

# **C H A P T E R 3**

## **SARA TITLE III SECTIONS 311 & 312**

- **Quick Look-up Guide**
- **Emergency & Hazardous Chemical Inventory Reporting**
- **Online Reporting in Tier II Manager <sup>TM</sup>**
- **Tier Two Report Instructions**



## Quick Look-up Guide

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### SARA Title III Sections 311 & 312 Emergency & Hazardous Chemical Inventory Reporting 40 CFR Part 370

Sections 311 and 312 of Title III of the Superfund Amendments & Reauthorization Act of 1986 (“SARA Title III”) address emergency and hazardous chemical inventory reporting. The implementing regulations are codified in 40 CFR part 370. The regulations are intended to provide the public, local governments, fire departments and other emergency officials with information concerning the potential chemical risks in their communities. Over 6000 facilities in Michigan submit hazardous chemical inventories to the Michigan SARA Title III Program, Local Emergency Planning Committees (LEPCs), and local fire departments.

On November 3, 2008, **EPA published amendments** to the hazardous chemical inventory requirements in the Federal Register that took effect on December 3, 2008. The amendments codified existing policies and interpretations, re-wrote the regulations in plain language, removed the Tier One and Tier Two inventory forms and instructions from the regulations, and clarified the reporting of mixtures. The changes also include reporting the North American Industry Classification System (NAICS) code instead of the Standard Industrial Classification (SIC) code.

#### Who Must Submit the Hazardous Chemical Inventory Report

These reporting requirements apply to any facility that must maintain a material safety data sheet (MSDS) in accordance with the Occupational Safety and Health Administration (OSHA)

If your facility is not covered by OSHA, reporting is not required. HOWEVER, in the interest of emergency preparedness, you are urged to consider reporting all hazardous substances that meet the reporting threshold requirements.

Hazard Communication Standard, 29 CFR 1910.1200. The **owner or operator** must submit the hazardous chemical inventory report if a hazardous chemical present at the facility meets or exceeds the threshold.

Federal agencies were directed by Executive Order No. 12856, signed by President Clinton on August 3, 1993, to comply with all provisions of SARA Title III and the Pollution Prevention Act (PPA).

#### What Hazardous Chemicals Are Included

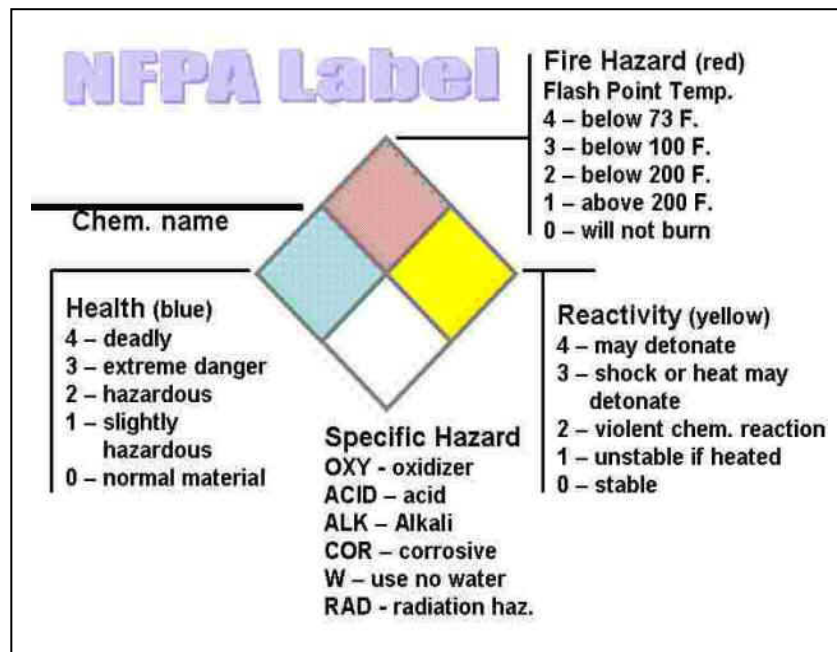
*The criteria for chemicals to be included in the section 311 report are the same as the criteria for including chemicals in the section 312 report.*

Hazardous chemicals are those chemicals or substances stored or used in the work place for which OSHA requires employers to maintain MSDSs. Over 650,000 products have MSDSs required by OSHA. They are referred to here as “OSHA hazardous chemicals.” There is *no list* of these OSHA hazardous chemicals. The OSHA hazardous chemicals must have an associated physical and/or health hazard as defined in the OSHA regulations found at 29 CFR 1910.1200(c).

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### Physical and Health Hazards

The physical and health hazards will be described on the MSDS. Many non-hazardous substances also have MSDSs. Check your MSDS to see if the substance has associated physical and/or health hazards. If a substance is not hazardous according to the OSHA



definition, the MSDS should state that there are “no known hazards.” If the MSDS does not clearly describe the hazards, contact the manufacturer or importer of the substance for clarification. It is their responsibility to determine the hazards in accordance with OSHA standards and provide that information in the MSDS. Use the National Fire Protection Association (NFPA) numeric hazard rating and the hazard category description to help you determine whether or not an MSDS is describing a hazardous substance.

<b>Hazard Categories and Descriptions for Reporting Under Sections 311 and 312</b>	
These hazards are described in detail in the OSHA Hazard Communication Standard 29 CFR 1910 section 1200	
<i>Fire</i>	Flammable, combustible liquid, pyrophoric, and oxidizer. Flammable liquids have a flash point below 100 °F (37.8 °C). Flammable solids are solids that are liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or that can be ignited readily and when ignited burns vigorously and persistently. Combustible liquids have a flash point at or above 100 °F (37.8 °C) and below 200 °F (93.3 °C). A pyrophoric material can spontaneously ignite in air. An oxidizer initiates or promotes combustion in other materials.
<i>Sudden release of pressure</i>	Explosive, and compressed gas
<i>Reactive</i>	Unstable reactive, organic peroxide, and water reactive
<i>Immediate (acute)</i>	Highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure, and is of short duration
<i>Delayed (chronic)</i>	Carcinogens and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure, and is of long duration

### Reporting Thresholds

The thresholds refer to the total amount of chemical on site, in storage and in process, at any one time. The minimum thresholds for reporting are:

- Extremely hazardous substance (EHS) = **500 pounds** or the **threshold planning quantity** (TPQ), whichever is less. The amount of an EHS at a facility (both pure and in mixtures) must be aggregated for purposes of threshold determination. Include the EHS in a mixture if it makes up at least 1% of the mixture, or 0.1% if the EHS is a carcinogen. EHSs and their TPQs are listed in Appendix A.
  - Gasoline (all grades combined) at retail gas stations if all gasoline is stored in compliant underground storage tanks (UST) = **75,000 gallons**. The term gasoline includes gasohol which is composed of at least 90% gasoline and up to 10% ethanol.\*
  - Diesel fuel (all grades combined) at retail gas stations if all diesel fuel is stored in compliant underground storage tanks = **100,000 gallons**. \*
  - All other OSHA hazardous chemicals (except as stated in the next bullet) = **10,000 pounds**.
  - The threshold for reporting in response to a request from the SERC, LEPC, or local fire department = **zero**. Regardless of the amount of chemical on site, you must submit a report if you are asked to do so by one of these agencies.
- \* Retail gas stations are those that sell gasoline and/or diesel fuel primarily to the public for motor vehicle use on land. Tanks are compliant if during the full previous year they were in compliance with all applicable UST requirements in the Michigan Underground Storage Tank rules promulgated pursuant to part 211 of Public Act 451. The gasoline and diesel fuel thresholds do not apply to alternative fuels (except gasohol), aviation fuel, heating fuel, kerosene, or E-85.

The thresholds for most substances are in pounds. What if your substance is a liquid and you only know the number of gallons? You will need to convert gallons to pounds by using this formula:

$$\text{Specific gravity of product} \times 8.34 \text{ lb/gal (weight of water)} = \text{weight of product in lb/gal}$$

The specific gravity (also called the relative density) can be found in the “Physical & Chemical Properties” section of the MSDS. It is a unit-less number that tells how much the substance weighs relative to the weight of water. If the specific gravity is 1, the substance weighs the same as water. If it is less than 1, then the substance weighs less than water. The specific gravity is often reported as a range. Use the highest value in the calculation.

### **What Chemicals Are Excluded**

Section 311(e) of SARA Title III excludes the following substances from the hazardous chemical inventory reporting requirements in sections 311 and 312:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

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- 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.
- 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.
- Any substance to the extent it is used in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual.
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Hazardous waste that is covered by the Resource Conservation and Recovery Act (RCRA) is not regulated by OSHA and is therefore exempt. HOWEVER, in the interest of emergency preparedness, you are urged to consider reporting any hazardous wastes that meet the reporting threshold requirements.

### Hazardous Chemical Inventory Reports

Chemicals can be reported as pure substances, as mixtures, or as the total quantity of a chemical at the facility (adding together the amounts contained in mixtures and all other quantities of the chemical). Chemicals can also be grouped if appropriate. The reporting option should be consistent for both the initial and annual reports, unless this is not possible.

How you report your chemicals, depends on what format is of most value to the planners and responders. If you are reporting for a warehouse with 100 different products that all contain the same flammable base ingredient, report the base ingredient. If you have 5 different colors of enamel paint, group them and report enamel paint. If you have a plating solution that contains both sulfuric acid and nitric acid, report the plating solution as a mixture, and use the option to report the mixture ingredients on the Tier Two report.

#### Initial (MSDS) Report

The purpose of the initial report required under Section 311 is to let state and local officials know that your facility recently acquired OSHA hazardous chemicals that are on site in amounts equal to or greater than the thresholds. This initial report is sometimes called the MSDS report.

Initial reports should be filed only for **new** substances that meet or exceed the threshold and that are not already included in the Tier Two report of hazardous chemicals.

The initial report consists of either copies of the MSDSs or a list of the OSHA hazardous chemicals. If you submit a list, then the list must identify the chemical or common name of each substance as it appears on the MSDS and the applicable hazard categories. Trade names should not be used.

#### Annual (Tier Two) Report

The purpose of the annual report required under section 312 is to provide state and local officials and the public with specific information on hazardous chemicals that were present at your facility at any time during the **previous** calendar year at levels that equaled or exceeded the thresholds. The annual report is the Tier Two Emergency and Hazardous Chemical Inventory report, or Tier Two report.

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*Michigan does not support the Tier One form for submittal of the hazardous chemical inventory report. If you submit a Tier One report, you will be asked by the SERC, LEPC, or local fire department to submit a Tier Two report instead. You will have 30 days in which to submit the requested report to all agencies.*

The Tier Two report is a certified report that contains specifics about the facility location, the owner or operator, emergency contacts, and other identifying information. It also describes each reportable chemical, and includes the amount that was on site during the previous year, where it was located, and how it was stored. Site maps and MSDSs can be attached to the Tier Two report to clarify the reported information.

### **Where to Submit the Reports**

The Initial and Annual reports must be submitted to ALL of the following agencies:

1. The Michigan SARA Title III Program – online in Tier II Manager™.
2. Your LEPC – online or in hard copy.
3. The fire department with jurisdiction over your facility – online or in hard copy.

The Michigan SARA Title III Program accepts all reports on behalf of the State Emergency Response Commission (SERC).

LEPCs and fire departments in the counties of Ingham, Kent, Oakland, Ottawa, and Wayne can receive the reports online. Addresses for LEPCs are available at [www.michigan.gov/deqsara](http://www.michigan.gov/deqsara).

### **Due Dates**

- The Initial (MSDS) report must be submitted within **3 months** after the chemical threshold is first met or exceeded.
- The Annual (Tier Two) report must be submitted annually between January 1 and **March 1**.
- The LEPC may ask a facility owner or operator to submit an MSDS for a hazardous chemical present at the facility. The owner or operator must provide the MSDS within **30 days** after receipt of the request.
- The SERC, LEPC, or fire department having jurisdiction over the facility may ask a facility owner or operator to submit Tier Two information. The owner or operator must provide the Tier Two information within **30 days** after receipt of the request.

## **Confidential and Trade Secret Information**

### **Confidential Location Information**

You may request that the SERC or LEPC not disclose to the public the location of any specific chemical required to be submitted in the Tier Two information. You may not withhold this information from the SERC, the LEPC, or the local fire department. The online reporting program provides an easy way for you to mark a chemical location as confidential. The chemical location includes the container type, temperature, pressure, and location description.

### **Trade Secrets**

You may be able to withhold the name of a specific chemical when submitting information under sections 311 or 312 if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in SARA Title III section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A form for substantiating the trade secret claims is available on the Internet at [www.epa.gov/oem](http://www.epa.gov/oem).

### **Online Reporting**

Michigan began using an online reporting program, Tier II Manager™, in April of 2007 so that the data would be more readily available to planners (LEPCs) and responders (fire departments). The online program allows facilities to manage their own data and enter updates at any time during the year. The Tier Two report is a snap-shot of the data that is certified annually as being true, accurate, and complete.

The online database was pre-loaded with data from facilities for which reports were submitted to the Michigan SARA Title III Program before January 2007. All Tier Two reports received for report years 2001 through 2005 were imported into the online database. Information from the most recent report was used to populate the editable database.

Online reporting information is available on the Michigan SARA Title III Program web site: [www.michigan.gov/deqsara](http://www.michigan.gov/deqsara). Click on the SARA Title III Hazardous Chemical Inventory link.

### **Tier Two Report Instructions**

Instructions for completing your Tier Two report online are included in two separate documents. It is important that everyone read **Online Reporting in Tier II Manager™** for data management instructions (such as adding or deleting facilities), frequently asked questions, and general Tier Two report instructions.

Line-by-line and screen-by-screen instructions that are specific to the online reporting program are the focus of the **Tier II Manager™ User Manual**. The complete user manual is available to you in the program. An excerpt from the manual that specifically addresses registration and signing in (including what to do when you forget your password) is available to you on the Michigan SARA Title III web site. Please read this before you register.

### **Community Right-to-Know Provisions**

Hazardous chemical inventory information is available to the public under the Community Right-to-Know provisions in SARA Title III. Requests can be made in writing to the LEPC or SERC as described below. The Michigan SARA Title III Program handles all information requests on behalf of the SERC. Addresses for the Michigan SARA Title III Program and the LEPCs are available on the Michigan SARA Title III Program web site. The public should not go directly to the facility or to the fire department with information requests.

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A person may obtain an MSDS for a specific facility by writing to the LEPC and asking for it. If the LEPC does not have the MSDS, it must request the MSDS from the facility's owner or operator.

A person may request Tier Two information for a specific facility by writing to the SERC or LEPC and asking for it. The SERC or LEPC must respond to a request for Tier Two information within 45 days after receiving the request.

If the SERC or LEPC does not have the Tier Two information, it must request it from the facility owner or operator in either of the following cases:

- The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at any time during the previous calendar year, or
- The person making the request is a State or local official acting in his or her official capacity.

If neither of these conditions are met, the SERC or LEPC may request the information from the facility owner or operator if the request includes a general statement of need.

When responding to a request for Tier Two information, the SERC or LEPC must not disclose location information that has been designated confidential in the Tier Two report.

### Local Fire Department Requests

If you are the owner or operator of a facility that has submitted inventory information under sections 311 or 312, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

1. You must allow the fire department to conduct an on-site inspection of your facility; and
2. You must provide the fire department with information about the specific locations of hazardous chemicals at your facility.



### Online Reporting in Tier II Manager™

December 2008

Tier II Manager™ is an online reporting program hosted by the Michigan SARA Title III Program. It was first made available to reporters in April of 2007. There is **no fee** associated with reports submitted in Tier II Manager™. SARA Title III reports that can be submitted online to the Michigan SARA Title III Program and participating counties include:

- Section **302** Emergency Planning Notification
- Section **311** Initial report of hazardous chemicals (sometimes called the MSDS report)
- Section **312** Tier Two annual report of hazardous chemicals

### The Administrator

The Administrator for this program is the Michigan SARA Title III Program in the Department of Environmental Quality (DEQ). Contact the Administrator by clicking the “feedback” button in the program menu bar. You can also email [deq-ead-sara@michigan.gov](mailto:deq-ead-sara@michigan.gov) or call 517-373-8481.

### Accessing Tier II Manager™

To access the online reporting program, go to the Michigan SARA Title III Program website, [www.michigan.gov/deqsara](http://www.michigan.gov/deqsara), and click on “SARA Title III - Hazardous Chemical Inventory” and then click the Tier II Manager™ button.

### Browser Settings

If you are having problems logging into the Tier II Manager™ application, verify the following browser settings (Internet Explorer 6.x):

- 1) Javascript must be ENABLED
  1. Go to the Tools menu and select Internet Options.
  2. Click the Security tab.
  3. In the Security dialog box, click on the globe for Internet zone.
  4. Click Custom Level button.
  5. In the dialog that appears, scroll down to the heading called Scripting.
  6. Click the Enable button under Active Scripting.
- 2) Cookies should be ENABLED
  1. Go to the Tools menu and select Internet Options.
  2. Click the Privacy tab.
  3. Lower the privacy settings(sliding bar) to set to MEDIUM
  4. Click on 'Advanced' options button
  5. Put a check mark in the Box for "Override Automatic Cookie Handling"
  6. At the bottom, put another check mark in the "Always accept session cookies"
  7. Click "OK"
- 3) Popup blockers are DISABLED
  1. Go to the Tools menu and select Pop-Up Blocker
  2. If it shows "Turn Off Pop-up Blocker", click it and then it will change to "Turn on Pop-up Blocker". Conversely, if it shows "Turn on Pop-up Blocker", do nothing.
  3. If “Pop-up Blocker” is not available in the Tools menu, check whether MSN, Yahoo, or Google toolbars are on your computer and turn off their popup blockers.

### Tier II Manager™ User Manual

The Tier II Manager™ User Manual has easy-to-follow instructions for registering, logging in, and using the program. It is available in the Tier II Manager™ program. Registration information from the user manual is available on the Michigan SARA Title III Program website.

### Who Can Report Online

Everyone can and should submit reports online. The Michigan SARA Title III Program receives reports for **all facilities** that are submitted online. This meets the requirement to submit reports to the SERC. In addition, if your facility is in one of the **participating counties** listed below, you will not have to submit paper copies to anyone.

### Participating Counties

- Ingham
- Kent
- Oakland
- Ottawa
- Wayne

← LEPCs and fire departments in these counties can receive SARA Title III submittals online.

### Pre-loaded Data

The online database was pre-loaded with data from facilities that were in the State's off-line database in January 2007. All Tier Two reports that were received for report years 2001 through 2005 were entered in the State's off-line database and then imported into the online database. Data from the most recent Tier Two report were used to populate the editable database.

The database also includes minimal information from section 311 and section 302 reports that were received by the Michigan SARA Title III Program prior to January 2007. Please see the instructions below regarding these section 311 and 302 reports.

### Logging into Tier II Manager™

When you click on the Tier II Manager™ button, you will see the following screen:



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### When to Register

If you are a new user of Tier II Manager™ *and* none of your facilities are in the online database (see Pre-loaded Data), you will need to register a User Account in the system. Under your User Account, you will have the ability to enter reports for all facilities that you are managing. Click on “Register Now” and complete a New User Registration Form. The Administrator will review the completed registration form, and you will be contacted by email when your Tier II Manager™ User Account has been approved. See the Registration Tips below.

### When to Sign In

Sign in if you are a reporter for existing facilities. All facilities that are in Tier II Manager™ are assigned to a **User Account**. Each user should have only one User Account, but you can report for multiple facilities. You must “Sign In” to the system using your assigned username for access to your facility data.

### New Reporter for Facilities Assigned to Another User Account

Contact the Administrator if you have assumed the reporting duties from someone else. The facilities will be under that other person’s User Account. The Administrator will either change the user profile for that User Account to make it yours, or have you register for a new User Account and move the facilities to your User Account.

### When to Contact the Administrator

- You do not have a User Account but you are reporting for facilities that have submitted Tier Two, section 302, or section 311 reports in the past. The Administrator will set you up with a User Account that gives you access to your facility data.
- You cannot Sign In.
- You forgot or do not know your username.
- You do not see all of your facilities in the database. The Administrator will move the appropriate facility files to your User Account.

Each user should have only ONE User Account.
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### Consultants

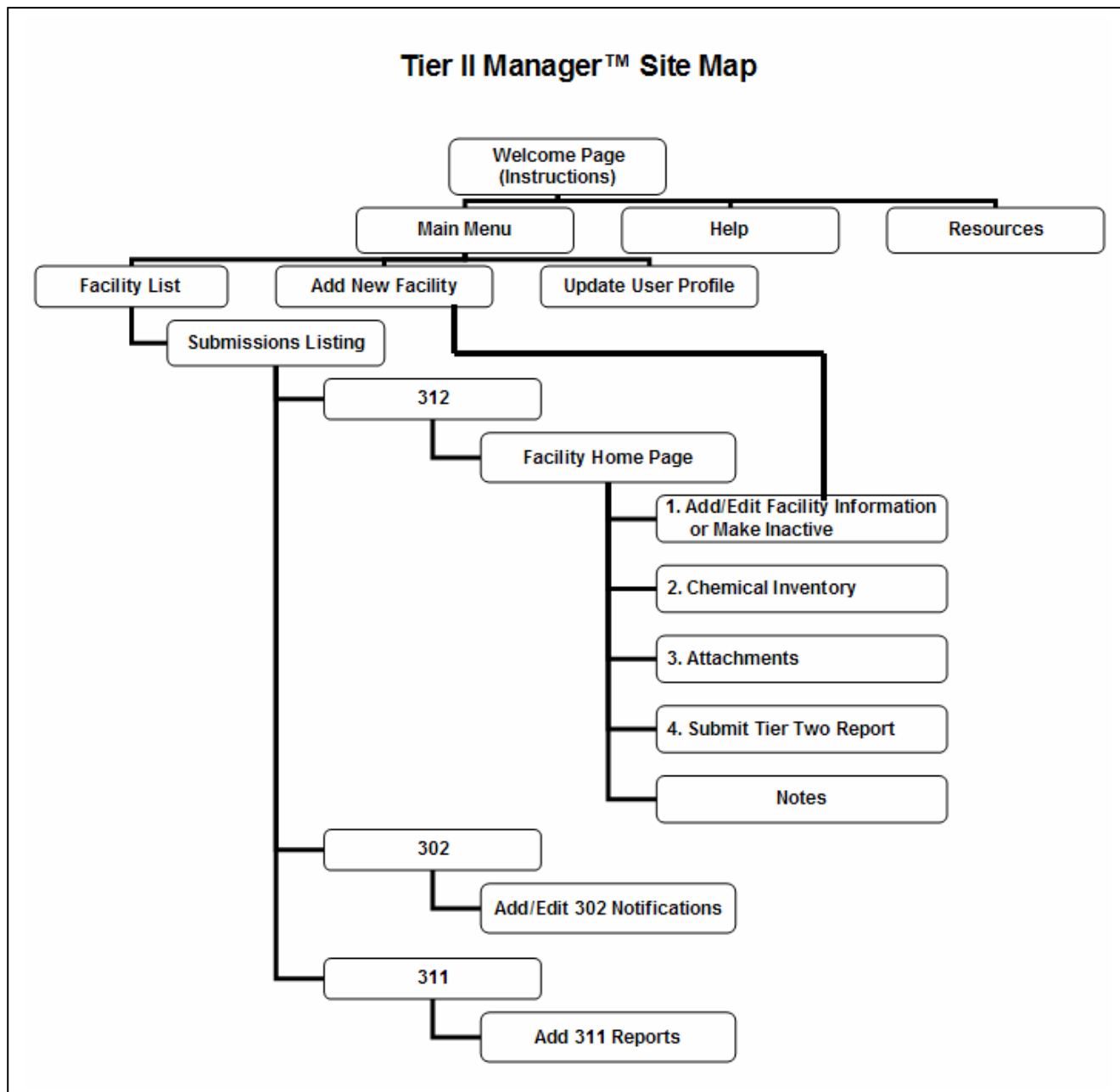
Consultants should register to get their own User Account. Regardless of the number of companies that a consultant represents, the consultant should have only one User Account. Multiple facilities can be assigned to the consultant’s User Account. A facility can exist under only ONE User Account at a time.

If your company wants to use a consultant, send an email to the Administrator saying that the consultant has permission to access your data. The email subject line should say “Consultant Needs Access.” Copy your email to the consultant. The Administrator will then move your facility records over to the consultant’s User Account where the facility records will stay until you indicate otherwise. An email will be sent to you and your consultant when this has been completed.

### Registration Tips

- The information entered for the User Account must be for the **actual user** of the program.
- The **password** is case sensitive. It must be 8 to 12 characters long and must be a mix that includes 3 of the following 4 types of characters: Uppercase letters, lowercase letters, numbers, and symbols.
- Do not enter your favorite password when you register. You will be asked to change it the first time you sign in.
- Be sure your email service will accept mail from [deg-ead-tier2@michigan.gov](mailto:deg-ead-tier2@michigan.gov). Emails generated by the program (such as when your User Account has been approved) will come from this email address.

- See the [Tier II Manager™ User Manual](#) for detailed registration instructions.



## Managing Your Facilities

### Facility List

You can view a list of all facilities assigned to your User Account from the Main Menu. The list shows the MI SARA ID, Company Name, Facility Name, Address, a link to view Current Data (a pdf file of the most recent Tier Two data), Annual Submission status for the Tier Two Report, and Certification Status for section 311 and 302 reports. *Please contact the Administrator if this list is not correct or complete.*

### **New Facility**

You can add a **new facility** from the link in the Main Menu. It is recommended that you contact the Administrator to assure that the new facility is not already in the database. Remember that you cannot see all facilities in the database, and the facility that you think is new might be in the database assigned to a different User Account. *If you add a new facility and it already exists in the database, the Administrator will delete the new facility and ask that you update the information for the existing facility.*

**Do not add a new facility** unless you are certain that it does not already exist in the online database. Ask the Administrator if you do not know.

### **Facility Closed and Chemicals Removed**

If your facility is **no longer required to file** a Tier Two or section 302 report, follow these steps:

1. Edit the Notes at the bottom the Facility Home Page and explain why the facility is not required to report (i.e. Facility closed and all chemicals removed in Sept 2007).
2. Go to the top of the Facility Home Page and click on "Make Inactive." Select the reason or reasons you are making the facility inactive, and enter the date this occurred.

After you have made the facility inactive, it will not appear on your facility list. If you made an error, the Administrator can reverse this action.

### **Facility Moved**

If your facility moved its operations and chemicals to a new location, you must mark the old location as inactive (according to the above instructions), and then add a new facility to the database. Do NOT change the address for an existing facility. Be sure to use the Notes field to explain the move.

### **Facility Sold**

If your facility was sold to another company and you are no longer responsible for reporting, do NOT mark it as inactive. Contact the Administrator and provide contact information for the new owner. The Administrator will move the facility file to the new company's User Account.

### **Ownership Change**

If your facility was sold to another company but you will continue to report, update the Facility Information as appropriate. Be sure to use the Notes field to explain the ownership change.

## **Managing Reports and Attachments**

### **Submissions Listing**

Click on the facility name in the Main Menu, to view the Submissions Listing for that facility. From the Submissions Listing you can access all submissions of Section 312 Tier Two, Section 311, and Section 302 reports for that facility.

### **Section 312 (Tier Two) reports**

The online database was initially populated with Tier Two reports submitted to the Michigan SARA Title III Program for report years 2001-2005. If you submitted reports and do not see them here, contact the Administrator. The Report Year column for the Section 312 reports will have an "edit" button for the most current year.

Even if you do not intend to submit a Tier Two report, you must click the edit button for the most current year to get to the Facility Home Page where you can edit the facility level information.

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### Section 302 reports

DO NOT DELETE section 302 reports that were pre-loaded into the database. The “edit” mode provides a box you can check if the facility is no longer subject to section 302.

All pre-loaded section 302 reports should be **edited** to provide the additional information, or to indicate that the facility is no longer subject to section 302, and **then certified**.

You can import the extremely hazardous substance (EHS) chemical data from the 312 Tier Two report into the section 302 report. If the EHS is listed as a mixture component (see the lead-acid battery example near the end of this document), the program will calculate the amount in pounds of the EHS and compare that amount to the threshold planning quantity (TPQ). If the EHS equals or exceeds the TPQ, the EHS will be available for you to import into the section 302 report.

A paper copy of the section 302 report can be printed while in the “view” mode. See the printing instructions below.

### Section 311 reports

DO NOT DELETE section 311 reports that were pre-loaded into the database. If you need to add new reports, you will be asked to certify the pre-loaded report if there is one. Go ahead and certify it; the certification for the pre-loaded report will not be used for anything.

The section 311 chemical information was not stored in the Michigan SARA Title III Program’s database, so Tier II Manager™ will not be populated with any section 311 data. Please complete a section 311 report for any **new** chemicals that your facility brings on site in amounts that exceed the threshold. You will be able to import this new chemical information, including associated MSDSs, into the Tier Two report. Do **not** submit a section 311 report for any chemicals that you have already included in your Tier Two report.

### Reports Submitted Off-line for Facilities That Are In the Database

Beginning with report year (RY) 2006, if you submitted a Tier Two report to the Michigan SARA Title III Program off-line, either as a paper copy, on diskette, or as an email attachment, the online database will indicate that a hardcopy was received. There will not be a report icon in the “Tier II” column (see below). Data from offline reports received after December 2006 can *not* be entered into the online database by the Administrator. Only the certification information can be entered. In the illustration below, the Administrator entered the certification information and then “approved” the hardcopy submittal so the Submission Status says it is “completed.” This allows you to start editing the next year.

**Shown below is a listing of all Tier II Report submissions. Click on the reporting year to edit the Report for that year. The link in the Reporting Year column will be enabled if you can edit the data for that year.**

Reporting Year	Submission Class	Signed By	Signed Date	Submission Status	Tier II	Submission Type	Report Status
2007 <a href="#">[Edit]</a>				Not Started			
2006	Annual	Joe Blow, Environmental Guy	4/1/2007	Completed		Hardcopy	Active
2005	Annual	KALVIN KLEIN, MGR	2/24/2006	Completed	<a href="#">[E]</a>	Online	Active

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### **Reports Submitted Off-line for Facilities That Are NOT In the Database**

Facilities that reported for the first time after 2006, and reported off-line, are not in the online database. Certifications can NOT be recorded by the Administrator in the online database if the facility file has not been added by someone representing the facility.

You must add facilities to the online database that submitted reports for the first time after 2006. After you have added the facility information, ask the Administrator to add the hardcopy certifications. You can then complete your report as described in the next paragraph.

### **Completing an Online Submission After Submitting a Report Off-line**

When a hardcopy report is submitted to the Michigan SARA Title III Program, the Administrator will enter the certification information. The report will not be “approved” by the Administrator until late in the year. This gives you a chance to submit this report online. The Submission Status will show that the report is pending admin approval, but you will still be able to edit the report (as shown below). In this example, you can edit the 2007 information to reflect what you submitted on your hardcopy report.

Reporting Year	Submission Class	Signed By	Signed Date	Submission Status	Tier II	Submission Type	Report Status
2007 <a href="#">[Edit]</a>	Annual	Susan Parker, EHS Manager	2/15/2008	Pending Admin Approval		Hardcopy	Active
2006	Revision	Susan, Mom	6/1/2007 12:57:00 PM	Completed		Online	Active
	Annual	Susan Parker, Coordinator	3/22/2007 4:11:36 PM	Completed		Online	Active

After you have updated all of the facility and chemical information, you will “archive” your report. This process attaches the certification information that was entered by the Administrator to the report that you have completed online. (If the Administrator did not enter a hardcopy certification, then the archive option will not appear.)

**Step 4: Submit Tier II Report**

[Click here](#) to start/change your Tier II Submission for this year.

Reporting Year	Submission Class	Status	Edit Info	Complete	Tier II	Submission Type	Report Status
<a href="#">2007</a>	Annual	Pending Admin Approval				Hardcopy <a href="#">[Archive]</a>	Active

\*If you choose to edit, you will need to start the submission again.

After you “archive” your report, the Administrator will “approve” it. The Submission Status will then show that the report is completed, the submission type will indicate that it was submitted in hardcopy, and there will be a report icon in the “Tier II” column.

### **Attaching Material Safety Data Sheets (MSDS)**

Attaching an MSDS is often not necessary. MSDSs are an important resource for the LEPCs and fire departments, and Tier II Manager™ allows you to attach MSDSs for chemicals you are reporting.

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However, the program also includes an extensive MSDS database and can usually link the applicable MSDS to the reported chemical. In general, an MSDS should not be needed if you have provided the chemical name or common name (not the trade name) of the substance along with a CAS number.

### **Attaching Site Plans and Facility Plans**

The Site Plan (site map), and the Facility Plan (Emergency or Contingency Plan) are optional attachments that are also important resources for planners and responders that have access to the program. You are encouraged to attach these documents. They can be attached and updated at any time.

### **Ongoing Data Management**

The database in Tier II Manager™ is live. You can update the current data at any time. When you submit the Tier Two report online, you are submitting a “**snap shot**” of the current data that you have certified is true, accurate, and complete. This snap shot is stored as your annual report, but the data are always available for you to edit. Editing the current data will not affect the “snap shot.” The current data are used by the planners and responders and should be updated any time there is a change.

This online report program allows you to make changes as they happen, so you do not need to wait until the following year to report that a facility closed or changed ownership.

### **Certifying the Online Report**

After you have updated your information, you must certify the report. For the Tier Two report, the certification is included in the submittal process (Step 4 on the Facility Home Page). For Section 302 and 311 reports, you will be prompted to certify after you save the report. The certification requires that you enter of the name and official title of the person who can and will certify that the information in the report is “true, accurate and complete.” That is all that you need to do. You do **not** need to mail a certification letter to the agencies that can receive the report online. It is recommended that you keep a signed hardcopy of the report for your records. If you are submitting a hardcopy of the report to an agency, then the report should be signed by the certifier.

### **Who Can Enter the Certification Online**

The user can enter the certification information even if the user is not the person who is actually certifying the report.

In this case, you should let the certifier see the report first. After the report has been updated, you can click on “Current Data” from the Facility Home Page. This displays the updated Tier Two report as a pdf file that can be saved to your computer. You can print or email this pdf file to the certifier for their review. When the certifier is satisfied that the report is true, accurate, and complete, you can enter the certifier’s name and title on the certification page and complete the submittal.

### **Printing the Reports**

#### **Printing Tier Two Reports**

Tier Two reports can be printed at any time. Go to the Submissions Listing page and click on the report icon in the “Tier II” column. This will bring up the report in a format (pdf) that can be printed. If you print your report *after* you have completed the online submission, the name and title of the person who certified the report will be included. You can also click on “Current Data” on the Facility Home Page for a printable version of the uncertified report.

The Michigan SARA Title III Program and LEPCs and fire departments in Ingham, Kent, Oakland, Ottawa, and Wayne counties have access to the online data. When you file online, please do **not** file

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hardcopies of your Tier Two report with these agencies unless specifically asked to do so. All other LEPCs and fire departments require signed hardcopy reports.

### **Printing Section 302 and 311 Reports**

Tier II Manager™ does not have a print utility for section 302 and 311 reports. It is acceptable to use the “print screen” function to print these reports for the agencies that do not have access to the online database. After you have certified the report, click on “view” to go back into it. You can then print this screen.

If you do not know how to print screen, try this: Hold down the shift key and push the Print Screen button on your keyboard. It will appear that nothing has happened. Then open a blank Word document and click “edit” and then “paste.” This will paste a picture of your screen into the Word document that you can save and print.

### **Access to the Data and Reports**

The data are stored in a secure online database. Approved individuals in the Michigan SARA Title III Program, the Michigan State Police Emergency Management & Homeland Security Division, EPA Region 5, and the LEPCs and fire departments in the above listed counties will have access to your certified Tier Two report (the snapshot) as well as your current data via the Internet. Facility users only have access to reports and data for facilities assigned to their User Account.

A member of the community can request an MSDS or Tier Two information for a specified facility pursuant to the Community Right-to-Know provisions of SARA Title III. Information from the database can also be obtained through Freedom of Information Act requests. All requests must be in writing. Confidential location information is never provided in response to a request for information.

### **Keeping Copies of the Reports**

SARA Title III does not have record retention requirements for Tier Two reports. The reports that you submitted online are available to you at any time. However, in the event of an unforeseen situation, it is recommended that you keep a signed hardcopy of your report on file for five years. Five years is the statute of limitations.

### Tier Two Report Instructions

Refer to the [Tier II Manager™ User Manual](#) for detailed instructions to complete and submit your Tier Two report online. The user manual is available to you when you enter the program.

#### Reporting Period

The reporting period is the *previous* full calendar year, January 1 through December 31. Edit the “Reporting Year” that corresponds to the reporting period.

#### **Step 1: Review Facility Information (Edit Facility)**

##### Facility Physical Location

- Enter the company or corporate name.
- Enter the full name of the facility where the chemicals are located.
- Enter the full street address or state road. If a street address is not available, enter other appropriate identifiers that describe the physical location of your facility. Include the city and zip code.
- Choose the county in which the facility is located (from the drop-down box).
- Choose the name of your LEPC that will receive this report.
- Choose the name of the primary Fire Department that will respond to an event at your facility, and that will receive this report. Contact the Administrator if your fire department is not listed.
- Enter the facility **latitude and longitude coordinates** in decimal degrees. You may use the “Locate Lat/Long” utility in Tier II Manager™ to find these coordinates based on the facility address. If this utility is not working, you can go to [www.satsig.net/maps/lat-long-finder.htm](http://www.satsig.net/maps/lat-long-finder.htm) to look up the coordinates.
- Enter the facility email address.
- Enter the facility phone number. If there is no phone at the facility, enter N/A.

Notices regarding the online report will automatically be sent to the **facility email address**. Make sure that this mailbox will accept emails from the program:  
deq-ead-tier2@michigan.gov.

##### Owner/Operator Mailing Address

- Enter the owner’s or operator’s full name, mailing address, and phone number. This should be a business address, not a home address.

##### Facility Identification Information

- Enter the primary 6-digit 2007 North American Industry Classification System (**NAICS**) code for your facility. If you do not know the NAICS code, go to [www.census.gov/eos/www/naics](http://www.census.gov/eos/www/naics).

##### Mailing Address

- Enter the mailing address that should be used for correspondence with the owner, operator or other facility personnel regarding this facility. This should be completed even if the mailing address is the same as the facility address.

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### **Emergency Contact Information**

- Enter the name, title, and *work* phone number of a local person or office who can act as a referral if emergency responders need assistance in responding to a chemical incident at the facility.
- Provide an emergency phone number where emergency information will be available 24 hours a day, everyday. This is mandatory. The facility must make arrangements to ensure that a 24 hour contact is available.
- Enter at least one back-up emergency contact.

- **Step 2: Review Chemical Inventory**

- Delete chemicals that were removed prior to the previous calendar year, or that you do not intend to report because they were below threshold during the previous calendar year. If a chemical was on site in at any time during the previous calendar year, and it equaled or exceeded the threshold, it needs to be included in the Tier Two report.
- Edit or add chemicals that were on site and equaled or exceeded threshold at any time during the previous calendar year. Information for each chemical must be saved in the program at least once even if there are no changes.

If you are adding a chemical for which you submitted a report under section 311, use the feature in Tier II Manager™ that allows you to import the chemical from the 311 report.

Remember that you *must* report OSHA hazardous chemicals that met or exceeded the threshold at any time during the previous calendar year. You *may* report OSHA hazardous chemicals that do not meet the threshold, or other hazardous substances (such as RCRA hazardous wastes), if you determine that it would be beneficial for the LEPC or fire department to have this information.

### **Chemical Description**

- Enter the Chemical Abstracts Service (CAS) number. This will be listed on the MSDS. You may use the chemical search function in Tier II Manager™ to find this number.
- For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, enter N/A.
- Enter the chemical name or common name of the hazardous chemical. Do not enter the trade name. You may use the chemical search function in Tier II Manager™ to find the chemical or common name associated with the CAS number.
- Read the Trade Secret section below before you mark the Trade Secret box.
- Check boxes for ALL applicable descriptors:
  - Check at least one of the following: pure, mixture.
  - Check at least one of the following: solid, liquid, gas.
- Attach an MSDS if appropriate. Thousands of MSDSs are loaded into the program and made available to the planners and responders. If you have an uncommon substance that is unlikely to be included in the MSDS load, you are encouraged to add the MSDS to your report on this screen.

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### EHS

A substance can be either an extremely hazardous substance (EHS) or contain an EHS, but not both.

- Check the EHS box if the chemical is pure and is on the list of Extremely Hazardous Substances (see Appendix A in this guidebook). Choose the EHS name from the drop down box.
- If the substance is a mixture containing an EHS, go to “Add Mixture Components” and enter the EHS in that section.

### Add Mixture Components

- Enter the CAS number, chemical name, and weight percent (%) of any significant mixture component. Use the “search” function to help assure that the chemical name matches the CAS number.

### Example: Lead Acid Batteries

Lead-acid batteries are mixtures containing lead, an OSHA hazardous chemical, and sulfuric acid, an EHS. If you know the total weight of the battery, the amount of lead and sulfuric acid can be estimated. This example uses a formula approved by EPA to estimate the weight of the mixture components of typical lead-acid batteries based on the total weight of the batteries.

Step 1. List the lead-acid battery as the main chemical, and enter the total battery weight.

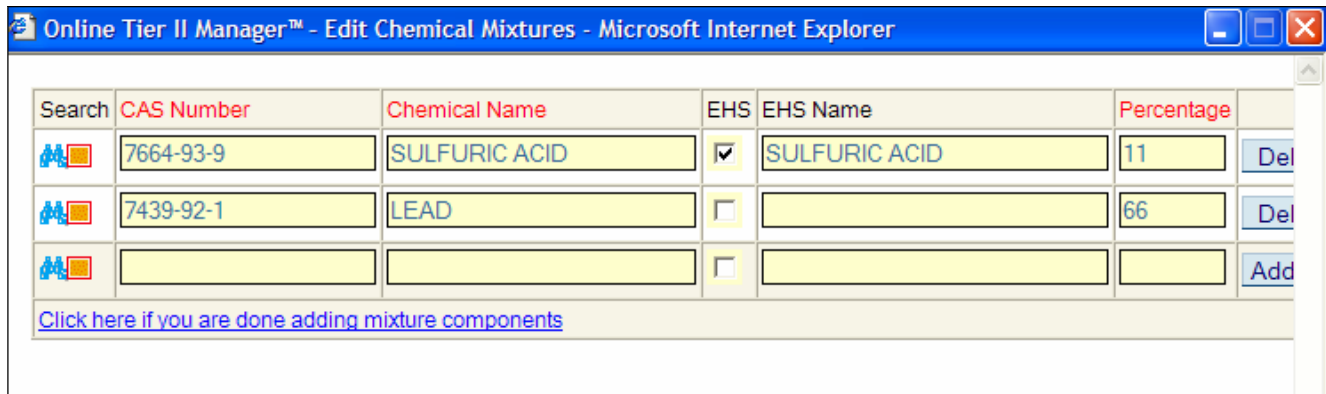
EDIT: CHEMICAL DESCRIPTION AND STORAGE LOCATION					
All red fields are required.					
Chemical Description		Physical and Health Hazards	Inventory	Storage Codes & Locations	
<a href="#">Search by CAS / Chemical Name</a> OR <a href="#">Select Chemical from 302/311</a>		Check all that apply: <input type="checkbox"/> Fire <input type="checkbox"/> Sudden Release of Pressure <input checked="" type="checkbox"/> Reactivity <input checked="" type="checkbox"/> Immediate(Acute) <input checked="" type="checkbox"/> Delayed(Chronic)	Maximum Daily Amount (lbs) (Facilitywide): 4800	Storage Location information must be entered.	
CAS Number: N/A	Chemical Name: LEAD ACID BATTERIES		Maximum Daily Amount Code: 03	Container Type: R	Pressure: 1
Trade Secret: <input type="checkbox"/>	EHS: <input type="checkbox"/> Contains EHS <input checked="" type="checkbox"/>	Average Daily Amount (lbs) (Facilitywide): 4800	Average Daily Amount Code: 03	Location: FORKLIFTS	Confidential Location: <input type="checkbox"/>
EHS Name:	<a href="#">Add mixture components</a>	Number of days on site: 365			
Check all that apply: <input type="checkbox"/> Pure <input checked="" type="checkbox"/> Mix <input checked="" type="checkbox"/> Solid <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Gas					
MSDS Submission MSDS File: Not Uploaded <a href="#">Upload MSDS</a>					
				<a href="#">More Storage Locations?</a>	
				<a href="#">Save and Continue</a>	<a href="#">Exit Without Save</a>

Click Save and Continue only ONCE. Saving may take a few moments.

There is no CAS number for lead-acid batteries, so enter “N/A” in the CAS number field. Complete the rest of the information on this screen and then click on “add mixture components.” Do not check the box that says “EHS.” When you add the sulfuric acid as a mixture component, the box that says “contains EHS” will automatically be checked.

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Step 2. Add mixture components with the associated percentages as shown here.



The screenshot shows a web browser window titled "Online Tier II Manager™ - Edit Chemical Mixtures - Microsoft Internet Explorer". The main content is a table with the following columns: Search, CAS Number, Chemical Name, EHS, EHS Name, and Percentage. There are three rows of data. The first row has CAS Number 7664-93-9, Chemical Name SULFURIC ACID, EHS checked, EHS Name SULFURIC ACID, and Percentage 11. The second row has CAS Number 7439-92-1, Chemical Name LEAD, EHS unchecked, EHS Name blank, and Percentage 66. The third row has all fields blank. Each row has a "Del" button, and the third row has an "Add" button. Below the table is a link: "Click here if you are done adding mixture components".

Search	CAS Number	Chemical Name	EHS	EHS Name	Percentage	
	7664-93-9	SULFURIC ACID	<input checked="" type="checkbox"/>	SULFURIC ACID	11	Del
	7439-92-1	LEAD	<input type="checkbox"/>		66	Del
			<input type="checkbox"/>			Add

[Click here if you are done adding mixture components](#)

The program will calculate the amount of sulfuric acid and compare it to the TPQ (1000 pounds for sulfuric acid). In this case, 11% of 4800 pounds is 528 pounds. The sulfuric acid is reportable on the Tier Two report because it exceeds 500 pounds, but it is not subject to section 302 because it is less than 1000 pounds.

### Trade Secret

Trade Secret information refers to the product or chemical, and should not be confused with MSDSs that claim trade secrecy with regard to the ingredients in a product. If you are withholding the name of a chemical in accordance with criteria specified in section 322 of SARA Title III (it is a trade secret that you have a certain product or chemical on site), enter the generic class or category that is structurally descriptive of the chemical (e.g., list toluene diisocyanate as organic isocyanate) and check the box marked Trade Secret. Trade secret information must be submitted to EPA and must include substantiation. Refer to 53 FR 28772, July 29, 1988, for detailed information on how to submit trade secrecy claims. You can obtain a copy of the Trade Secret Substantiation Form from the Michigan SARA Title III Program. A link to this form and instructions is included in the online program.

### Physical and Health Hazards

- Check all physical and health hazards that apply. This information should be on the MSDS.

### Inventory

- **Maximum Daily Amount:** Estimate the largest amount of the chemical that was present at your facility (in storage and in process) on any single day during the reporting period. *This is the worst case scenario in the event of an emergency at your facility. What is the maximum amount of chemical that could be involved in an incident?* Enter this amount in **pounds**. The amount code from Table I will be entered for you in the online program when you tab over that field.
- **Average Daily Amount:** Estimate the amount of the chemical that was present at your facility on an average day during the reporting period. *This is the most likely scenario in the event of an emergency at your facility. How much chemical would generally be expected to be on site and involved in an incident?* Enter this amount in pounds. The amount code from Table I will be entered for you in the online program when you tab over that field.
- If you provided only the amount code in prior year reports, the median amount in pounds was entered into the State database. For example, if you entered amount code 04, an amount of 55,000 pounds was entered into the State database. Please change this and enter amounts that better represent the maximum and average amounts that were on site.

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<b>Table I – REPORTING RANGES</b>		
<i>Range Values</i>	<i>Weight Range in Pounds</i>	
	<i>From:</i>	<i>To:</i>
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	Higher than 1 billion

If you need to convert gallons to pounds, use this formula:

$$\begin{aligned} & \text{Specific gravity of the product} \\ & \times 8.34 \text{ lb/gal (weight of water)} \\ & = \text{weight of the product in lb/gal} \end{aligned}$$

The specific gravity is also called the relative density. It is usually found in the “Physical & Chemical Properties” section of the MSDS.

- **Number of Days On Site:** Enter the number of days that the chemical was on site in any amount during the previous full calendar year (the reporting period).

### **Storage Codes and Locations**

- List the chemical locations, including storage conditions. The storage codes in Tables II and III are incorporated into the online program. Choose the proper storage codes from the drop down lists. Enter a location description on the line following the codes.

<b>Table II – CONTAINER TYPES</b>	
<i>CODES</i>	<i>CONTAINERS</i>
A	Outside above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other (describe on location line)

<b>Table III – TEMPERATURE AND PRESSURE CONDITIONS</b>	
<i>CODES</i>	<i>PRESSURE CONDITIONS</i>
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
	<i>TEMPERATURE CONDITIONS</i>
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

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### **Confidential Location**

Under section 324 of SARA Title III, you may withhold location information on a specific chemical from disclosure to the public. The location information includes the storage codes. While the information that you provide on the type and amount of chemical must be made available to the public, you are not required to make storage location information available if doing so might pose a security risk.

- If you choose to keep the location confidential, check the “confidential location” box following the information that you want to be kept confidential.

### **Step 3: Review Attachments**

Attachments are optional but encouraged. If you attach one of these documents as an electronic file, it will remain an attachment for future reports until you delete or replace it. Acceptable file formats are listed in the program. Be sure to mark the files as confidential before you attach them if you do not want them made available to the public.

### **Notes**

- Click on the “edit” button to add or edit a note. Notes will print at the end of the Tier Two report, and they will be viewable by the Administrator and any planners or responders with access to the online database.

### **Step 4: Submit Tier II Report**

- Before you submit the report, make sure that all data are complete. You can view and print your report by clicking on “Current Data” at the top of the Facility Home Page.
- Mark the box indicating that this is an annual submission or a revision and click “start.” The program will check many of the report fields for completeness.

If you “exit without save” at this point, your report submittal will remain initiated. You can either complete the submission, or you can contact the Administrator to cancel the initiated submission. Canceling the initiated submission will allow you to make changes to the data and then start the submission process again.

### **Certification**

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier Two submission is true, accurate, and complete.

- Enter the full name and official title of the person certifying the report and “Submit.”

After submitting the report, you can preview and print the report. You can do this from the final screen in the submittal process, or you can click on the report icon on the Submissions Listing page at any time to preview or print the report.