

# **Is My Facility Required to Report?**

**- A Guide to EPCRA (Tier 2) Reporting -**

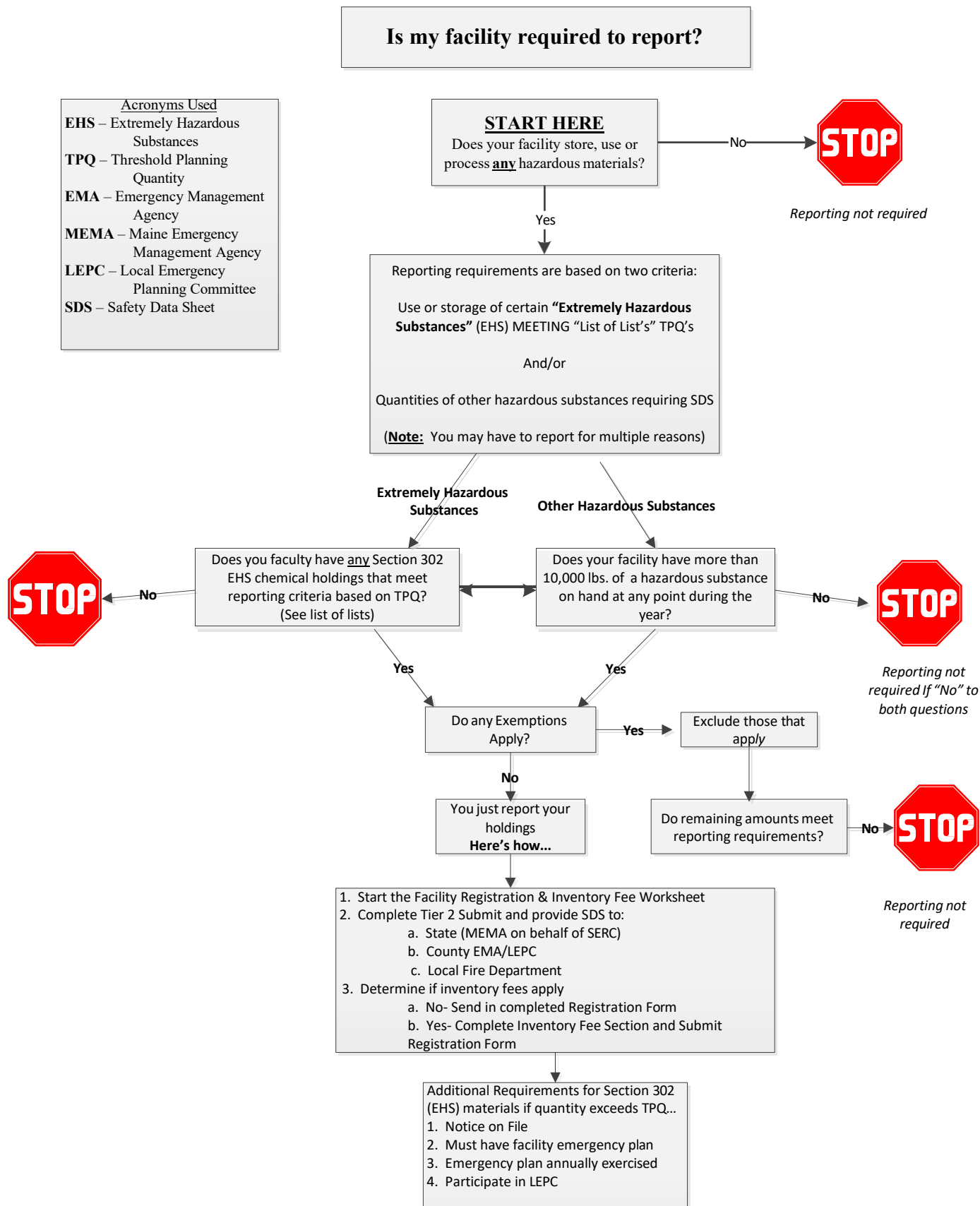
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This booklet has been prepared from information provided by the United States Environmental Protection Agency (EPA)

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# Is My Facility Required to Report? - A Guide to EPCRA Reporting



If you need assistance with determining your filing status or help submitting a required Tier 2 contact the Androscoggin County LEPC at 207-784-0147 or email to [ema@androscoggincountymaine.gov](mailto:ema@androscoggincountymaine.gov)

## Should we report?

This booklet is intended to answer this question posed by existing or newly discovered facilities. The key question is: Does the facility have 10,000 pounds or more of a material for which a SDS is required?

## What is a Hazardous Chemical?

A **hazardous chemical** (or substance) is defined by the Occupational Safety and Health Administration (OSHA) as any chemical that is a health or physical hazard requiring a Safety Data Sheet (SDS) under OSHA's Hazard Communication Standard.

- Do you have an SDS for the chemical?
- Is the SDS required under OSHA?
- Is there a health risk associated with the material?
- Do you have 10,000 pounds or more of a hazardous chemical or 500 lbs. or less depending on the Threshold Planning Quantity (TPQ) of an Extremely Hazardous Substance (EHS) as listed in the List of List's at any time during the year?

## Common Hazardous Materials

Gasoline	Propane
Fuel Oil	Kerosene
Diesel Fuel	Lubricating Oil
Nitrogen	Oxygen
Sodium Hypochlorite	Calcium Chloride

10,000 lbs. is the reportable quantity for Hazardous Materials (HAZMAT). *Facilities need to report if they reach this amount at least once during the year.* Examples: Most petroleum products, other than propane, weigh about 6 or 7 pounds per gallon or about 1570 gallons equals 10,000 pounds. For petroleum products (e.g. gasoline and diesel) facilities having in excess of 1,500 gallons need to report. For propane, it is three 1,000 gallon tanks or an excess of 2500 gallons.

## Example: How to Calculate Propane Weight

Propane comes in various sizes from 20 lb. cylinders to 60,000 gallon tanks. The most common size in Maine will range from 500 to 60,000 gallons. What does this mean in relations to EPCRA reporting? Propane weighs about 4.2 pounds per gallon; therefore, we might believe that a 1,000 gallon tank would then hold 4,200 lbs. of propane. This is actually not the case. Propane tanks are only filled to 80% capacity, which is an industry standard. A facility is not required to report unless they have 10,000 lbs. or more of propane, so how much propane do they need to have before being required to report? The answer is 3,000 gallons using the following formula below, presuming normal sized tanks:

$$\begin{array}{rcl} 3000 & \text{gallons (3-1,000 gallon tanks)} & \\ \times 4.2 & \text{pounds (weight of propane per gallon)} & \\ \hline 12,600 & \text{pounds total capacity} & \\ \times 80\% & \text{normal fill} & \\ \hline 10,800 & \text{pounds of propane present} & \end{array}$$

## Common Extremely Hazardous Materials (EHS)

Ammonia	Chlorine
Sulfuric Acid	Nitric Acid
Formaldehyde	Pesticides

For EHS chemicals, the reporting quantity varies by chemical, and can be found in the List of Lists at this link: <https://www.epa.gov/epcra/consolidated-list-lists>

### What is a facility?

- Buildings, equipment, structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks, and other stationary items
- Single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person.
- Includes sites where motor vehicles, watercraft, rolling stock and aircraft are present for more than 12 hours.

### Who must comply with the hazardous chemical reporting requirements?

#### 40 CFR section 370.10

On or before March 1 every year, the owner or operator of a facility must comply with the reporting requirements of 40 CFR sections 370.10. If any hazardous chemical for which you are required to prepare or have available an SDS under the [Occupational Safety and Health Administration's \(OSHA\) Hazard Communication Standard](#) that is present at your facility equal to or above the applicable threshold specified in the Final Rule, 40 CFR section 370.10.

The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have any SDS and meets the definition of hazardous chemical under the OSHA regulations found at [29 CFR 1910.1200\(c\)](#).

EHS are also subject to reporting under this part.

### SERC Fee Deadlines

**Both Tier 2 reports and fees are due by March 1<sup>st</sup> for the previous calendar year.** The fees are paid directly to the SERC.

### Frequently Asked Questions

#### **When does the submission packet go out to the facilities?**

The SERC usually mails out the reporting package sometime during the month of December. With reports and fees due back by March 1<sup>st</sup>, that gives you between 3 - 4 months to complete and submit your report and fees. The packet includes instructions, forms, contact information for your LEPC, a schedule of reporting workshops, common NAICS codes, etc. Contact the SERC if you haven't received anything by December 31<sup>st</sup>. The software used to generate the electronic report is released by the EPA usually late November or early December.

### **What type of information is required to be reported in a Tier 2 submission?**

When using the Tier 2 Submit software, you will go through multiple tabs in the electronic form and fill it in as you go. Some of the information you will need includes:

- Specific information on amounts and locations of hazardous chemicals present at a facility.
- The complete name and address of facility.
- Number of occupants in your facility.
- Latitude and Longitude of your facility. If you don't know how to figure that out, the software has a tool to help you get the information.
- The North American Industry Classifications system (NAICS) code for this facility.
- The Dun & Bradstreet number of this facility.
- The Chemical Abstracts Service (CAS) registry number for each chemical you are reporting on.
- The owner's or operator's full name, mailing address and phone number.
- Emergency contact and phone numbers of at least one local individual or office that can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility.
- An emergency phone number where such emergency information will be available 24 hours a day.
- Certification - The owner, operator or the officially designated representative of the owner or operator must certify that all information included in the Tier 2 submission is true, accurate and complete.

### **Where can I find information regarding chemicals and hazardous substances?**

- Because each hazardous substance has its own properties and behaviors, the potential for exposure and the nature of the effects varies widely. Each chemical profile includes physical/chemical properties, reactivity data, precautions for safe handling and use, and protective equipment for emergency situations. The Tier 2 Form requires the chemical name or the common name of the chemical as provided on the SDS and its Chemical Abstracts Service (CAS) registry number.

### **Is there EPA guidance regarding lead acid battery reporting under EPCRA Section 312?**

- Yes, EPA issued guidance on April 4, 2007 a [Lead Acid Battery Reporting Under EPCRA Sections 311 and 312 - REVISED](#) (PDF).

### **What is the reporting threshold for gasoline and diesel fuel at retail gas stations that store their product entirely underground and are in full compliance with underground storage tank requirements?**

- On February 11, 1999 the EPA enacted an [Amendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations; Final Rule. 64 FR 7031](#) (PDF) that raised the reporting threshold for gasoline to 75,000 gallons and diesel fuel to 100,000 gallons at retail gas stations that store their product entirely underground and are in full compliance with the [Underground Storage Tank requirements](#).

### Is a state facility exempt from Tier 2 reporting requirements?

- The Federal law, EPCRA, sections 311 and 312 apply to owners and operators of facilities who must prepare or make available SDS under Federal OSHA and its implementing regulations. The Federal OSHA applies to "employers" and states are excluded from the federal definition of "employers." However, the federal law does not preempt existing state or local laws. The federal and state reporting requirements establish ground rules for submitting information about the presence of hazardous chemicals in the communities.

### Exemptions to the rules:

- Retail Service Stations – Underground Storage Tanks (UST's)
- Laboratory use chemicals
- Chemicals direct application agriculture use – don't have to report but still have to plan
- Products packaged/used as or similar to household use

### Is there specific software designed for entering facility information on the Tier 2 form?

The EPA puts out an updated version of the software every year and it can be downloaded for free from their website. While not technically mandatory, it is preferred over handwritten Tier 2 forms. Submitting electronic reports allows the Local (County-level) and State representatives import your data on their end and to help you if need be. The software is available for both PC and Mac.

### Do I need to download Tier2 Submit software every year?

Yes. Even if no changes have been made to the questions asked in the software, the EPA does release a new version of the software each year. Usually towards the end of the year the State will send out information when the EPA has released the new version for download. The good news, however, is that you can import your data from last year into the current Tier2 Submit software so you aren't starting from scratch each year. Once you import last year's data, you would just need to check to see if any of your answers need to be updated or changed. For more information, refer to the [EPA Tier Two Instructions](#), or the [Tier2 Submit Facility Submission Guide](#).

### When is the Tier 2 form due?

- As indicated above, **all forms are due on or before March 1** (postmarked by March 1). All electronic forms must be validated by the Tier2 Submit software feature prior to submission.

### Who do I submit a Tier 2 form to?

Send Tier 2 reports to each of the following three organizations:

1. The State Emergency Response Commission in electronic form – the .t2s file.  
[Maine.SERC@maine.gov](mailto:Maine.SERC@maine.gov)
2. The Local Emergency Planning Committee in electronic form – the .t2s file.  
[ema@androscoggincountymaine.gov](mailto:ema@androscoggincountymaine.gov)
3. The fire department with jurisdiction over your facility in paper form or as a PDF. Fire departments don't use the Tier 2 software so don't send them the .t2s file because they

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won't have a way to look at the report. If you need contact information for your local fire department, send an email to [ema@androscoggincountymaine.gov](mailto:ema@androscoggincountymaine.gov)

**\*Note:** Please make sure that when you name your electronic report (the .t2s file), that you **name your tier 2 with the name of the facility or entity that it's for**. Sometimes people just call it something generic like "2021 Tier 2", and since those receiving it are unable to rename the file you send, getting several files all called the same thing gets pretty messy considering the number of tier 2 reports that have to be processed.

### **At some point during the past year, we switched from using #2 heating fuel to just using natural gas. Do I report on both chemicals, or just one of them?**

You need to report if you had the substance on site at any point during the year you're reporting on. Even if you stopped using one and started using another, if they were both used *at some point* in that year, you'll need to report on both. The following year you would drop off the chemical you're no longer using.

### **Who requires the submission of locations of hazardous chemicals or site plan with the Tier 2 form?**

The SERC requires a description of the precise locations of the hazardous chemicals at your facility. It is recommended by the SERC that you contact your local Fire Department that has jurisdiction over your facility to determine if a site plan or a brief description of the precise location of the hazardous chemicals is required to be submitted with your facility Tier 2 form.

### **I'm having trouble with the software or I just have some questions. Who can I talk to?**

You can contact **Candice Richards** at the Knox County Emergency Management Agency (who is also the Secretary for the local LEPC) at 207-594-5155 or [crichards@knoxcountymaine.gov](mailto:crichards@knoxcountymaine.gov). Candice Richards is also available to come to your facility to help you onsite to do your report, or you are welcome to come to the Knox County EMA office and work on it in her office at 301 Park Street in Rockland. Call or email first to make an appointment.

You can also contact the SERC at [Maine.SERC@maine.gov](mailto:Maine.SERC@maine.gov). The Technological Hazards Program Manager for the SERC is Faith Staples. Her direct email is [faith.e.staples@maine.gov](mailto:faith.e.staples@maine.gov).

### **For further reporting questions and information see the links below:**

- List of List (<https://www.epa.gov/epcra/consolidated-list-lists>)
- Department of Environmental Protection (DEP) ([www.maine.gov/dep](http://www.maine.gov/dep))
- MEMA ([www.mema.gov/mema](http://www.mema.gov/mema))
- EPA ([www.epa.gov](http://www.epa.gov))
- To download current Tier 2 Submit software:  
<http://www.epa.gov/emergencies/content/epcra/tier2.htm>



**Acronym List**

CAER – Community Awareness and Emergency Response  
CAS – Chemical Abstracts Service  
CEPP – Chemical Emergency Preparedness Program  
CERCLA- Comprehensive Environmental Protection, Compensation and Liability Act.  
CMA – Chemical Manufacturers Association  
DEP – Department of Environmental Protection  
EHS- Extremely Hazardous Substances  
EPA- Environmental Protection Agency  
EPCRA – Emergency Planning and Community Right-To-Know Act  
HAZMAT – Hazardous Materials  
IC – Incident Commander  
LEPC- Local Emergency Planning Committee (in Maine, the LEPC's are part of County level Emergency Management)  
MEMA – Maine Emergency Management Agency  
NAICS – North American Industry Classifications System  
NOAA- National Oceanic and Atmospheric Administration  
NRP – National Response Plan  
OSHA – Occupational Safety and Health Administration  
SDS – Safety Data Sheets  
SERC- State Emergency Response Commission  
TPQ – Threshold Planning Quantity  
TRI – Toxics Release Inventory