

Common Errors to Avoid in EPCRA Reporting

Reporting Deadlines Approaching

EMERGENCY PLANNING AND

Community Right-to-Know Act (EPCRA) reporting deadlines are fast approaching, and now is the time for installations to begin preparations for calendar year (CY) 2009 reporting requirements. As a result of errors in prior reporting, Navy installations now face greater scrutiny from the Navy, Department of Defense (DoD), the public and the U.S. Environmental Protection Agency (EPA) on the information they report.

Reviews of submitted reports and forms often find issues with overlooked or misunderstood sections of EPCRA, especially Sections 302 and 311, or poorly documented application of exemptions (e.g., batteries under Section 312). Navy personnel should understand all EPCRA reporting requirements and be familiar with DoD and Navy policy. Accurate reporting and concise documentation may avoid compliance issues in the future.

EPCRA Hot Topics & Common Errors

A review of Toxic Release Inventory (TRI) submissions identified a number of hot topics and common errors in EPCRA reporting which require additional attention when preparing EPCRA reporting submissions.

1. Batteries

Batteries exempted under Sections 312/313 as consumer products are NOT exempt from Section 302 reporting as there is no consumer product exemption under Section 302. Therefore, sulfuric acid in batteries must be included in a threshold planning quantity calculation to determine if reporting under Section 302 is required.

2. Section 311 Updates

Although Section 311 reporting is a one-time submission, increases in the amounts of hazardous chemicals present at the installation or new chemicals exceeding thresholds may require an update of the Section 311 submittal. At a minimum, installations can compare their most recent Section 311 submittal to their Tier II report when completed for CY 2009. Since the same hazardous chemicals are reported under Section 311 and 312, the submittals should match. If the Section 311 submittal is missing a hazardous chemical reported on the Tier II, then an update is required.

3. Non-hazardous Wastes

Non-hazardous wastes such as used oil in tanks and wastes stored on-site prior to being sent off-site are often overlooked in Section 311 and 312 compli-

ance efforts. Non-hazardous wastes may require Material Safety Data Sheets (MSDS) under the Occupational Safety and Health Act (OSHA) and would be considered hazardous chemicals under Sections 311 and 312. Only hazardous wastes are excluded from the OSHA MSDS requirements. Work with your safety organization to determine if an MSDS is required.

4. Ranges

Ranges that are adjacent to, contiguous with, or wholly encompassed by a facility are considered part of the facility for purposes of Section 313 and are included in facility Section 313 threshold determinations. For example, if a facility has an adjacent outdoor small arms range that uses lead in munitions fired, and the facility also uses lead in non-exempt equipment maintenance activities, the threshold determination for lead is based on the lead from the non-range activities PLUS the lead used in the range activities because it is all part of a single facility. If reporting is triggered, two Form Rs must be prepared for toxic chemicals that are released from both the installation (non-range) and range activities. One Form R would be completed for lead where the facility name is given to include the installa-

tion (or non-range activities) and a second Form R would be completed where the facility name is given to include ranges (or range activities). In both cases, the Form R would identify the report as being for “Part of the facility” and for “A federal facility” in Part I, Section 4.2.

5. Reporting Releases of Exempt Toxic Chemicals

Once a toxic chemical is exempted from Section 313, it is exempt from BOTH threshold calculations and release estimates even if the toxic chemical triggers reporting based on other non-

exempt activities at the installation. For example, batteries exempted under motor vehicle maintenance or as an article are not included in threshold calculations AND are not reported on the Form R (e.g., do not report a transfer off-site for recycling) if reporting is triggered for a toxic chemical in the battery. As another example,

the amount of fuel issued to non-transient motor vehicles is exempt; therefore, the releases from these fuel transfers to the vehicles are also exempt. In contrast, fuel issued to non-motor vehicle Aerospace Ground Equipment (AGE) is otherwise used; therefore, these releases from these fuel transfers to AGE are also NOT exempt

and must be estimated and included on Form R if reporting is triggered.

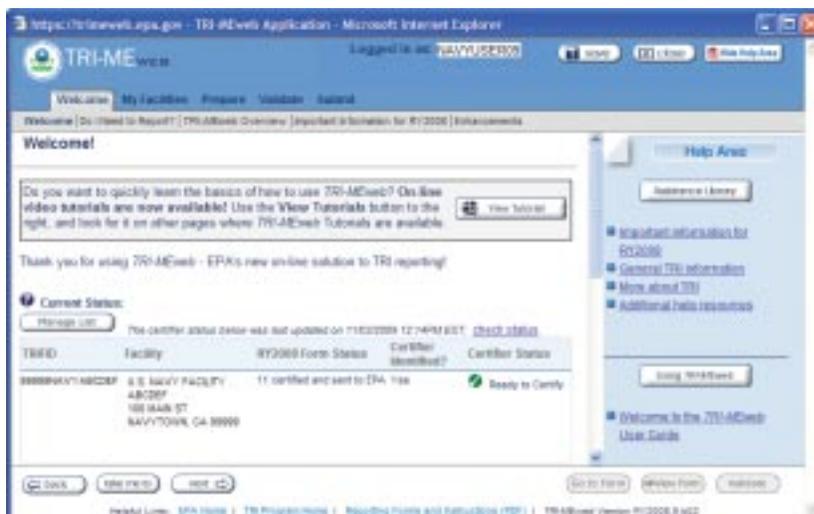
6. Certifying Official

The Certifying Official should establish his/her own account (i.e., username and password) in Toxics Release Inventory-Made Easy (TRI-MEweb) as soon as possible. Once the account is established, the person entering the Form Rs for the installation must enter the name and e-mail address for the Certifying Official. TRI-MEweb will then post a message to the Certifying Official within their TRI-MEweb mailbox notifying them that they have been nominated and that they must complete and mail an enclosed certification form to EPA. The Certifying Official is the only person that will receive this message. The Certifying Official must print and review the provided form, sign the form, and mail it to EPA at the provided address. Once received by EPA, the



Hazardous materials storage.

Courtesy of Navy Other Accrued Environmental Liabilities Program



TRI-ME Welcome Page.

EPCRA Sections

EPCRA CONTAINS FIVE major sections, each of which covers different chemicals, thresholds, exemptions and reporting requirements.

1. Section 302—Emergency Planning Notification

One-time notification letter indicating a listed Extremely Hazardous Substance (EHS) is present above its Threshold Planning Quantity (TPQ) and identifying the facility emergency coordinator.

2. Section 304—Emergency Release Reporting

Immediate verbal notification to the State Emergency Response Commission, Local Emergency Planning Committee and the National Response Center, of a release to the environment of an EHS or Comprehensive Environmental Response, Compensation and Liability Act hazardous substance above its Reportable Quantity with written follow-up.

3. Section 311—MSDS or List Reporting

One-time submission of MSDSs (or a list, grouped by hazard category) of all hazardous chemicals stored in quantities above 10,000 pounds. If the hazardous chemical is an EHS, the threshold is the lower of 500 pounds or the TPQ.

4. Section 312—Hazardous Chemical Inventory Reporting (Tier II)

Annual submission, due 1 March, of Tier II or state equivalent form for all hazardous chemicals (including EHSs) that exceed EPCRA Section 311 thresholds.

5. Section 313—Toxic Chemical Release Reporting (Form R)

Annual submission, due 1 July, of Form R report for all listed toxic chemicals that exceed activity thresholds. The activity-specific thresholds are:

- Manufacture (including import)—25,000 pounds/year,
- Process—25,000 pounds/year,
- Otherwise use—10,000 pounds/year, or
- Chemical-specific thresholds for Persistent Bioaccumulative Toxic (PBT) chemicals—range from 0.1 grams/year for dioxins to 100 pounds/year for lead, lead compounds and other listed PBT chemicals.

original signature is maintained on file and the Certifying Official status is shown as APPROVED within TRI-MEweb. Once the Certifying Official is approved in TRI-MEweb, the Form Rs may be submitted. The Certifying Official and Technical Contact will receive an e-mail that the Form Rs are ready for certification. The Form Rs are not considered submitted until they are certified. The only time to wait to establish a Certifying Official is when a change in personnel is anticipated prior to the reporting deadline. The closer to the reporting

deadline, the longer it may take for approval to be granted due to the volume of requests.

7. Transient Fuels

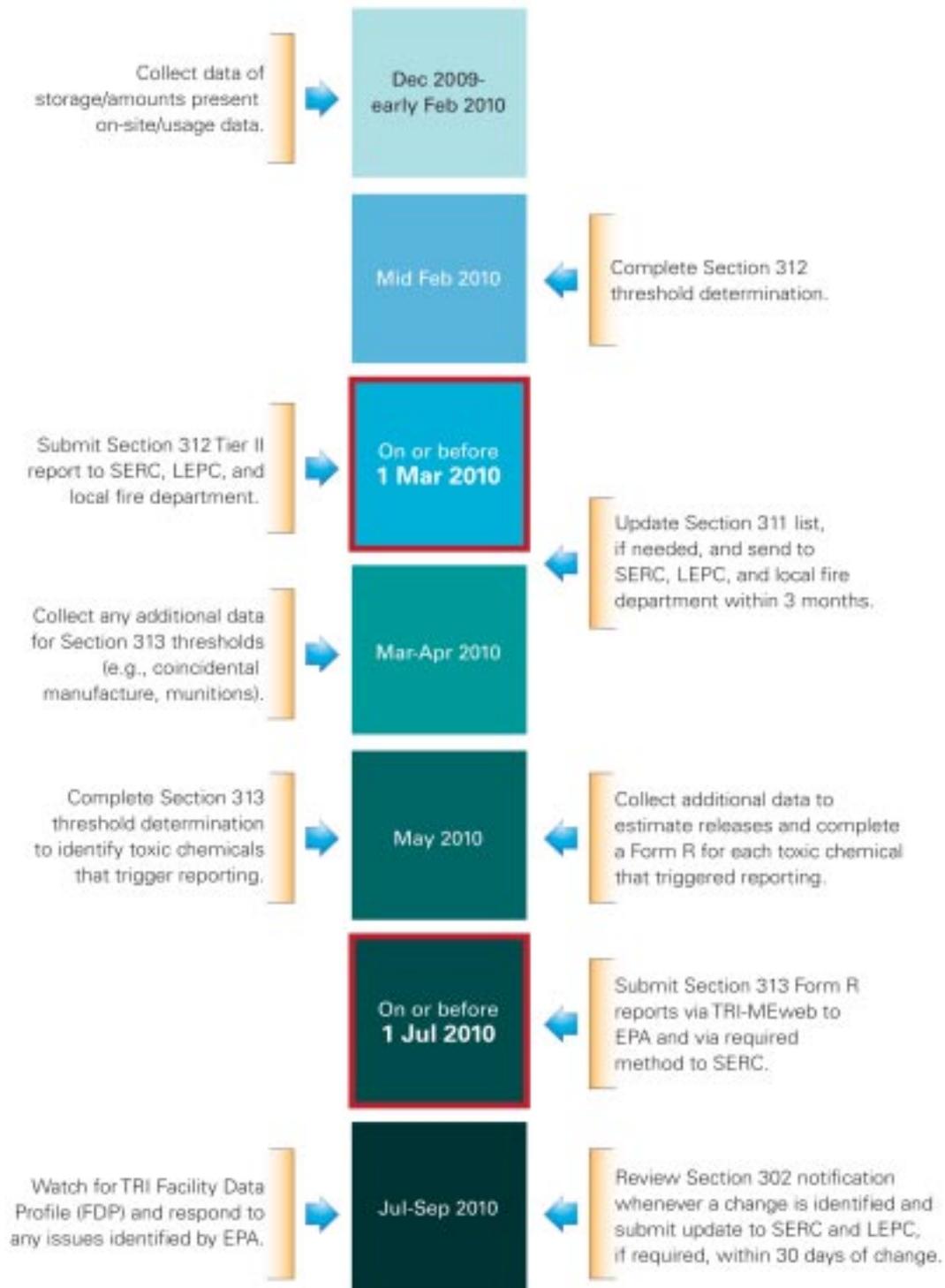
The term 'transient' means one thing under Section 313 (a vehicle at the installation for fueling purposes only; does not include vehicles for any other mission-related purposes such as training, supplies, or troop deployment) and another thing to Fuels personnel (any vehicle not based at the installation). Fuel amounts provided for mission-related activities

versus gas-n-go stops should be clearly documented.

EPCRA Training Opportunities & Resources

The Naval Civil Engineer Corps Officers School (CECOS) conducted refresher courses on EPCRA Sections 311/312 (on 7 January 2010 and 14 January 2010) and will hold EPCRA Section 313 refresher courses (on 10–11 March 2010 and 17–18 March 2010). Additional EPCRA resources include the Navy's EPCRA Helpline (NavyEPCRA@urscorp.com) which

RY 2010 EPCRA REPORTING TIMELINE



**Compile and complete all EPCRA documentation for the reporting year as soon as practicable following submittals.*

Andrea Snyder



Smokey Sam rocket is shot off in support of Operation Desert Talon 2006.
Lance Cpl Cory Tepfenhart

New Executive Order Expands Environmental Requirements

EXECUTIVE ORDER (EO) 13514, "Federal Leadership in Environmental, Energy, and Economic Performance, issued on 5 October 2009, builds on and expands the energy reduction and environmental requirements of EO 13423 and promotes pollution prevention and waste reduction. This new EO sets several reduction targets, including 50 percent recycling and waste diversion by 2015 and 30 percent reduction in vehicle fleet petroleum use by 2020. It also re-emphasizes the language included in EO 13148 of "reducing and minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of..."

is staffed by the CECOS Navy EPCRA training instructors from URS Corporation. EPCRA questions may be emailed to the helpline and a response or request for more information or discussion will be sent by the next business day. The Navy also maintains an EPCRA email list used by the Chief of Naval Operations to distribute EPCRA information such as announcements and reporting deadline reminders. To join, Navy personnel should send an email to NavyEPCRA@urscorp.com with 'Navy EPCRA e-mail list' in the subject line.

Calculation Manual Revamped

The Navy is updating the EPCRA Calculation Manual to provide guidance in developing information/calculations required for EPCRA reporting

for several common activities to Navy installations (e.g., batteries, nitrates). The update is expected in time for CY 2009 EPCRA reporting. The calculation manual will serve as a companion guide to "Getting Started with The Emergency Planning and Community Right-to-Know Act (EPCRA)" which can be obtained by contacting the Navy EPCRA Helpline at NavyEPCRA@urscorp.com. [↓](#)

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