

EPCRA (Emergency Planning and Community Right-to-Know Act)  
Washington State 40 CFR Part 355.40  
Emergency Chemical Release Reporting

Congress passed a law to help America's communities deal safely and effectively with the hazardous substances used throughout our society. The law is called the Emergency Planning and Community Right-to-Know Act. The law has two main purposes:

- to encourage and support emergency planning for responding to chemical accidents; and
- to provide local governments **and the public** with information about possible chemical hazards in their communities.

Immediate reporting must be made (within 15 minutes if possible) if there is a **spill or release** of an Extremely Hazardous Substance or a release of a CERCLA hazardous substance that exceeds the Reportable Quantity. The following agencies must be notified and the report must contain the items identified in the statute and regulations:

- **911**, call to report the emergency and get help (not required by statute or regulation, however, this is always a good idea).
- **National Response Center (NRC)**, 1-800-424-8802, if it is a CERCLA hazardous substance.
- **State Emergency Response Commission (SERC), Washington Emergency Management Division, 1-800-258-5990**. Contact the SERCs for all states likely to be affected by release.
- **Local Emergency Planning Committee (LEPC)**, notify all LEPCs likely be affected by the spill or release. Phoning 911 may satisfy this requirement if the county is set up this way, it may not satisfy the requirements for notification of other LEPCs likely to be affected by the spill or release.

Report a spill or release within 15 minutes if possible.  
No penalties for reporting a spill or release unnecessarily.  
Significant penalties possible for not reporting a spill or release.

Written Follow-up Reports are required under **EPCRA SECTION 304(c)** and must be submitted as soon as practicable (generally 30 days) of a spill or release. The report must contain items in the statute and regulations. Submit reports to:

- Department of Ecology  
**Washington State Emergency Response Commission**  
Community Right-to-know Unit  
P.O. Box 47659  
Attn: Sadie Whitener
- **LEPCs** likely to be affected by the spill or release

**WHEN MORE THAN ONE STATE OR LEPC IS AFFECTED BY A SPILL OR RELEASE, EMERGENCY NOTIFICATIONS AND WRITTEN FOLLOW-UPS MUST BE MADE TO ALL SERCS AND LEPCS LIKELY TO BE AFFECTED BY THE SPILL OR RELEASE.**

Other agencies and programs may have other/additional reporting requirements.

The List of Lists-Consolidated List of Chemicals Subject to EPCRA, CERCLA and Section 112(r) of the CAA- was prepared to help firms handling chemicals determine (for a specific chemical) whether they may be subject to reporting requirements.

<http://www2.epa.gov/epcra/epcracerclaaa-ss112r-consolidated-list-lists-march-2015-version>  
<http://www.epa.gov/emergencies/tools.htm#lol>

Industry, interested citizens, environmental and other public-interest organizations, and government at all levels must work together to reduce the risk to the public from releases of toxic chemicals into the environment.

[http://www.epa.gov/region10/pdf/epcra/washington\\_release\\_reporting\\_guide.pdf](http://www.epa.gov/region10/pdf/epcra/washington_release_reporting_guide.pdf)

**EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW ACT REPORTING REQUIREMENTS SUMMARY**  
§302 - 313

Section Number	Reporting Criteria	Report Type	Frequency of Reporting	Agencies Receiving Report
EPCRA § 302	Have present at <u>any one time</u> an EHS in quantity equal to or greater than TPQ	Form or Letter	One time	SERC LEPC
EPCRA § 303	Have present, <u>any one time</u> , an EHS in quantity equal to or greater than TPQ	Form or Letter	One time	LEPC
EPCRA § 304	Release of an EHS in quantity equal to or greater than reportable quantity OR Release of a CERCLA hazardous substance in quantity equal to or greater than reportable quantity	Immediate: Verbal (document call) Follow-up: written	Immediate upon knowledge of release with written follow-up	LEPC SERC 1 NRC 2,3
CERCLA § 103	Release of a CERCLA hazardous substance in quantity equal to or greater than reportable quantity			
EPCRA § 311	Have present at <u>any one time</u> an OSHA hazardous chemical in quantity equal to or greater than 10,000 lbs. OR An EHS in quantity equal to or greater than TPQ or 500 lbs., <i>whichever is less</i>	MSDS list of hazardous chemicals and health affects or MSDS copies	One time with revision when there are changes	SERC (List) LEPC FD
EPCRA § 312	Have present at <u>any one time</u> an OSHA hazardous chemical in quantity equal to or greater than 10,000 lbs. OR An EHS in quantity equal to or greater than TPQ or 500 lbs., <i>whichever is less</i>	Tier Two – Emergency & Hazardous Chemical Inventory Report	Annually by March 1 <sup>st</sup>	SERC LEPC FD
EPCRA § 313	Manufacture or process, or use any listed toxic chemical in excess of its threshold amount during the course of a calendar year. Thresholds are 25,000 lbs. manufactured or processed or 10,000 lbs. for otherwise used except for persistent, bioaccumulative, toxic chemicals (pbts), which have thresholds of 100 pounds or less.	Toxics Release Inventory (TRI) Report aka Form R Report	Annually by July 1 <sup>st</sup>	EPA SERC
<b>NOTES:</b>				
EHS = Extremely Hazardous Substance		SERC = State Emergency Response Commission Ecology Community Right-to-Know Unit 1-800-633-7585, press 2 <a href="mailto:epcra@ecy.wa.gov">epcra@ecy.wa.gov</a> <a href="http://www.ecy.wa.gov/epcra">http://www.ecy.wa.gov/epcra</a>		
TPQ = Threshold Planning Quantity		LEPC = Local Emergency Planning Committee		
OSHA = Occupational Safety and Health Administration		FD = Local Fire Department		
EPA = Environmental Protection Agency		1 = To report releases to the Washington SERC call 1-800-258-5990 2 = Notification to the NRC is only required if a CERCLA hazardous Substance is released 3 = No follow-up report is required to be submitted to the NRC		
NRC = National Response Center 1-800-424-8802				

Federal EPCRA regulations can be found in 40 Code of Federal Regulations (CFR) Parts 355 and 370.  
Chapter 118-40 Washington Administrative Code provides Washington State's implementation of the Federal Emergency Planning & Community Right-to-Know Act