHS on site in an amount equal to or greater than its **threshold planning quantity (TPQ)**. (The TPQs are in pounds and are included in Appendix A.) This amount is the total amount of an EHS present at any one time at a facility at concentrations greater than one percent (1%) by weight, regardless of location, number of containers, or method of storage.

This regulation applies even if the chemical is on site for only a day. *There are no exemptions for emergency planning notification.*

Emergency Planning Notification

Under section 302, the owner or operator of a subject facility must complete an **Emergency Planning Notification** to notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) that they are subject to this requirement. The Michigan SARA Title III Program receives all notifications on behalf of the SERC.

This notification should be completed in Tier II Manager™, the online reporting program used in Michigan. Refer to chapter 3 for details of online reporting. The online database was populated with minimal information from the section 302 notifications that were received by the Michigan SARA Title III Program prior to January 2007. If you submitted a section 302 notification in paper copy, you should go online and edit the notification there. Be sure to certify it after you have completed modifications. This will make the revised notification available online to the Michigan SARA Title III Program and to LEPCs in participating counties.

LEPCs in the counties of Ingham, Kent, Oakland, Ottawa, and Wayne can receive your section 302 notifications online.

Mail a hard copy of the notification that was completed online to LEPCs that can not receive it online. Refer to “Printing the Reports” in chapter 3. Addresses for LEPCs can be found on the Michigan SARA Title III Program web site: www.michigan.gov/deqsara.

The Emergency Planning Notification must be submitted within 60 days after the threshold is reached. After that, you can edit and recertify your notification at any time.

The online notification includes chemical information. If you reported an EHS on your Tier Two report, and the reported amount was equal to or greater than the TPQ, you can “Select Chemical from Tier II” to import that chemical into the section 302 notification. The program will not aggregate EHS

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Edit 302 Report

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Section 302 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) requires that owners or operators of facilities notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) if they have on site an EHS in an amount equal to or greater than its threshold planning quantity (TPQ).

Make sure you certify the report after completing the information below.

Facility Emergency Coordinator

Name: Title:

Phone: 24 Hr Phone: Pager:

Address: City:

State: Zip:

Email: Retype Email:

Company Name:

Check here if the Facility is Exempt from 302 reporting because it is not storing any EHS chemicals which are over the TPQ

Initiated Date: 11/26/2008 3:14:50 PM

Chemical Information

Select Chemical from Tier II	Search EHS	CAS	EHS Name	EHS Quantity (lbs)	TPQ Value	Chemical Name	
		<input type="text" value="79-06-1"/>	<input type="text" value="ACRYLAMIDE"/>	<input type="text" value="17400"/>	1,000/10,000	<input type="text" value="ACRYLAMIDE"/>	<input type="button" value="Delete"/>
		<input type="text" value="7697-37-2"/>	<input type="text" value="NITRIC ACID"/>	<input type="text" value="3500"/>	1,000	<input type="text" value="NITRIC ACID"/>	<input type="button" value="Delete"/>
		<input type="text"/>	<input type="text"/>	<input type="text" value="0"/>		<input type="text"/>	<input type="button" value="Add"/>

*The Select Chemical from Tier II lookup will only return chemicals existing in the current Tier II data identified as Extremely Hazardous Substance (EHS) with a quantity above its Threshold Planning Quantity (TPQ).

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amounts. You must do that manually. You can manually add an EHS and you can edit the amount if needed. If you manually add an EHS, you should select the chemical from the list that appears when you click on "Search EHS."

The notification includes the name and contact information of the Facility Emergency Coordinator. This is the person that will work with the LEPC to develop the off-site emergency response plan.

What If Your Facility Is No Longer Subject?

If your facility was once subject to section 302, but has since removed or reduced to below the TPQ the EHS(s) on site, you can report this status change in the online program:

1. Delete any listed EHSs.
2. Check the box that says the facility is exempt from 302 reporting.
3. Certify the report.
4. Mail a hard copy of the revised notification to the LEPC if it cannot receive the report online.

Off-site Emergency Response Plan

In accordance with section 303 of SARA Title III, the LEPC must write an off-site emergency response plan that addresses the protection of the community in the event that there is a release of an extremely hazardous substance from a facility subject to section 302 (see page 1-2). To meet this requirement, Michigan LEPCs typically obtain information from the Facility Emergency Coordinators to write plans for each of the facilities subject to section 302. The facility input is important because the off-site response plan must describe the procedures to be followed by the facility once a release is detected. These plans are coordinated with the county or city emergency operations plan or emergency action guidelines. The finished plans are then shared with the local emergency responders.

By law, the owner or operator must promptly provide to the LEPC any information necessary for the development or implementation of the off-site plan upon request by the LEPC. They must also inform the LEPC of any changes occurring at the facility that might be relevant to emergency planning. Reported changes could include the amount or storage location of the EHS, new chemicals, or updated facility contact information.

Related Planning Requirements

The Clean Air Act (CAA) section 112r has facility onsite emergency planning requirements that parallel the SARA Title III off-site emergency planning requirements. Many of the extremely hazardous air pollutants that trigger the development of a Risk Management Plan under the CAA section 112r are also on the SARA Title III list of extremely hazardous substances. The List of Lists in Appendix C shows which substances are on both lists. If your facility is subject to SARA Title III section 302, you might want to check the List of Lists to see if it is also potentially subject to the CAA section 112r. If your facility has extremely hazardous air pollutants that meet or exceed the CAA threshold quantity, you can contact the DEQ Environmental Assistance Center for a referral to staff that can help you determine your facility's requirements under the CAA regulations.

Appendix C in this guidebook contains the Part 5 rules that were promulgated pursuant to Part 31, Water Resources Protection, of Michigan's Natural Resources and Environmental Protection Act. These rules require that certain facilities develop a pollution incident prevention plan (PIPP). The PIPP can be a stand-alone plan, or it may be incorporated into an integrated contingency plan (ICP). Facilities that develop a PIPP, must notify their LEPC within 30 days after its completion that the plan is completed and that it is available upon request.

The Michigan Fire Prevention Code, Public Act 207, requires that the owners and operators of facilities provide the fire department with the quantities and locations of chemicals specified by the fire chief. The data are used by the fire chief to develop a plan for the protection of the fire fighters. The chemicals that must be reported under Act 207 include all hazardous chemicals at the facility in amounts that would be of concern to a responder entering the facility.

Where can you find more emergency planning information?

Chapters 1 & 5 of this guidebook

On the Internet:

www.michigan.gov/deqemergencyplan

The Environmental Assistance Center at
800-662-9278

Email: deq-ead-sara@michigan.gov