

**SARA TITLE III
AND
PENNSYLVANIA ACT 165**

FACILITY COMPLIANCE MANUAL

Reporting Requirements & Fee Instructions

COMMONWEALTH OF PENNSYLVANIA
ROBERT P. CASEY, GOVERNOR
MARK S. SINGEL, LIEUTENANT GOVERNOR

THIS MANUAL PROVIDES GENERAL INFORMATION ABOUT FEDERAL SARA TITLE III AND PENNSYLVANIA ACT 165. IT SHOULD NOT BE CONSIDERED AS A LEGAL INTERPRETATION OF FEDERAL SARA TITLE III, PENNSYLVANIA'S HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT, OR THE IMPLEMENTING REGULATIONS OF EITHER ACT.



COMMONWEALTH OF PENNSYLVANIA
LIEUTENANT GOVERNOR'S OFFICE

HARRISBURG 17120-0002
717-787-3300

MARK S. SINGEL
LIEUTENANT GOVERNOR

Dear Pennsylvania Employer:

The enclosed manual was designed to provide the information that you, as an owner or operator of a facility, will need to comply with the Hazardous Material Emergency Planning and Response Act (Act 1990-165), enacted December 7, 1990, and effective on February 4, 1991. Passage of this important legislation represented a three year effort of the Pennsylvania Emergency Management Council (PEMC), county and local governments, leaders representing our fire services, the Pennsylvania Chamber of Business and Industry, as well as businesses involved in the chemical industry.

Pennsylvania joins over 26 states that have passed similar laws requiring fees and several more are actively working on their legislatures to do the same. Act 165 is considered one of the most comprehensive and ambitious programs in the nation. It creates a central focus for hazardous materials preparedness at the state level and provides support to Pennsylvania's 67 Local Emergency Planning Committees (LEPC's). It also affords provisions for responder liability and recovery of response costs.

Act 165 provides the program structure and funding formula necessary to implement the 1986 federal SARA Title III requirements in Pennsylvania. SARA Title III requires development of a hazardous materials safety program, including an in-depth data base, plans to reduce the number and seriousness of industrial accidents, detailed off-site emergency response plans for facilities with specified chemicals, and professional training for all emergency teams dealing with hazardous material accidents.

Program funding is afforded through a shared partnership of state and county governments and the business community. Fees from facilities will be used for plans preparation and a state matching grant fund intended to help develop and improve local response capabilities, training and certification.

It is understood that Act 165 is new to many employers and that you may have questions about the materials in this manual. If you have any questions about your requirements under Act 165, please feel free to write to the PEMC, c/o Pennsylvania Emergency Management Agency (PEMA), Box 3321, Harrisburg, PA 17105, telephone (717) 783-8150, or FAX (717) 783-7393.

Sincerely,

A handwritten signature in cursive script that reads "Mark S. Singel".

Mark S. Singel

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I
FEDERAL SARA, TITLE III AND PENNSYLVANIA ACT 165
AN OVERVIEW OF THESE LAWS AND THIS MANUAL

Pennsylvania's Hazardous Material Emergency Planning and Response Act 1990-165 (hereinafter referred to as Act 165), implements the federal Emergency Planning and Community Right-To-Know Act (hereinafter referred to as SARA, Title III). Act 165 creates a strong working relationship between business and industry, the Commonwealth, and its counties and municipalities to protect and safeguard the citizens from the dangers of hazardous materials. In order to understand Act 165, it is necessary to understand federal SARA, Title III.

I. SARA, Title III:

SARA, Title III has four (4) basic requirements: emergency planning, emergency release notification, community right-to-know reporting requirements and toxic chemical release reporting. The requirements of SARA, Title III and Act 165 will be cross-referenced throughout this manual. Like SARA, Title III, this manual is divided into four sections. Each section provides information about a specific reporting requirement under federal SARA, Title III and Act 165.

A. Emergency Response Plans:

The first section provides information on Emergency Planning, which includes an overview of the reporting requirements, a report and fee summary, a list of exemptions, a flow sheet for determining coverage, sample notification letter and questions and answers.

B. Emergency Notification:

SARA, Title III provides reporting requirements for accidental spills of Extremely Hazardous Substances (EHS) and/or other substances regulated under the federal Comprehensive Environmental Resource and Conservation Liability Act (CERCLA). These requirements are discussed in Section II.

C. Tier II Emergency and Hazardous Chemical Inventory Reporting:

SARA, Title III requires an Emergency and Hazardous Chemical Inventory report, or a Tier II form, to be filed. This form must be submitted March 1st of each year to the Local Emergency Planning Committee (LEPC), the fire company with jurisdiction over the facility, and the Pennsylvania Emergency management Council (PEMC), c/o the Bureau of Worker and Community Right-To-Know. Facilities which have either EHS's or 10,000 lbs. or more of substances covered by the federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard must file these reports and pay fees based on the number of chemicals reported.

D. TRI (Form R) Toxic Chemical Release Inventory and Toxic Chemical Fees:

Facilities which are manufacturers with 10 or more full-time employees, who annually process or manufacture 25,000 lbs. or more of specified toxic chemicals, must file a toxic Chemical Release Inventory Form (Form R). This form must be filed by July 1st of each year with the PEMC and the U.S. Environmental Protection Agency (EPA). The form provides information about chemical releases which occurred during the prior calendar year.

EPA has published the "Title III, Lists of Lists" which lists the chemicals which facilities must consult to determine their degree of compliance. A copy of this document can be obtained by writing to:

Section 313 Document Distribution Center
P.O. Box 12505
Cincinnati, Ohio 45212

II. Act 165:

Act 165 establishes two funds, one at the county level and one at the state level, to provide grants for counties to administer SARA, Title III. The county-level fund includes fees collected from each facility required to develop an emergency plan. Counties may assess each facility \$100 per year to underwrite the cost of preparing emergency response plans and to exercise those plans. These fees are collected with each Tier II report filed with the county on March 1st of each year. Both of these fees must be by a county ordinance.

The state Hazardous Material Response Fund is collected by the PEMC and provides matching grants to counties. This fund is comprised of three separate fees: \$10 per chemical for each chemical reported on a Tier report due March 1st of each year; a one-time registration fee for any facility required to file a Toxic Release Inventory for 1989; and a \$250 per chemical fee, with a maximum annual fee of \$5,000 per facility, for every chemical reported on a Toxic Release Inventory form.

Blank invoices are included in this manual for facilities to use to remit their fees. The Department of Labor and Industry will mail an invoice, reporting form and instructions to all owners and operators who have previously filed. In addition, facilities may reproduce any and all parts of this manual to meet their compliance obligations.

III. Resource Materials:

This manual also includes miscellaneous information, such as a list of Pennsylvania LEPC's, addresses and phone numbers of state and federal officials, and other information about these laws. This manual does not address all aspects of these laws, such as trade secrets, public availability of documents and enforcement. For specific information about these provisions, please consult the actual law and regulations.

II

REPORTING REQUIREMENTS:

SECTION A

EMERGENCY PLANNING



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**Emergency Planning and Notification Requirements:
Federal SARA Title III
Emergency Planning and Notification Fee Requirements:
Pennsylvania Act 165**

AN OVERVIEW

Reporting Requirements:

- Owners/operators of facilities that produce, use or store a designated Extremely Hazardous Substance (EHS) at or above a specific threshold planning quantity (TPQ) at any one time during a calendar year, and any other facility named by the state, must notify, in writing, the Pennsylvania Emergency Management Council (PEMC) and the county Local Emergency Planning Committee (LEPC) that the facility is subject to the planning requirement of SARA Title III. A facility representative must be appointed to assist the LEPC in the preparation of the plan. The LEPC can provide the facility with the current list of EHS's, the chemicals designated by the U.S. Environmental Protection Agency (EPA) which require off-site plans.

Fee Requirements:

- There are no state fees for emergency planning.
- Counties, by ordinance, may charge a fee of up to \$100 annually for each plan.

**Emergency Planning and Notification Requirements:
Federal SARA Title III
Emergency Planning and Notification Fee Requirements:
Pennsylvania Act 165**

EXEMPTIONS

Reporting Requirements:

- THERE ARE NO EXEMPTIONS FOR THE PLANNING AND NOTIFICATION REQUIREMENTS UNDER SARA TITLE III/ACT 165.

If a facility is subject to the planning requirements, as defined in sections 302-303, SARA Title III, and subsection 205(a)(1) of Act 165, the owner/operator of that facility must meet those planning and notification requirements.

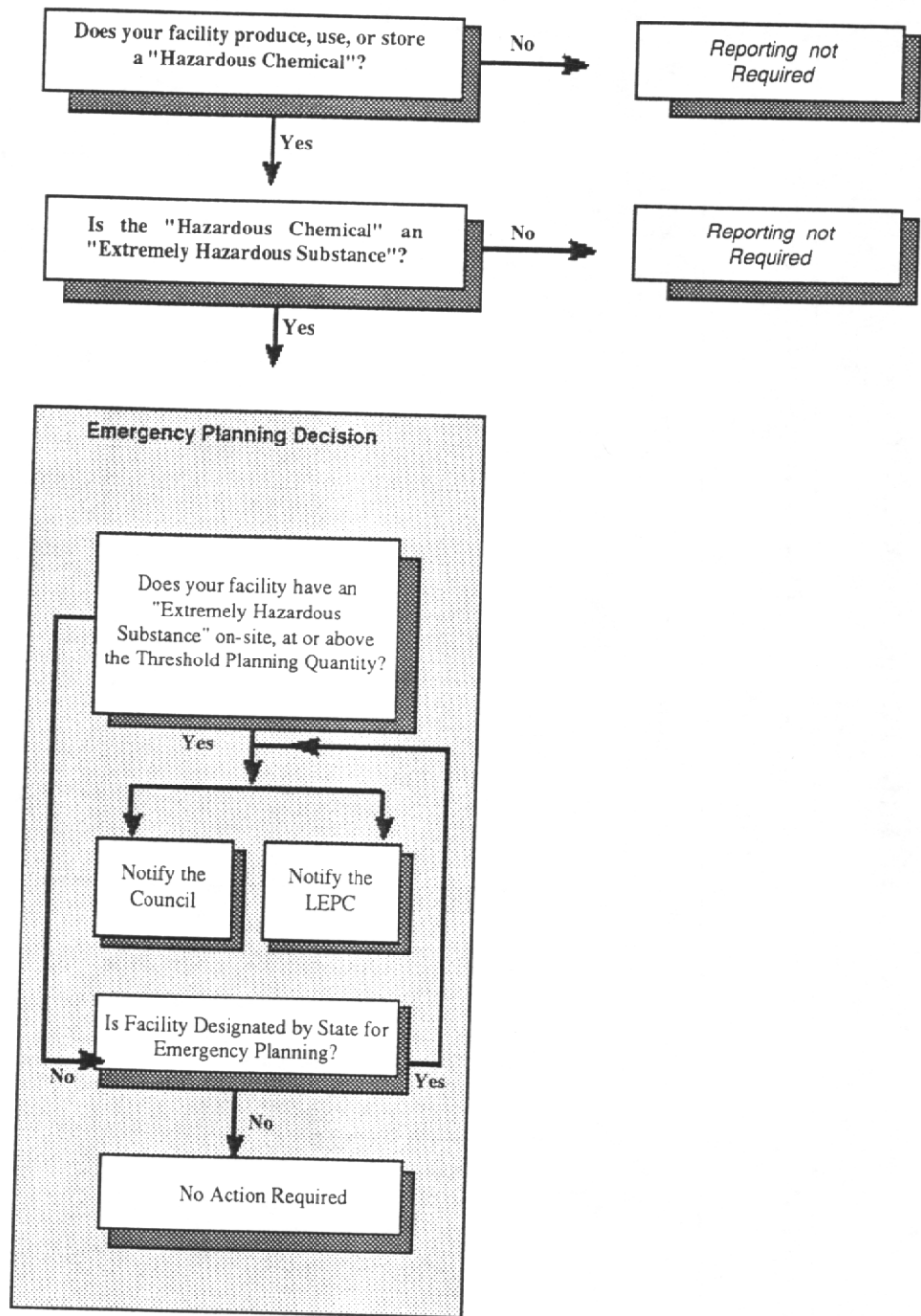
Fee Requirements:

- Facilities owned by state and local governments are not required to pay fees under Act 165.
- Family farms and service stations, including auto body repair, are not required to pay fees under Act 165.

Reports and Fee Summary Extremely Hazardous Substances

REPORT	SARA SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	NOTIFY
302 Notice	302, 303	Extremely Hazardous Substances (EHS) (40 CFR 355)	Any Facility with an EHS \geq the Threshold Planning Quantity (TPQ)	None	Whenever an EHS is present at or above the TPQ	(1) PA Emergency Management Council c/o PA Emergency Management Agency Harrisburg, PA 17105 717-783-8150 (2) Local Emergency Planning Committee (see listing in Resource Materials section)
FEE	ACT 165 SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	REMIT TO
County may assess to \$100 annually per facility, as established by county ordinance	207(f)	EHS	Same as above	(1) Family farms (2) Service stations (3) State or Local Government Agencies	By March 1 of each year	Local Emergency Planning Committee (see listing in Resource Materials section)

Emergency Planning
Flow Chart for Determining Facility Coverage
Title III



Report Consists of:

Emergency Planning -

Notify the Council that facility is subject to Title III Emergency Planning Requirements

EMERGENCY PLANNING -- SAMPLE NOTIFICATION LETTER

(Date)

Pennsylvania Emergency Management Council
c/o Pennsylvania Emergency Management Agency
P. O. Box 3321
Harrisburg, Pennsylvania 17105
ATTN: SARA, Title III

This is to advise the Council that, pursuant to Section 302(c) of federal SARA Title III and Section 205 of Pennsylvania Act 165, our facility is subject to emergency planning requirements because the following Extremely Hazardous Substances are on the premises:
(list the substances)

The facility representative, who has been designated as the Emergency Coordinator to participate in the emergency planning process, is (name and position) at (telephone number).

Sincerely,

(Signed by facility owner or operator)
Address: (actual address, **not** P.O. Box)

cc: Local Emergency Planning Committee

(A copy of this notification letter must also be sent to the LEPC in the county where the facility is located. See the LEPC contact list in the Resource Materials section to obtain a mailing address.)

Emergency Planning and Notification:

QUESTIONS AND ANSWERS

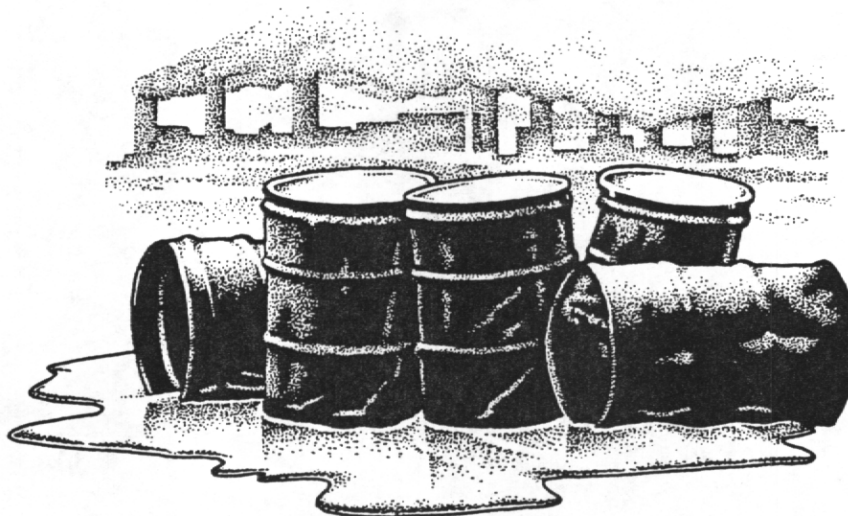
1. **Q: What is a facility:**
A: A facility consists of all buildings, structures and other stationary items located on a single site or a contiguous or adjacent site which are owned or operated by the same person and which actually manufacture, produce, use, transfer, store, supply or distribute any hazardous material. The term includes railroad yards and truck terminals but does not include individual trucks, rolling stock, water vessels, airplanes or other transportation vehicles.
2. **Q: What types of facilities are exempt from Section 302 notification requirements?**
A: Section 302 notifications are required from owners or operators of any facility that has present at any time an EHS in any amount at or above the TPQ for that substance.
3. **Q: What should a facility owner/operator do if the facility contains one or more of the EHS identified by EPA?**
A: If your facility has on its premises one or more EHS's, the PEMC must be notified in writing. The specific substance(s) must be listed in the letter. A copy of this notification letter should also be sent to the LEPC of the county in which the facility is located. A sample notification letter is included in this section.
4. **Q: What is the primary purpose of Section 302, SARA Title III, notification requirements?**
A: Notification by a facility indicates that the facility has one or more EHS's at or above the TPQ. This notice identifies locations where emergency planning activities must be initially focused. Section 302 notifications are useful in helping State and local governments identify those facilities and geographic areas that pose a potential threat for a significant hazardous material incident.
5. **Q: What is the purpose of the list of EHS's in regard to the emergency planning requirements of SARA Title III?**
A: This list and the TPQ's identify the substances of most immediate concern for emergency planning and response. Without a list of this kind, most communities would find it very difficult to identify potential chemical hazards among the many chemicals present in any community.
6. **Q: Who must determine whether an amount of any EHS, which equals or exceeds the TPQ, is present in a facility?**
A: The owner or operator of a facility must determine the total amount of an EHS present at a facility. This calculation must take into account the amount of an EHS present in mixtures or solutions in excess of one (1) percent and should include examination of such process components as reaction vessels or piping where formation of an EHS as a by-product may take place.
7. **Q: Do Section 302 notification requirements apply to transportation of an EHS?**
A: Section 302 requirements do not apply to the transportation of any EHS, including transportation by pipeline.
8. **Q: If an EHS is not stored on-site, but is produced in a process such as incineration, is it exempt from both TPQ calculation and release reporting, if the release is covered by a permit under the federal Comprehensive Environment Resource and Conservation Liability Act (CERCLA)?**
A: If the EHS is produced on-site in a process such as incineration, it is considered present at the facility and subject to Section 302 reporting requirements. However, if a TPQ is not met or exceeded at any one time, then the EHS need not be reported to the LEPC. Further, if the release is federally permitted under Section 101(10) of the CERCLA, which includes permitted emissions into the air, then the release need not be reported under Section 304 of SARA Title III.

II
(continued)

REPORTING REQUIREMENTS:

SECTION B

**EMERGENCY
NOTIFICATION**



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**Emergency Notification Requirements:
Federal SARA Title III
Emergency Notification Fee Requirements:
Pennsylvania Act 165**

AN OVERVIEW

This requirement applies to accidental releases of the following substances:

CERCLA chemicals
Extremely Hazardous Substances

Reporting Requirements:

- (1) The owner/operator of a facility that manufactures, produces, uses, imports, exports, stores, supplies or distributes any substances regulated by CERCLA or any EHS's; and
- (2) The owner/operator of a vehicle that ships, transports or carries any of those substances referenced above to, within, through or across this Commonwealth must immediately report the release of a substance which meets or exceeds the reportable quantity (RQ) and which extends beyond the property boundaries of the facility or which results from a transportation accident or incident.
- Two (2) notifications shall be made by the owner/operator of a facility:
 - (1) The first call shall be to the county office designated and acting as the Emergency Response Coordinator for the local committee by telephone, radio or in person.
 - (2) The second call shall be made to PEMA's 24-hour response number.

These numbers are found in the Resource Materials section of this manual.

NOTE: If the released substance is a CERCLA substance, a notification to the National Response Center (NRC) in Washington, D.C., is also required.

- Notification shall be made by the owner/operator of a vehicle by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator in order to notify the county emergency management office 24-hour response number within whose jurisdiction the transportation accident or incident has occurred.
- Within 14 calendar days after the reportable release, the owner/operator of a facility or vehicle shall provide a written follow-up emergency notice (or subsequent notices, if more information becomes available) to PEMA and the county emergency management office setting forth and updating the information required. If the substance is a CERCLA substance, a written follow-up must be made to the NRC in Washington, D.C.

Fee Requirements:

There are no fees requirements.

**Emergency Notification Requirements:
Federal SARA Title III
Emergency Notification Fee Requirements:
Pennsylvania Act 165**

EXEMPTIONS

Reporting Requirements:

There are several exemptions from notification:

- “Federally permitted releases” as defined under CERCLA, Section 101(10);
- Releases which result in exposure only to persons solely within the facility boundaries;
- “Continuous release” as defined under CERCLA, Section 103(3), except for initial reporting of the release and statistically significant releases;
- Application of a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registered pesticide, as defined under CERCLA, Section 103(e), in accordance with its intended purpose;
- Emissions from engine exhaust of a motor vehicle, rolling stock, aircraft, or pipeline pumping station;
- Normal application of fertilizer; and
- Releases of source, by-product, or special nuclear material from a nuclear incident at a facility subject to requirements of the Price-Anderson Act (i.e., nuclear power plants).

Some releases occurring at a facility which are not reportable under SARA, Section 304, or Act 165, Section 206, may still be reportable releases under CERCLA, Section 103, and, if so, must be reported to the National Response Center. Release reporting under Section 304 is in addition to release notification under CERCLA, Section 103.

Fee Requirements:

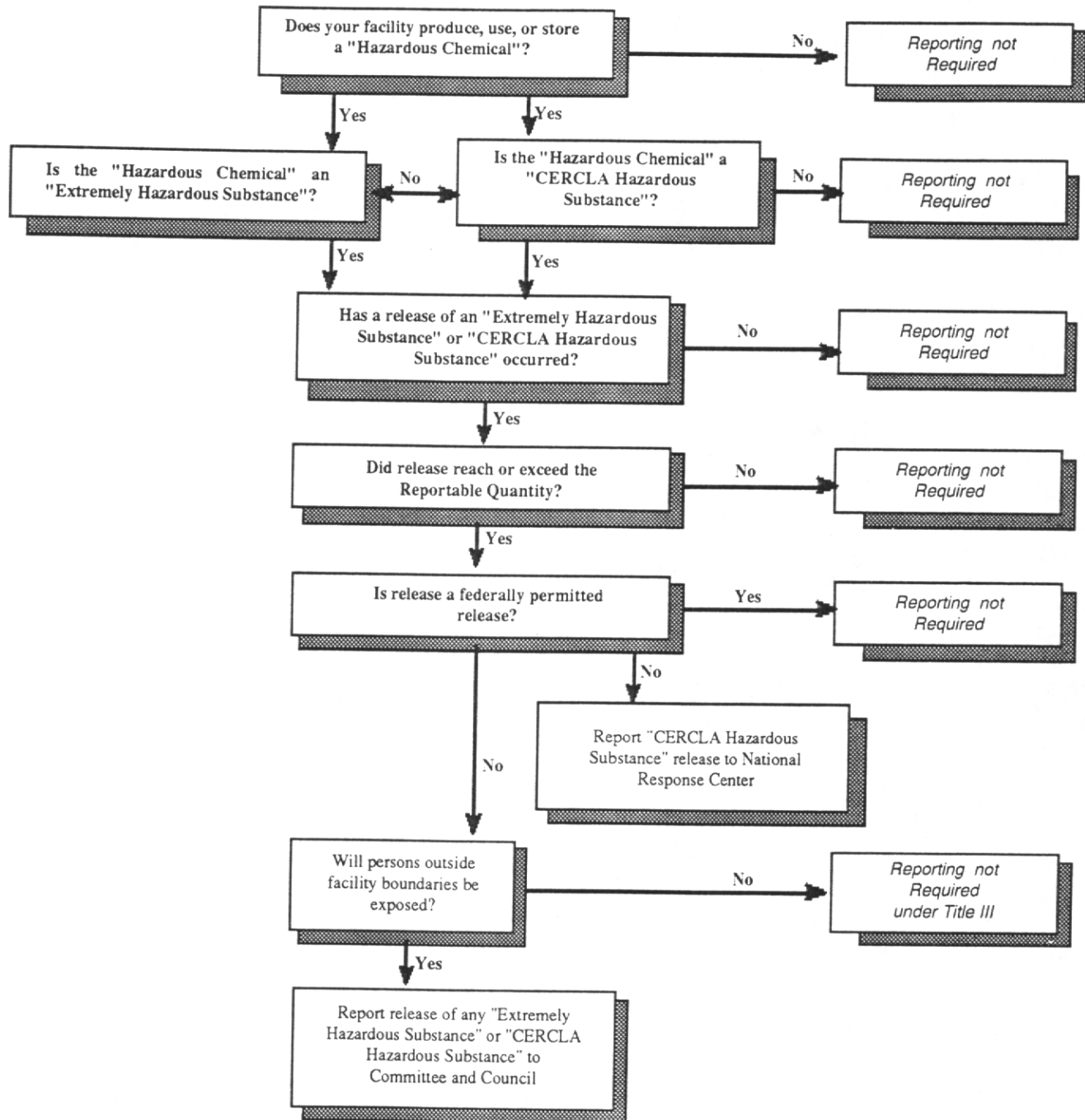
There are not fee requirements.

Reports and Fee Summary Emergency Notification

REPORT	SARA SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	SUBMIT TO/CONTACT
Accidental Release Notification	304	Extremely Hazardous Substances (EHS) *(40 CFR 355) CERCLA hazardous substances *(40 CFR Part 302.4)	Any Facility or transporter with accidental releases of EHS and/or CERCLA hazardous substances at or above the Reportable Quantity (RQ) or one pound if an RQ has not been established	Notification "...does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located."	Immediately, i.e. as soon as practically possible	(1) County Emergency Management Agency (See listing in Resource Materials section) (2) PA Emergency Management Council 717-783-8150 Emergency Operation Center Fax Number 717-783-7393 (3) National Response Center 1-800-424-8802
FEE	ACT 165 SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	SUBMIT TO/CONTACT
None	206	Same as above	N/A	N/A	N/A	N/A

* Code of federal regulations

Emergency Notification
Flow Chart for Determining Facility Coverage
Title III



Report Consists of:

Emergency Release

Provide immediate report with available details to the Local Emergency Planning Committee, the Council, and with CERCLA substances, to the National Response Center

Emergency Notification:

INSTRUCTIONS

Reporting Requirements: Fixed Facility Releases:

This notification shall include the following information to the extent known at the time of the notice:

- The name and telephone number of the person making the notification.
 - The name of the person employed by the owner or operator of the facility or vehicle who has the authority or responsibility to supervise, conduct or perform any cleanup activities required at the facility or at a transportation accident site, or to contract for the performance of any cleanup activities at the facility or transportation accident site.
 - The chemical name or identity of any substance involved in the release.
 - An indication of whether the substance is an EHS or other hazardous material or appears on a federal or Commonwealth list of hazardous materials, as periodically amended.
 - An estimate of the quantity of the substance that was released into the environment.
 - The time, location and duration of the release.
 - The medium or media into which the release occurred (e.g., air, water, ground).
 - Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.
 - Proper precautions to take as a result of the release, including evacuation, unless the information is readily available to the community emergency coordinator under an emergency plan.
 - The name and telephone number of the person(s) to be contacted for further information, if other than those listed above.
- **PEMA Notice.** — The notification to PEMA shall be made to the PEMA 24-hour response number (717)783-8150. The notice to PEMA shall fulfill the requirements in SARA, Title III, to notify the Council. Notice under this section shall not fulfill any requirements in other state laws to notify the Department of Environmental Resources or any other state or federal agency of a spill or release of a hazardous chemical.
- **County Notice.** — See the LEPC contact list in the Resource Materials section for the business telephone number to use to report the release.

Reporting Requirements: Transportation Releases:

- If a reportable release of a covered substance occurs during transportation or during storage incident to transportation, the emergency release notification requirement is satisfied by dialing 911 or the telephone operator.
- Reportable releases, which occur on-site from a transportation vehicle used for storage, must be reported as required for a fixed facility.

Follow-Up Written Emergency Notice:

INSTRUCTIONS

Reporting Requirements:

- Within 14 calendar days after a release which requires notice under this section, the owner/operator of a facility, or the owner/operator of a vehicle, shall provide a written follow-up emergency notice, and additional notices as more information becomes available, to PEMA and the county emergency management office setting forth and updating the information submitted in the immediate oral notification and including additional information with respect to:
 - Actions taken to respond to and contain the release;
 - Any known or anticipated acute or chronic health risks associated with the release;
 - Advice regarding medical attention necessary for exposed individuals, where appropriate; and
 - Actions to be taken to mitigate potential future incidents.
- The follow-up notification letter of accidental release should be addressed to:

Pennsylvania Emergency Management Council
c/o Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, Pennsylvania 17105

and to:

County Emergency Management Agency
(see Resource Materials section in this
manual for correct address)

Emergency Notification:

QUESTIONS AND ANSWERS

1. Q: Who must be notified when a release occurs?

A: in the event that a listed CERCLA hazardous substance or EHS is released in an amount equal to or exceeding the reportable quantity (RQ) for that substance, the following parties must be notified:

* PEMC

* County emergency coordinator for the LEPC

These notification procedures are designed to provide for more timely notification to state and local authorities. In addition, the owner/operator of a facility must notify the NRC (800)424-8802 when a release of a CERCLA hazardous substances (at or above the RQ) takes place.

2. Q: What chemicals are subject to reporting?

A: Chemicals subject to Section 304 notification requirements are CERCLA hazardous substances listed under 40 CFR, Table 302.4, and EHS's listed under 40 CFR 355, Appendix A and B. At present, the CERCLA list contains 719 chemicals or waste streams, 134 of which are also EHS's. For the remaining 232 EHS's not currently on the CERCLA list, their RQ is tentatively set at one pound, until adjusted by rulemaking.

3. Q: When is an off-site release determined to be subject to Section 304 notification requirements?

A: Any release which leaves the site, and which is equal to or greater than the RQ, must be reported under Section 304.

4. Q: What facilities are exempt from Section 304 notification requirements?

A: A facility is exempt if there are no hazardous chemicals present at the facility.

5. Q: Are mining and mineral extraction wastes exempt under Section 304?

A: Not necessarily. The release notification requirements apply if the wastes are CERCLA hazardous substances or EHS's.

6. Q: Does the CERCLA "petroleum exclusion" apply to release reporting under Section 304 of Title III, since "petroleum, including crude oil or any fraction thereof," is exempt from reporting under Section 103 of CERCLA?

A: No. "Petroleum" is exempted generally from CERCLA responsibilities, since it is excluded from the definition of a "hazardous substance" under Section 101(14) and "pollutant or contaminant" under Section 101(33) of CERCLA. Because no such exclusion exists under Title III, if EHS's are present in petroleum, those substances are subject to applicable emergency planning and release notification requirements under Title III.

7. Q: Can the "de minimus" concept, used in determining the TPQ's in mixtures, be applied in the determination of the RQ for emergency release notification?

A: No. The de minimus concept does not apply to Section 304 release reporting.

8. Q: How are transportation-related releases covered under Section 304?

A: Owners or operators of transportation facilities may call 911 or the local telephone operator to satisfy Section 304 notification requirements when a transportation-related release occurs. Local emergency planning committees should work with the local 911 system and telephone operators to ensure transportation release notifications are immediately relayed to the county emergency coordinator.

9. **Q: What is the responsibility of owners or operators of transportation vehicles in the event of a spill or release of EHS's or CERCLA hazardous substances?**
- A:** They are not required to notify state and local authorities with regard to emergency planning requirements under Section 302, but they are required to report releases under Section 304.
- Owners or operators of transportation vehicles must call 911 or, in the absence of a 911 emergency number, the operator. If the release is a CERCLA hazardous substance, a call to the NRC is also required.
10. **Q: How does EPA define a "transportation-related release?"**
- A:** EPA defines a "transportation-related release" to mean a release during transportation, or storage incident to transportation, if the stored substance is moving under active shipping papers and has not reached the ultimate consignee.
11. **Q: Do the Section 304 release notification requirements apply to pipelines, barges and other vessels, as well as to other transportation facilities?**
- A:** Because barges and other vessels are not included in the definition of "facility," they are not subject to Section 304 reporting requirements. Pipelines, on the other hand, are included in the definition of facility and are, therefore, subject to Section 304 reporting requirements, should a release of a regulated chemical occur.
12. **Q: When and where should an air carrier report a release?**
- A:** The report should be given to the state(s) likely to be affected by the release, as soon as possible after the release.

II
(continued)

REPORTING REQUIREMENTS:

SECTION C

**TIER II
EMERGENCY AND HAZARDOUS
CHEMICAL INVENTORY REPORTING
AND
HAZARDOUS CHEMICAL FEE**



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**Emergency and Hazardous Chemical Inventory Reporting:
Federal SARA Title III
Emergency and Hazardous Chemical Inventory Fee:
Pennsylvania Act 165**

AN OVERVIEW

Reporting Requirements:

- Pennsylvania facilities covered by federal OSHA's Hazard Communication Standard must file a Tier II form for:
 - (a) Extremely Hazardous Substances (EHS's), as identified under Section 302, in quantities at or above the Threshold Planning Quantities (TPQ's), or 500 pounds (whichever is less); and/or
 - (b) Hazardous chemicals, regulated by the federal OSHA Hazard Communication Standard, which they manufacture, process or store at or above 10,000 pounds at any one time during the calendar year.
- Pennsylvania requires Tier II forms and site plans for any employer required to file under SARA, Title III.
- Facilities **not** covered by federal OSHA's Hazard Communication Standard, such as public sector employers (i.e., state and local governments, public schools and universities and private sector mining industry employers (except for oil and gas extraction)), are **not required to file** Tier II forms.
- For facilities required to file, a copy of the Tier II form must be sent to the following:
 - (1) Bureau of Worker and Community Right-To-Know
Department of Labor and Industry, Room 1503
Seventh and Forster Streets
Harrisburg, PA 17120
 - (2) Local Emergency Planning Committee (listed in the Resource Materials section of this manual).
 - (3) Local fire department(s) with jurisdiction over the facility.
- Tier II forms must be submitted on or before March 1st of each year for the chemicals present at the facility during the prior calendar year.
- The federal OSHA Hazard Communication Standard definition of a hazardous chemical is "one that causes physical and/or health hazards." Because OSHA uses a performance-based set of criteria by which manufacturers determined a chemical's hazard properties, there is no "list" of these hazards. Facilities, therefore, must rely on Material Safety Data Sheets (MSDSs) to determine whether a chemical is hazardous under the federal OSHA Hazard Communication Standard.
- A reproducible copy of a Tier II form is included.
- A site plan shall be submitted with each tier II form and must be legible. The size of the site plan can be 8-1/2" x 11" or 8-1/2" x 14. Site plans not meeting this criteria will be returned. Instructions are included in this section.

Fee Requirements:

- Any Pennsylvania facility, which is required to file a Tier II form under SARA, Title III, will also be required to pay a \$10.00 per chemical fee, unless exempted by Act 165.
- **Family Farm Enterprises and Service Stations**, including auto body repair shops, are exempt from paying fees, but not exempt from filing reports.
- **Facilities owned by state and local governments** are exempt from reports and fees.
- Checks must be made payable to: "Pennsylvania Hazardous Material Response Fund."
- Fees submitted should only be for the requirements. **No other fees** (county or local) can be processed.

**Emergency and Hazardous Chemical Inventory Reporting:
Federal SARA Title III
Emergency and Hazardous Chemical Inventory Fees:
Pennsylvania Act 165**

EXEMPTIONS

Reporting Requirements:

- Facilities not covered by the OSHA Hazard Communication Standard (e.g., Public Sector employers and the mining industry (with the exception of oil and gas extraction employers)), are not required to file an Emergency and Hazardous Chemical Inventory report.
- Facilities which are covered by the OSHA Hazard Communication Standard, but do not have an EHS at or above the TPQ or 500 pounds (whichever is less), **and** do not have any OSHA hazardous chemicals at or above 10,000 pounds, are not required to file an Emergency and hazardous Chemical Inventory report.
- FDA-regulated products, articles, household package products, substances used in R&D labs, hospitals or medical facilities, substances used in routine agricultural operations or fertilizers held for sale by retailers, are exempt from this reporting requirement.

Fee Requirements:

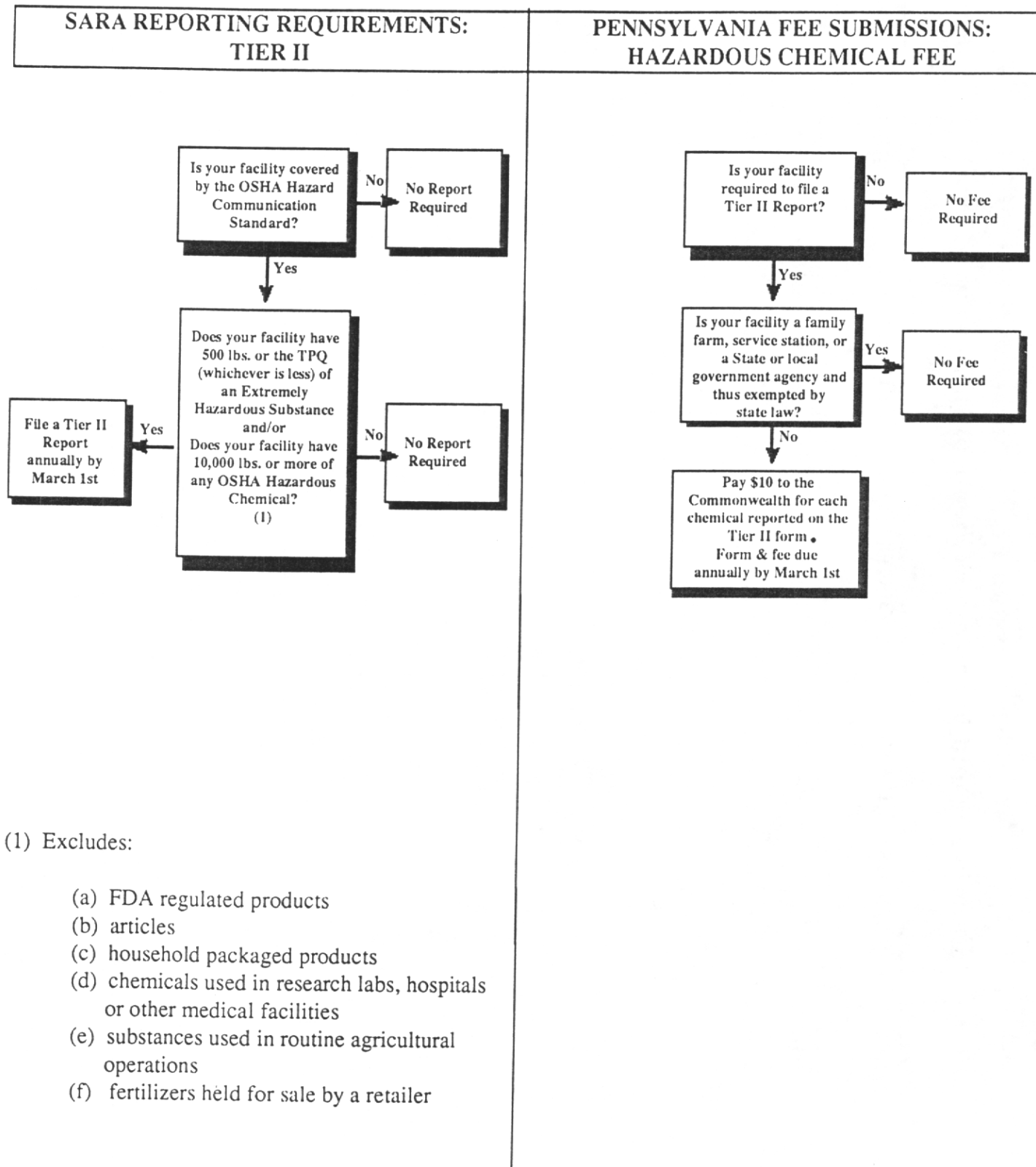
- Facilities owned by state and local governments are not required to pay fees under Act 165.
- Family farms and service stations, including auto body repair, are not required to pay fees under Act 165. However, your facility may still be required to file reports, if criteria is met as described above.

Reports and Fee Summary Emergency and Hazardous Chemical Inventory (Tier II)

REPORT	SARA SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	SUBMIT TO/ CONTACT
Tier II Chemical Inventory Form	312	Chemical considered hazardous under the federal OSHA Hazard Communication Standard.	Must be covered by OSHA Hazard-Communication Standard. 10,000 pounds or more of an OSHA Hazardous Chemical or An EHS at 500 pounds or 55 gallons or the TPQ, whichever is less	(1) FDA regulated products (2) Articles (3) Household package products (4) Substances used in R & D labs or a hospital or other medical facility (5) Substances used in routine agricultural operations (6) Fertilizers held for sale by a retailer	By March 1 of each year covering the prior calendar year	(1) Local Fire Department (2) Local Emergency Planning Committee (3) PA Emergency Management Council c/o Bureau of Worker & Community Right to Know Room 1503, L & I Building 7th & Forster Streets Harrisburg, PA 17120 717-783-2071
FEE	ACT 165 SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE	SUBMIT TO/ CONTACT
State fee of \$10 for each chemical reported on the Tier II Form	207(c)	Same as above	Same as above	(1) Same as above (2) Family Farms (3) Service Stations (4) State or Local Government Agencies	By March 1 of each year	PA Emergency Management Council c/o Bureau of Worker & Community Right to Know Room 1503, L & I Building 7th & Forster Streets Harrisburg, PA 17120 717-783-2071
County fee of \$35 - \$75 for each chemical on the Tier II Form	207 (b) (2)	Same as above	Same as above	Same as immediately above	Same as above	Respective Local Emergency Planning Committee

HAZARDOUS CHEMICAL REPORTING/FEEES

**Decision Flow Chart: Reporting Requirements under federal SARA Title III
Fee Submission under Pennsylvania Act 165**



(1) Excludes:

- (a) FDA regulated products
- (b) articles
- (c) household packaged products
- (d) chemicals used in research labs, hospitals or other medical facilities
- (e) substances used in routine agricultural operations
- (f) fertilizers held for sale by a retailer

TIER TWO INSTRUCTIONS

GENERAL INFORMATION

Submission of this Tier Two form (when requested) is required by Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312, Public Law 99-499, codified at 42 U.S.C. Section 11022. The purpose of this Tier Two form is to provide State and local officials and the public with specific information on hazardous chemicals present at your facility during the past year.

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. On the first page of the Tier Two report, enter your full name and official title. Sign your name and enter the current date. Also, enter the total number of pages included in the Confidential and Non-Confidential Information Sheets as well as all attachments. An original signature is required on at least the first page of the submission. Submissions to the SERC, LEPC, and fire department must each contain a signature stamp on at least the first page. Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.

YOU MUST PROVIDE ALL INFORMATION REQUESTED ON THIS FORM TO FULFILL TIER TWO REPORTING REQUIREMENTS.

This form may also be used as a worksheet for completing the Tier One form or may be submitted in place of the Tier One form.

WHO MUST SUBMIT THIS FORM

Section 312 of Title III requires that the owner or operator of a facility submit this Tier Two form if so requested by a State emergency response commission, a local emergency planning committee, or a fire department with jurisdiction over the facility.

This request may apply to the owner or operator of any facility that is required, under regulations implementing the Occupational Safety and Health Act of 1970, to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical present at the facility. MSDS requirements are specified in the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, found in Title 29 of the Code of Federal Regulations at §1910.1200.

This form does not have to be submitted if all of the chemicals located at your facility are excluded under Section 311 (e) of Title III.

WHAT CHEMICALS ARE INCLUDED

If you are submitting Tier Two forms in lieu of Tier One, you must report the required information on this Tier Two form for each hazardous chemical present at your facility in quantities equal to or greater than established threshold amounts (discussed below), unless the chemicals are excluded under Section 311(e) of Title III. Hazardous chemicals are any substance for which your facility must maintain an MSDS under OSHA's Hazard Communication Standard.

If you elect to submit Tier One rather than Tier Two, you may still be required to submit Tier Two information upon request.

WHAT CHEMICALS ARE EXCLUDED

Section 311 (e) of Title III excludes the following substances:

- (i) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- (ii) 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;
- (iii) 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;
- (iv) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;
- (v) 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.

OSHA regulations, Section §1910.1200 (b), stipulate exemption from the requirement to prepare or have available an MSDS.

REPORTING THRESHOLDS

Minimum thresholds have been established for Tier One/Tier Two reporting under Title III, Section 312. These thresholds are as follows:

For Extremely Hazardous Substances (EHSs) designated under Section 302 of Title III, the reporting threshold is 500 pounds (or 227 kg) or the threshold planning quantity (TPQ), whichever is lower;

For all other hazardous chemicals for which facilities are required to have or prepare an MSDS, the minimum reporting threshold is 10 pounds (or 4,540 kg).

You need to report hazardous chemicals that were present at your facility at any time during the previous calendar year at levels equal or exceed these thresholds. For instructions on threshold determinations for components of mixtures, see "What About Mixtures?" on page 2 of these instructions.

A requesting official may limit the responses required under Title III by specifying particular chemicals or groups of chemicals. Such requests apply to hazardous chemicals regardless of established thresholds.

INSTRUCTIONS

Please read these instructions carefully. Print or type all responses.

WHEN TO SUBMIT THIS FORM

Owners or operators of facilities that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit either Tier One or Tier Two forms by March 1.

If you choose to submit Tier One, rather than Tier Two, be aware that you may have to submit Tier Two information later, upon request of an authorized official. You must submit the Tier Two form within 30 days of receipt of a written request.

WHERE TO SUBMIT THIS FORM

Send either a completed Tier One form or Tier Two form(s) to each of the following organizations:

1. Your State Emergency Response Commission.
2. Your Local Emergency Planning Committee.
3. The fire department with jurisdiction over your facility.

If a Tier Two form is submitted in response to a request, send the completed form to the requesting agency.

PENALTIES

Any owner or operator who violates any Tier Two reporting requirements shall be liable to the United States for a civil penalty of up to \$25,000 for each such violation. Each day a violation continues shall constitute a separate violation.

If your Tier Two responses require more than one page use additional forms and fill in the page number at the top of the form.

REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31.

FACILITY IDENTIFICATION

Enter the full name of your facility (and company identifier where appropriate).

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 (e.g., longitude and latitude). Include city, county, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) code and the Dun & Bradstreet number for your facility. The financial officer of your facility should be able to provide the Dun & Bradstreet number. If your firm does not have this information, contact the State or regional office of Dun & Bradstreet to obtain your facility number or have one assigned.

OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address, and phone number.

EMERGENCY CONTACT

Enter the name, title, and work phone number of at least one person or office who can act as a referral if emergency responders assistance in responding to a chemical accident at the facility.

Provide an emergency phone number where such emergency information will be available 24 hours a day, every day. This requirement is mandatory. The facility must make some arrangement to ensure that a 24 hour contact is available.

IDENTICAL INFORMATION

Check the box indicating identical information, located below emergency contacts on the Tier Two form, if the current chemical information being reported is identical to that submitted last year. Chemical descriptions, hazards, amounts, and locations must be provided in this year's form, even if the information is identical to that submitted last year.

CHEMICAL INFORMATION: Description, Hazards, Amounts, and Locations

The main section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communication Standard.

If you choose to indicate that all of the information on a specific hazardous chemical is identical to that submitted last year, check the appropriate optional box provided at the right side of the storage codes and locations on the Tier Two form. Chemical descriptions, hazards, amounts, and locations must be provided even if the information is identical to that submitted last year.

*What units should I use?

Calculate all amounts as *weight in pounds*. To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

*What about mixtures?

If a chemical is part of a mixture, *you have the option* of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g., if a hazardous solution weighs 100 lbs. but is composed of only 5% of a particular hazardous chemical, you can indicate either 100 lbs. of the mixture or 5 lbs. of the chemical).

The option used for each mixture must be consistent with the option used in your Section 311 reporting.

Because EHSs are important to Section 303 planning, EHSs have lower thresholds. The amount of an EHS at a facility (both pure EHS substances and EHSs in mixtures) must be aggregated for purposes of threshold determination. It is suggested that the aggregation calculation be done as a first step in making the threshold determination. Once you determine whether a threshold for an EHS has been reached, you should report either the total weight of the EHS at your facility, or the weight of each mixture containing the EHS.

CHEMICAL DESCRIPTION

1. Enter the Chemical Abstract Service registry number (CAS). 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, leave this item blank or report the CAS numbers of as many constituent chemicals as possible.

If you are withholding the name of a chemical in accordance with criteria specified in Title III, Section 322, 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 should be submitted to EPA and must include a substantiation. Please refer to EPA's final regulation on trade secrecy (53 FR 28772, July 29, 1988) for detailed information on how to submit trade secrecy claims.

2. Enter the chemical name or common name of each hazardous chemical.
3. Check box for ALL applicable descriptors: pure or mixture; and solid, liquid, or gas; and whether the chemical is or contains an EHS.
4. If the chemical is a mixture containing an EHS, enter the chemical name of each EHS in the mixture.

EXAMPLE:

You have pure chlorine gas on hand, as well as two mixtures that contain liquid chlorine. You write "chlorine" and enter the CAS number. Then you check "pure" and "mix" -- as well as "liquid" and "gas".

PHYSICAL AND HEALTH HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

Hazard Category Comparison For Reporting Under Sections 311 and 312

<u>EPA's</u> <u>Hazard Categories</u>	<u>OSHA's</u> <u>Hazard Categories</u>
Fire Hazard	Flammable Combustion Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute) Health Hazards	Highly Toxic Toxic Irritant Sensitizer Corrosive Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens Other hazardous chemicals with an adverse effect with long term exposure

MAXIMUM AMOUNT

1. For each hazardous chemical, estimate the greatest amount present at your facility on any single day during the reporting period.
2. Find the appropriate range value code in Table 1.
3. Enter this range value as the Maximum Amount.

TABLE I - REPORTING RANGES

Range Value	Weight Range in Pounds	
	<u>From...</u>	<u>To...</u>
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 are using this form as a worksheet for completing Tier One, enter the actual weight in pounds in the shaded space below the response blocks. Do this for both Maximum Amount and Average Daily Amount.

EXAMPLE:

You received one large shipment of a solvent mixture last year. The shipment filled five 5,000 - gallon storage tanks. You know that the solvent contains 10% benzene, which is a hazardous chemical.

You figure that 10% of 25,000 gallons is 2,500 gallons. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 2,500 gallons by 7.29 pounds per gallon to get a weight of 18,225 pounds.

Then you look at Table I and find that the range value 04 corresponds to 18,225. You enter 04 as the Maximum Amount.

(If you are using the form as a worksheet for completing a Tier One form, you should write 18,255 in the shaded area.)

AVERAGE DAILY AMOUNT

- 1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year.

To do this, total all daily weights and divide by the number of days the chemical was present on the site.

- 2. Find the appropriate range value in Table I.
3. Enter this range value as the Average Daily Amount

EXAMPLE:

The 25,000-gallon shipment of solvent you received last year was gradually used up and completely gone in 315 days. The sum of the daily volume levels in the tank is 4,536,000 gallons. By dividing 4,536,000 gallons by 315 days on-site, you calculate an average daily amount of 14,400 gallons.

You already know that the solvent contains 10% benzene, which is a hazardous chemical. Since 10% of 14,400 is 1,440, you figure that you had an average of 1,440 gallons of benzene. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 1,440 by 7.29 to get a weight of 10,500 pounds.

Then you look at Table I and find that the range value 04 corresponds to 10,500. You enter 04 as the Average Daily Amount.

(If you are using the form as a worksheet for completing a Tier One form, you should write 10,500 in the shaded area.)

NUMBER OF DAYS ON-SITE

Enter the number of days that the hazardous chemical was found on-site.

EXAMPLE:

The solvent composed of 10% benzene was present for 315 days at your facility. Enter 315 in the space provided.

STORAGE CODES AND STORAGE LOCATIONS

List all non-confidential chemical locations in this column, along with storage types/conditions associated with each location. Please note that a particular chemical may be located in several places around the facility. Each row of boxes followed by a line represents a unique location for the same chemical.

Storage Codes: Indicate the types and conditions of storage present.

- a. Look at Table II. For each location, find the appropriate storage type and enter the corresponding code in the first box.
b. Look at Table III. For each location, find the appropriate storage types for pressure and temperature conditions. Enter the applicable pressure code in the third box. Enter the applicable temperature code in the second box.

TABLE II - CODES

STORAGE TYPES Types of Storage

Table with 2 columns: CODES (A-R) and STORAGE TYPES (Above ground tank, Below ground tank, Tank inside building, Steel drum, Plastic or non-metallic drum, Can, Carboy, Silo, Fiber drum, Bag, Box, Cylinder, Glass bottles or jugs, Plastic bottles or jugs, Tote bin, Tank wagon, Rail car, Other)

TABLE III - TEMPERATURE AND PRESSURE CONDITIONS CODES

Storage Conditions

Table with 2 columns: CODES (1-7) and Storage Conditions (PRESSURE: Ambient pressure, Greater than ambient pressure, Less than ambient pressure; TEMPERATURE: Ambient temperature, Greater than ambient temperature, Less than ambient temperature but not cryogenic, Cryogenic conditions)

EXAMPLE:

The benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature.

Table II shows you that the code for a tank inside a building is C. Table III shows you that the code for ambient pressure is 1, and the code for less than ambient temperature is 6.

You enter : C 1 6

STORAGE LOCATIONS:

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates as explained below.

For each chemical, indicate at a minimum the building or lot. Additionally, where practical, the room or area may be indicated. You may respond in narrative form with appropriate site coordinates or abbreviations.

If the chemical is present in more than one building, lot, or area location, continue your responses down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report that the chemical is ubiquitous at the site.

Optional attachments: If you choose to attach one of the following, check the appropriate Attachments box at the bottom of the Tier Two form.

- a. *A site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.
- b. *A list of site coordinate abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.
- c. *A description of dikes and other safeguard measures* for storage locations throughout your facility.

EXAMPLE:

You have benzene in the main room of the main building, and in tank 2 in tank field 10. You attach a site plan with coordinates as follows: main building = G-2, tank field 10 = B-6. Fill in the Storage Location as follows:

B-6 (Tank 2) G-2 (Main Room)

CONFIDENTIAL INFORMATION

Under Title III, Section 324, you may elect to withhold location information on a specific chemical from disclosure to the public. If you choose to do so:

- * Enter the word "confidential" in the Non-Confidential Location section of the Tier Two form on the first line of the storage locations.
- * On a separate Tier Two Confidential Location Information Sheet, enter the name and CAS number of each chemical for which you are keeping the location confidential.
- * Enter the appropriate location and storage information, as described above for non-confidential locations.
- * Attach the Tier Two Confidential Location information Sheet to the Tier Two form. This separates confidential locations from other information that will be disclosed to the public.

CERTIFICATION

Instructions for this section are included on page one of these instructions.

**Tier Two
EMERGENCY
AND
HAZARDOUS
CHEMICAL
INVENTORY**

Specific
Information
by Chemical

Facility Identification

Name _____
Street _____
City _____ County _____ State _____ Zip _____
SIC Code _____
Dun & Brad Street Number _____

FOR
OFFICIAL
USE
ONLY

ID # _____
Date Received _____

Owner/Operator Name

Name _____ Phone () _____
Maid Address _____

Emergency Contact

Name () _____ Title _____
Phone () _____ 24 Hr. Phone () _____
Name () _____ Title _____
Phone () _____ 24 Hr. Phone () _____

Important: Read all instructions before completing form

From January 1 to December 31, 19 _____
Reporting Period

Check if information below is identical to the information submitted last year.

Chemical Description

CAS _____
Chem. Name _____
Trade Secret

Check all that apply: Pure Mix Solid Liquid Gas EHS

CAS _____
Chem. Name _____
Trade Secret

Check all that apply: Pure Mix Solid Liquid Gas EHS

CAS _____
Chem. Name _____
Trade Secret

Check all that apply: Pure Mix Solid Liquid Gas EHS

Physical and Health Hazards
(check all that apply)

Fire
Sudden Release of Pressure
Reactivity
Immediate (acute)
Delayed (chronic)

Fire
Sudden Release of Pressure
Reactivity
Immediate (acute)
Delayed (chronic)

Fire
Sudden Release of Pressure
Reactivity
Immediate (acute)
Delayed (chronic)

Inventory

Max. Daily Amount (code) _____
Avg. Daily Amount (code) _____
No. of Days On-site (days) _____

Max. Daily Amount (code) _____
Avg. Daily Amount (code) _____
No. of Days On-site (days) _____

Max. Daily Amount (code) _____
Avg. Daily Amount (code) _____
No. of Days On-site (days) _____

Storage Codes and Locations (Non-Confidential)

Storage Locations

Temperature _____
Pressure _____
Light _____
Ventilation _____

Grid for storage location details

Grid for storage location details

Grid for storage location details

Optional

Certification (Read and sign after completing all sections)
I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____ and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner/operator OR owner/operator's authorized representative _____
Signature _____
Date signed _____

Optional Attachments

I have attached a site plan.
 I have attached a list of the coordinate abbreviations.
 I have attached _____.

Tier Two EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY Specific Information by Chemical	Facility Identification		Owner/Operator Name	
	Name _____ Street _____ City _____	County _____ State _____ Zip _____ SIC Code <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Dun & Brad Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ID# _____ Date Received _____ FOR OFFICIAL USE ONLY	Name _____ Mail Address _____ Phone (_____) _____ 24 Hr. Phone (_____) _____ Title _____	Name _____ Phone (_____) _____ 24 Hr. Phone (_____) _____ Title _____

Important: Read all instructions before completing form Reporting Period: From January 1 to December 31, 19____

Check if information below is identical to the information submitted last year.

Confidential Location Information Sheet		Storage Codes and Locations (Confidential)		Optional
CAS # <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Chem. Name _____	Container Type _____	Temperature _____	<input type="checkbox"/>
CAS # <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Chem. Name _____	Container Type _____	Temperature _____	<input type="checkbox"/>
CAS # <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Chem. Name _____	Container Type _____	Temperature _____	<input type="checkbox"/>

Certification (Read and sign after completing all sections)	Optional Attachments	
	I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.	
Name and official title of owner/operator OR owner/operator's authorized representative _____	Signature _____	Date signed _____

- I have attached a site plan
- I have attached a list of site coordinate abbreviations
- I have attached a description of dikes and other safeguard measures

Pennsylvania Tier II Reporting Site Plan Procedure

Guidelines for Tier II Site Plans:

The PEMC has adopted the following criteria to develop the site plan that is to accompany the II form:

A. Plant Location:

Within the Facility Identification section of the Tier II form, indicate the exact address of facility reported. This should be sufficient enough for emergency personnel to locate the appropriate facility. Avoid using roadways, interchanges, rivers, lakes, etc., on the site plan as this is unnecessary data. Please specify full street address (not P.O. Box or mailing address) and also list latitude longitude. This information can be found on the deed of the property being reported.

B. Location of Hazardous Chemicals:

1. Identify plant buildings appropriately, either by a name, number or letters.
2. Indicate or identify within or outside of appropriate buildings the location of each hazardous chemical reported. This can be done by using geometrical shapes such as circles, squares, rectangles, etc. Placing the "name" of the hazardous chemical within or outside the buildings is acceptable, as long as the name is legible and information is documented on the Tier II form.
3. Avoid color coding or shading as chemical identifiers.

C. Clear Copies of Site Plans:

Please ensure that copies of the site plans submitted are clear and legible. Any data printed handwritten on the site plan must be legible.

D. Size of Site Plans and Tier II Forms:

The Optical Disk Image System used to electronically store and retrieve these plans can accommodate paper no larger than 8-1/2" x 14". Blueprints are unacceptable and will be returned for drawings/plans that meet this requirement. An example follows.

EXAMPLE OF TIER II WITH SITE PLAN

Tier Two EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY
Specific Information by Chemical

Facility Identification
Name ABC Manufacturing Plant
Street 1234 Mayfield Drive
City Harrisburg County Dauphin State PA Zip 17120
Dun & Brad Number 34756233

Owner/Operator Name
Name Carson and Wagner INC Phone (717) 1234-8777
Mail Address 9th and Division Sts., Harrisburg, PA 17101

Emergency Contact
Name James Smith Title Plant Manager
Phone () same 24 Hr. Phone (717) 1233-5101

FOR OFFICIAL USE ONLY
Name William Johnson Title Operations Supv.
Phone () same 24 Hr. Phone (717) 1233-1734

Check if information below is identical to the information submitted last year

Reporting Period	Inventory	Physical and Health Hazards	Chemical Description
From January 1 to December 31, 19 <u>88</u>	<p>Inventory</p> <p>Max. Daily Amount (code) <u>04</u> Avg. Daily Amount (code) <u>03</u> No. of Days On-site (days) <u>365</u></p>	<p>Physical and Health Hazards (check all that apply)</p> <p>Fire <input checked="" type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (acute) <input type="checkbox"/> Delayed (chronic) <input type="checkbox"/></p>	<p>Chemical Description</p> <p>CAS <u>64741442</u> Trade Secret <input type="checkbox"/> Chem. Name <u>Diesel Fuel</u> Check all that apply: Pure <input type="checkbox"/> Mix <input checked="" type="checkbox"/> Solid <input type="checkbox"/> Liquid <input checked="" type="checkbox"/> Gas <input type="checkbox"/> EHS <input type="checkbox"/> EHS Name _____</p> <p>CAS <u>108918</u> Trade Secret <input type="checkbox"/> Chem. Name <u>Amercor8750</u> Check all that apply: Pure <input type="checkbox"/> Mix <input checked="" type="checkbox"/> Solid <input type="checkbox"/> Liquid <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> EHS Name <u>Cyclohexylamine</u></p> <p>CAS <u>7664393</u> Trade Secret <input type="checkbox"/> Chem. Name <u>Hydrofluoric Acid</u> Check all that apply: Pure <input type="checkbox"/> Mix <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> EHS <input type="checkbox"/> EHS Name <u>Hydrofluoric Acid</u></p>
	<p>Storage Codes and Locations (Non-Confidential)</p> <p>Storage Locations</p> <p>J & I Rear of Maintenance Shop and Garage</p>		
	<p>Max. Daily Amount (code) <u>04</u> Avg. Daily Amount (code) <u>02</u> No. of Days On-site (days) <u>365</u></p>	<p>Fire <input checked="" type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (acute) <input type="checkbox"/> Delayed (chronic) <input type="checkbox"/></p>	
	<p>Max. Daily Amount (code) <u>04</u> Avg. Daily Amount (code) <u>02</u> No. of Days On-site (days) <u>365</u></p>	<p>Fire <input type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (acute) <input checked="" type="checkbox"/> Delayed (chronic) <input checked="" type="checkbox"/></p>	

Optional Attachments

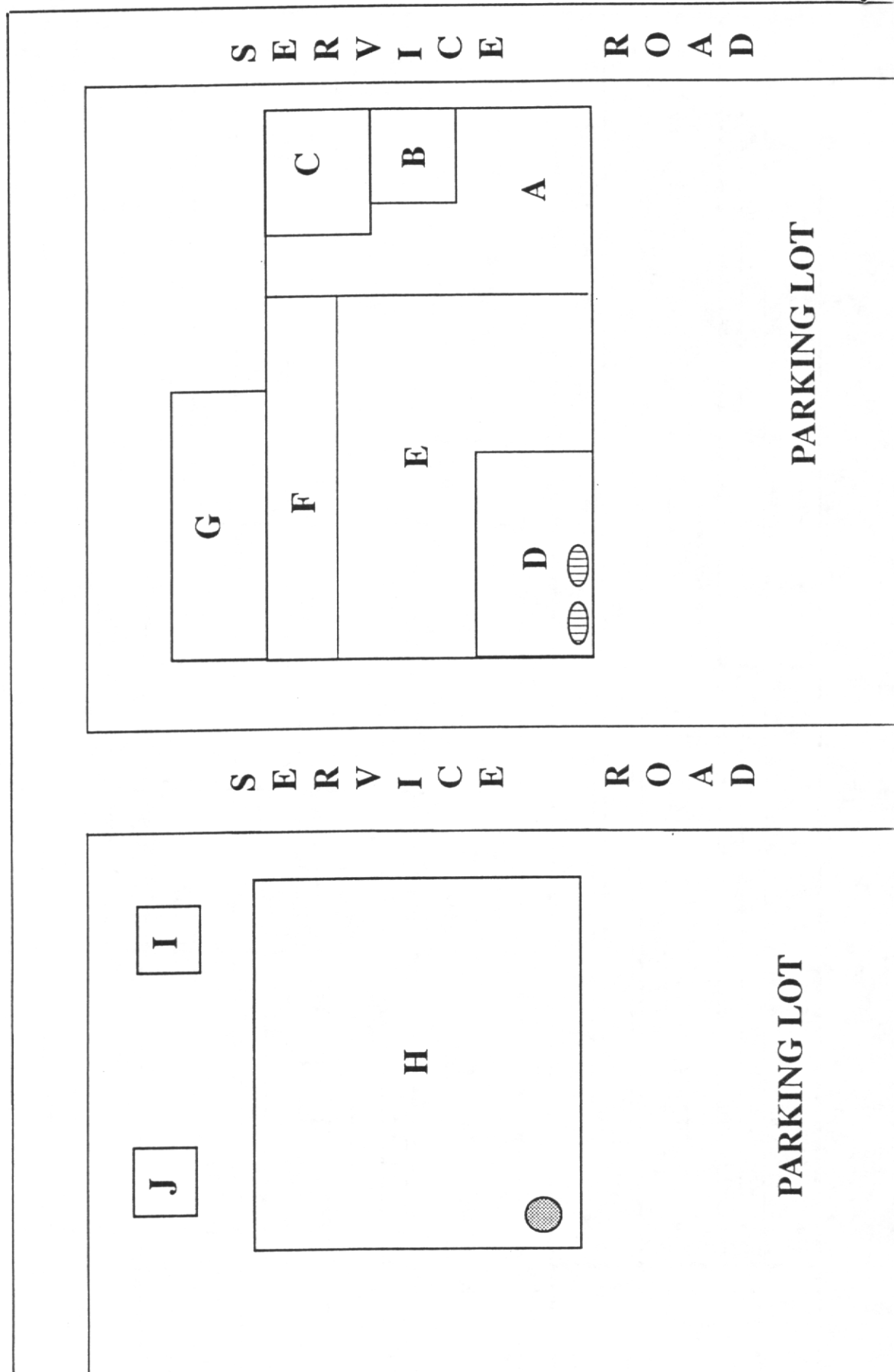
I have attached a site plan
I have attached a list of site coordinate abbreviations
I have attached a description of dikes and other safeguard measures

Name and official title of owner/operator OR owner/operator's authorized representative
James Smith, Plant Manager
Signature _____ Date signed _____

Certification: (Read and sign after completing all sections)
I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____ and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

ABC MANUFACTURING PLANT
1234 Mayfield Drive
Harrisburg, PA 17120

(40° 36' 15" LAT/77° 26' 10" LONG)



**PENNSYLVANIA HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT
TIER II CHEMICAL INVENTORY INVOICE**

(1)	(2)	(3)	(4)	(5)	(6)
INVOICE TYPE Tier II - R3	BILLING DATE	DUE DATE	NUMBER OF CHEMICALS	MULTIPLIED BY \$10.00	TOTAL REMITTANCE \$

- PLEASE COMPLETE ITEMS 4 & 6 ABOVE
- REMIT BY CHECK OR MONEY ORDER PAYABLE TO "PENNSYLVANIA HAZARDOUS MATERIAL RESPONSE FUND"
- TO INSURE CREDIT TO YOUR ACCOUNT, PLEASE RETURN THIS PORTION WITH PAYMENT

ACCOUNT NUMBER

Detach and Retain for Your Records

ACCOUNT NUMBER

DATE PAID	CHECK NO.
-----------	-----------

NUMBER OF CHEMICALS	MULTIPLIED BY	TOTAL REMITTANCE
	\$10.00	\$

The Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 165) became effective February 4, 1991. The purpose of this Act is two-fold: first, to create a strong working relationship between businesses, the Commonwealth and its municipalities; secondly, to aid all parties involved in implementing federal SARA, Title III. It is intended to protect and safeguard the Commonwealth's citizens from the health hazards and other risks of harm that result from the use, storage, distribution and transportation of hazardous materials.

A portion of this Act requires the creation of a Hazardous Material Response Fund to provide financial assistance to Commonwealth counties and agencies to develop an effective and integrated response capability to the health hazards, dangers and risks which hazardous material releases pose to the general public.

Section 207(c) of this Act requires each owner or operator of a facility to pay to the Commonwealth a fee of \$10 for each hazardous chemical reported on the Tier II Chemical Inventory Form, as required by Section 312 of SARA, Title III.

Please indicate the number of chemicals reported on the Tier II form due March 1 of each year for the reporting period of the prior calendar year, in the two blocks above entitled "Number of Chemicals." This number multiplied by \$10 is the hazardous chemical fee which should be remitted in the manner described above.

A person who fails to pay these fees is subject to a civil penalty of not less than \$1,000 and not more than \$25,000.

Any questions should be directed to the Right to Know Office, Room 1503 Labor and Industry Building, Harrisburg, Pennsylvania 17120 or telephone 717-783-2071.



Emergency and Hazardous Chemical Inventory:

QUESTIONS AND ANSWERS

1. Q: SARA, Title III allows for an option to use a Tier I or Tier II form. What is the difference between the two forms and does Pennsylvania have a preference?

A: SARA, Title II does allow for the use of a Tier I (or aggregate form) or a Tier II (or detailed reporting form). The Tier I form requires information to be aggregated and reported by hazard category, whereas the Tier II form requires information for each individual chemical, also information concerning specific location and storage of the reported chemical. The Pennsylvania Act requires Tier II forms rather than Tier I's, for the value that they serve to emergency responders, particularly firemen, knowing in advance of the specific hazards and their locations. In Pennsylvania, Tier I is not accepted and Tier II is required.

2. Q: Are there specific exemptions for Agriculture and its handling of pesticides and fertilizers?

A: Yes, SARA, Title III and Pennsylvania Act 165 provide for exemptions for pesticides used in routine agricultural operations for reporting and, therefore, fees for pesticides used in routine agricultural operations and/or fertilizers held for retail sale. For example, pesticides purchased and used by a farming operation in the planting season would not qualify for reports and fees. However, pesticides made by a manufacturer, held for distribution by a supplier and ultimately to be purchased by a farmer, would not, until purchased by the farmer, qualify for the reports and fee exemptions. The exception to this would be fertilizer held by a retailer for sale in the retail market.

3. Q: Do fuels, such as gasoline and diesel fuel, which have many grades (i.e., regular, leaded, leaded, premium, etc.), have to be reported as different chemicals or can they be reported simply as "gasoline or diesel fuel?"

A: It has been determined by the EPA and the PEMC that multi-grade fuel, such as gasoline and diesel fuel, can be reported as one chemical. This would also mean that a fee of \$10.00, rather than \$30.00, would be due.

4. Q: Is generic reporting of other chemicals permissible?

A: Generic reporting of other chemicals is permitted with certain important qualifications. First and most importantly, the hazard posed by the generic class of chemicals must be the same for all chemicals in the class. For example, in a group of flammables, some may be explosive and some may not be explosive. In this example, generic reporting would **not** be permitted. If, however, in another example, there are a group of solvents in the same family and they all pose the same hazard, such as reactivity, then these could be grouped together and reported generically.

5. Q: Do public facilities have any obligations under Section 312 of SARA?

A: In order to have requirements under Section 312 of SARA, a facility must first be governed by the OSHA Hazard Communication Standard, because public sector employers are not covered by the OSHA Hazard Communication Standard. They do not meet the first criteria for reporting under Section 312; therefore, they have neither reporting nor fee responsibilities under this section. This is not the case, however, with Sections 302, 303 and 304 of SARA, Title III.

6. Q: For what purposes are the Hazardous Chemical Inventory Tier II Fees used for and who administers these funds?

A: Pennsylvania's Act 165 requires the establishment of a Hazardous Materials Response Fund. This fund is a state-level account used to fund the administration of the Act, including a cost-sharing grant program. Approximately 90% of all monies collected from the Hazardous Chemical Inventory Tier II fee is returned to the counties to help in the development of emergency response plans, development of a county Hazardous Material Emergency Response Preparedness Assessment, public outreach efforts, collecting, documenting and processing data.

ments required under SARA, Title III, responding to hazardous material releases, etc. The remaining 10% is used for administration of the Act, including such things as outreach and training, general administration and data management.

7. Q: Are hospitals exempt from Tier II reporting?

A: The exemption status does not apply to the hospital itself but to any **substance**, to the extent that it is used in a research laboratory, hospital or other medical facility under the direct supervision of a technically-qualified person. Examples of hazardous substances not exempted include chlorine, heating fuel, gasoline, cleaning products, etc.

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II
(continued)

REPORTING REQUIREMENTS:

SECTION D

**TOXIC CHEMICAL
RELEASE INVENTORY
AND
TOXIC CHEMICAL FEE**



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**Toxic Chemical Release Inventory Reporting:
Federal SARA Title III
Toxic Chemical Release Inventory Fees:
Pennsylvania Act 165**

AN OVERVIEW

Reporting Requirements:

- The Toxic Chemical Release Inventory, also known as Form R, lists the amount of and methods by which toxic chemicals are released from a facility into the environment. Facilities must report the quantities of both routine and accidental releases of 313 chemicals, as well as the maximum amount of the 313 chemical on-site during the calendar year and the amount contained in wastes transferred off-site.
- The Toxic Chemical Release Inventory need only be filed by facilities in the manufacturing sector (i.e., facilities with Standard Industrial Classification Codes (SIC) 20 through 39) and which employ 10 or more full-time employees. If you are not a manufacturer, you do not have to file this report. If you are a manufacturer and have less than 10 employees, generally you do not have to file this report. EPA regulations need to be consulted for the details of specific exemptions.
- Employers subject to this section must have manufactured or processed 35,000 pounds or more, or otherwise used 10,000 pounds or more, of any 313 toxic chemical in the course of a calendar year.
- The submission deadline is July 1st of each year for chemicals that were released during the prior calendar year.
- A complete report for any listed toxic chemical that is not claimed trade secret consists of the following completed parts: Part I; Part II; Part III (Section 8 is optional); and Part IV (even if blank).
- An original report must be filed with EPA, which also accepts electronic submissions in their prescribed format. Pennsylvania requires a paper copy of the actual report. Reports are to be sent to the following organizations:

Bureau of Worker & Community Right-To-Know
Department of Labor & Industry
Room 1503, Labor & Industry Building
Seventh & Forster Streets
Harrisburg, Pennsylvania 17120

EPCRA Reporting Center
P.O. Box 23779
Washington, D.C. 20026-3779
ATTN: Toxic Chemical Release Inventory

For Certified Mail:

EPCRA Reporting Center
470 L'Enfant Plaza East
Suite 7103, S.W.
Washington, D.C. 20024
ATTN: Toxic Chemical Release Inventory

- In March of each year, EPA mails reporting packages to every facility that previously filed a Toxic Chemical Release Inventory. If you need copies, please refer to the contact list in the Resource Materials section of this manual.

Fee Requirements:

- For each chemical reported on the Toxic Chemical Release Inventory, a fee of \$250.00 is to be paid to the "Pennsylvania Hazardous Material Response Fund."
- Fees are due with the reports by July 1st of each year.
- The maximum fee for any facility is \$5,000, regardless of how many chemicals are reported.
- Under Act 165, there are no county fees associated with this form.
- Fees submitted should only be for these requirements. **No other fees** (state, county or local) can be processed.

**Toxic Chemical Release Inventory Reporting:
Federal SARA Title III
Toxic Chemical Release Inventory Fees:
Pennsylvania Act 165**

EXEMPTIONS

Reporting Requirements:

- You do not have to file a Toxic Chemical Release Inventory report if you are not a manufacturer a Standard Industrial Code (SIC) of 20 through 39.
- You do not have to file a Toxic Chemical Release Inventory report if you are a manufacturer, but less than 10 full-time employees.
- You do not have to file a Toxic Chemical Release Inventory report if you manufacture or process less than 25,000 pounds of toxic chemical or otherwise use less than 10,000 pounds of a toxic chemical.
- You do not have to file a Toxic Chemical Release Inventory report if you have de minimus concentrations of toxic chemicals, that is, less than 1% for OSHA hazardous substances, which are also toxic chemicals, or less than 0.1% for carcinogens.
- You do not have to file a Toxic Chemical Release Inventory report if the toxic chemical in question qualifies for the exemption as an "article" or is used in laboratory activities.
- Consult EPA regulations regarding part-time employees.
- See EPA regulations regarding exemptions for owners of leased property.

Fee Requirements:

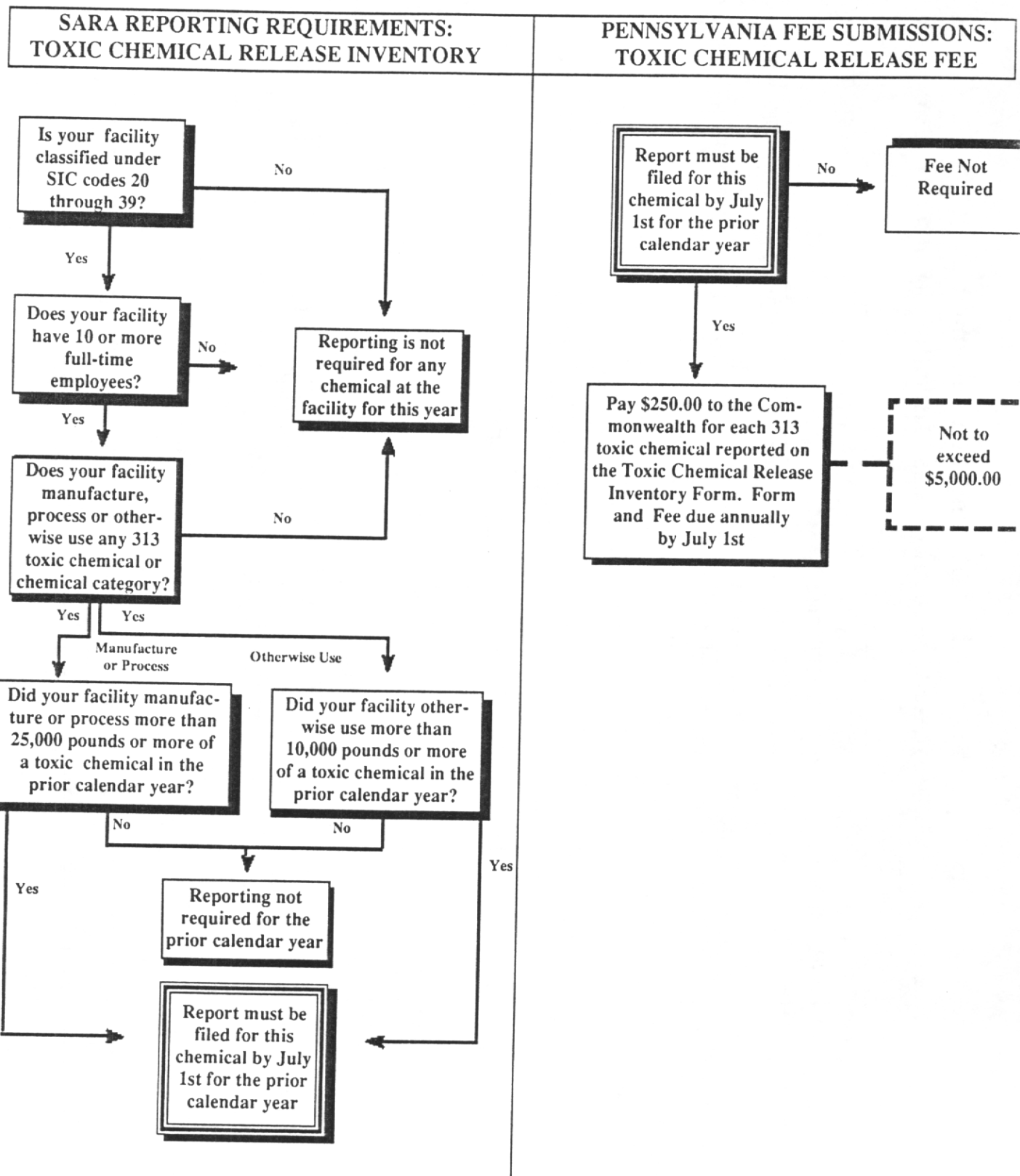
- You do not have to pay the Toxic Chemical Release Inventory fee if you do not have to file a Toxic Chemical Release Inventory report. If you have to file a report, then you are required to pay the fee.

Reports and Fee Summary Toxic Chemical Release Inventory (Form R)

REPORT	SARA SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	SUBMIT TO/ CONTACT
Form R	313	Toxic Chemical List *40 CFR 372.65	(1) Facilities with Standard Industrial Classification (SIC) Codes of 20-39 (2) Ten or more full time employees (3) Manufacture or process 25,000 pounds or more annually of toxic chemicals or (4) Otherwise use toxic chemicals at 10,000 pounds or more annually	(1) De minimis concentrations < 1% for OSHA hazards < 0.1% for carcinogens (2) Articles (3) Certain users (4) Laboratory activities (5) Certain owners of leased properties Facility owners and operators should consult EPA Regulations regarding exemptions	July 1st of each year covering the prior calendar year	(1) EPCRA Reporting Center P.O. Box 23779 Washington, DC 20026-3779 Attn: Toxic Chemical Release Inventory (2) Address for sending Certified Mail: EPCRA Reporting Center 470 L'Enfant Plaza East Suite 7103, S.W. Washington, DC 20024 Attn: Toxic Chemical Release Inventory (3) PA Emergency Mgt. Council c/o Bureau of Worker & Community Right to Know, Room 1503 L & I Bldg., 7th & Forster Streets Harrisburg, PA 17120 717-783-2071
FEE	ACT 165 SECTION	LIST	FILING CRITERIA	EXEMPTIONS	DUE DATE	SUBMIT TO/ CONTACT
\$250 for each chemical reported on Form R. Maximum fee capped at \$5,000 no matter how many chemicals reported.	207 (e)	Same as above * Code of federal regulations	Same as above	Same as above	Same as above	Same as number 3 above

TOXIC CHEMICAL RELEASE INVENTORY REPORTING/FEEES

**Decision Flow Chart: Reporting Requirements under federal SARA Title III
Fee Submission under Pennsylvania Act 165**



**PENNSYLVANIA HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT
TOXIC CHEMICAL RELEASE FEE**

(1)	(2)	(3)	(4)	(5)	(6)
INVOICE TYPE	BILLING DATE	DUE DATE	NUMBER OF CHEMICALS	MULTIPLIED BY	TOTAL REMITTANCE
TRI - R4				\$250.00	\$

- PLEASE COMPLETE ITEMS 4 & 6 ABOVE
- REMIT BY CHECK OR MONEY ORDER PAYABLE TO "PENNSYLVANIA HAZARDOUS MATERIAL RESPONSE FUND"
- TO INSURE CREDIT TO YOUR ACCOUNT, PLEASE RETURN THIS PORTION WITH PAYMENT

ACCOUNT NUMBER

Detach and Retain for Your Records

ACCOUNT NUMBER

DATE PAID	CHECK NO.

NUMBER OF CHEMICALS	MULTIPLIED BY	TOTAL REMITTANCE
	\$250.00	\$

The Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 165) became effective February 4, 1991. The purpose of this Act is two-fold: first, to create a strong working relationship between businesses, the Commonwealth and its municipalities; secondly, to aid all parties involved in implementing federal SARA, Title III. It is intended to protect and safeguard the Commonwealth's citizens from the health hazards and other risks of harm that result from the use, storage, distribution and transportation of hazardous materials.

A portion of this Act requires the creation of a Hazardous Material Response Fund to provide financial assistance to Commonwealth counties and agencies to develop an effective and integrated response capability to the health hazards, dangers and risks which hazardous material releases pose to the general public.

Section 207(e) of this Act requires each owner or operator of a facility to pay to the Commonwealth an annual fee of \$250 for each Toxic Chemical reported on the Toxic Chemical Release Inventory Form as required by Section 313 of SARA, Title III. The cumulative amount of this fee shall not exceed \$5,000 per facility.

Please indicate the number of chemicals reported on the Toxic Chemical Release Form due by July 1, of each year for the reporting period of the prior calendar year in the two blocks entitled "Number of Chemicals." This number multiplied by \$250 is the Toxic Chemical Release fee, not to exceed \$5,000, which should be remitted in the manner described above.

A person who fails to pay these fees is subject to a civil penalty of not less than \$1,000 and not more than \$25,000.

Payment should be in the form of a check or money order payable to "Pennsylvania Hazardous Material Response Fund." Remittance and any questions should be directed to the Right to Know Office, Room 1503, Labor and Industry Building, 7th and Forster Streets, Harrisburg, Pennsylvania 17120 or telephone 717-783-2071.



Toxic Chemical Release Inventory Reporting:

QUESTIONS AND ANSWERS

1. Q: Where do I submit my TRI report and where do I submit my fee?

A: The TRI (Form R) report is submitted differently from other reports under SARA, Title III. The original form, with an original signature on the Toxic Release Inventory, must be sent to EPA at the address listed in this manual. A copy of this original report is to be sent to the State Emergency Response Commission in Pennsylvania, that being the PEMC, in care of the Bureau of Worker and Community Right-To-Know. Since fees are state imposed and not federally imposed, the fee should be sent with the copy to the state of Pennsylvania. There are neither federal nor county fees assessed on this report.

2. Q: Since EPA allows for electronic submission, does the Commonwealth also accept electronic submissions?

A: The commonwealth, at this time, requires submission of paper documents rather than electronic documents. The software package and instructions provided by EPA require facilities to actually print a report to determine its accuracy prior to submitting the electronic version to EPA. The main purpose of the electronic submission is to assist EPA with data input of toxic release data into its national computer library, whereas the Commonwealth is required to provide actual copies of the reports to the public under the community right-to-know provision. For this reason, Pennsylvania is requiring paper submissions in the foreseeable future.

3. Q: How does a facility obtain a copy of the report form and instructions?

A: Each March, EPA mails a complete reporting package to every facility which filed Toxic Chemical Release Inventory data in the past. The reporting package consists of a reporting form and instructions, a chemical list, Questions and Answers, and commonly found errors. For those facilities who have not filed in the past, but may be required to file in the future, a direct contact to EPA must be made to obtain a copy of the reporting package.

4. Q: Does anyone actually use the Toxic Chemical Release Inventory reports and the data they contain?

A: The National database that EPA is constructing from Toxic Release Inventory reports is receiving significant national attention. At the state-level, the greatest community right-to-know demand for information has been for Toxic Chemical Release Inventory reports, usually on an area or regional basis and usually from members of the press, environmental groups, consultants or members of the community. Facilities should know that this data is being widely circulated, as provided for under SARA, Title III, and anything that is reported should be expected to be in the public domain within a month of its report to the state.

5. Q: Other than the state fee of \$250.00 per chemical, are there any other fees associated with the Toxic Chemical Release Inventory?

A: The only fee assessed for this report is the state fee of \$250.00 for each chemical reported with a maximum fee of \$5,000 per facility. No federal, county or local fees are assessed on these chemicals.

6. Q: What has been the enforcement experience with toxic chemical release reporting?

A: EPA has retained sole enforcement power, authority and discretion over toxic chemical release reporting. Facilities should be aware that EPA has placed its highest priority on enforcing compliance with toxic chemical release reporting. Facilities should also know that Pennsylvania has had the highest number of enforcement cases of any state in the country for noncompliance with Section 313 of the Act.

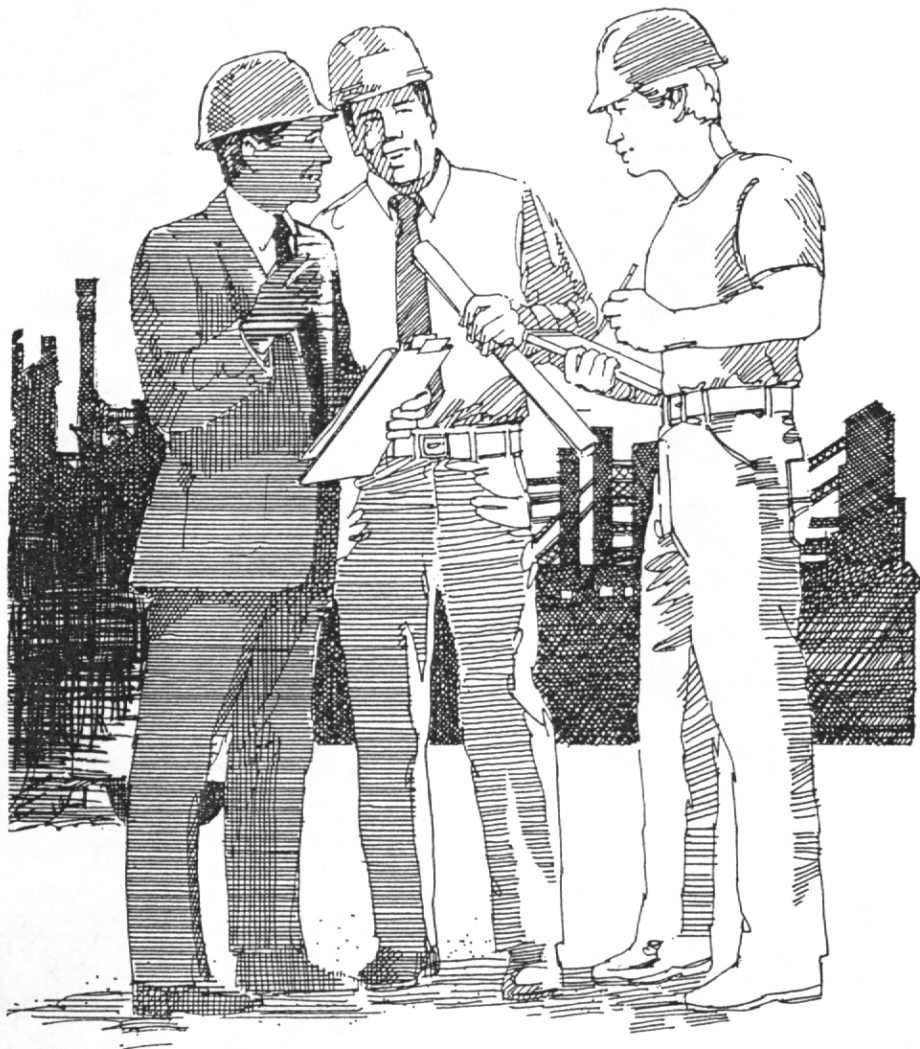
7. **Q: For what purpose are the Toxic Chemical Release Inventory fees used for and who administers these funds?**

A: Pennsylvania Act 165 requires the establishment of a Hazardous Materials Response Fund. This fund is a state-level account used to fund the administration of the Act, including a county matching grant program. Approximately 90% of all monies collected from the Toxic Chemical Release Inventory Fee is returned to the counties to help in the development of their emergency response plans, development of a county Hazardous Material Emergency Response Preparedness Assessment, public outreach efforts, collecting, documenting and processing documents, required under SARA, Title III, responding to hazardous material releases, etc. The remaining 10% is used for administration of the Act, including such things as outreach and training, general administration and data management.

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III

RESOURCE MATERIALS



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AN ACT

SB 649

Establishing a Statewide hazardous material safety program; creating the Hazardous Material Response Fund; providing for the creation of Hazardous Material Emergency Response Accounts in each county; further providing for the powers and duties of the Pennsylvania Emergency Management Agency, of the Pennsylvania Emergency Management Council and of the counties and local governments; imposing obligations on certain handlers of hazardous materials; and imposing penalties.

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- Section 202. Establishment of emergency planning districts.
- Section 203. Establishment and functions of local emergency planning committees.
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- Section 206. Emergency notification requirements.
- Section 207. Establishment of funds.
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- Section 209. Certified hazardous material response teams.
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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**CHAPTER 1
GENERAL PROVISIONS**

Section 101. Short title.

This act shall be known and may be cited as the Hazardous Materials Emergency Planning and Response Act.

Section 102. Legislative findings and purpose.

(a) *Findings.* — The General Assembly hereby determines, declares and finds that exposure to hazardous materials has the potential for causing undesirable health and environmental effects and poses a threat to the health, safety and welfare of the citizens of this Commonwealth, and that the citizens of this

Commonwealth and emergency service personnel who respond to emergency situations should be protected from the health hazards and harmful exposure resulting from hazardous material releases at facilities and from transportation-related accidents.

(b) *Purpose.* — It is the purpose of this act to:

(1) Create a strong working relationship and partnership between business and industry and the Commonwealth and its municipalities in order to protect and safeguard the citizens of this Commonwealth from the health hazards and other risks of harm resulting from or incident to the use, storage, distribution and transportation of hazardous materials.

(2) Designate the Pennsylvania Emergency Management Council as the Commonwealth's emergency response commission and establish an emergency planning district and a local emergency planning committee in each county of this Commonwealth to act in accordance with the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 (Title III of Public Law 99-499, 42 U.C.S. §11001, et seq.), also referred to in this act as SARA, Title III.

(3) Establish and maintain a comprehensive hazardous material safety program for the Commonwealth and its counties.

(4) Create the Hazardous Material Response Fund to provide financial assistance to Commonwealth agencies and counties to develop an effective and integrated response capability to the health hazards, dangers and risks which hazardous material releases pose to the general public.

(5) Establish an emergency notification system whereby the release of hazardous materials occurring at a facility or resulting from a transportation accident will be promptly reported to the proper Commonwealth and county emergency response officials.

(6) Assign responsibilities to various Commonwealth agencies and local agencies to ensure the development and furtherance of a comprehensive hazardous material safety program.

(7) Provide civil liability protection to officials and emergency response personnel of the Commonwealth and municipalities who are properly carrying out their duties and responsibilities under the Commonwealth's hazardous material safety program.

(8) Require persons responsible for the release of hazardous materials to pay the costs incurred by certified hazardous material response teams or supporting paid and volunteer emergency service organizations for emergency response activities necessitated by the hazardous material release.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certified hazardous material response team." A team of individuals who are certified and organized by a Commonwealth agency, a local agency, a regional hazardous material organization, a transporter, a manufacturer, supplier or user of hazardous materials, or a volunteer service organization, or a private contractor, for the primary purpose of providing emergency services to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with this act or regulations promulgated under this act. Hazardous material response teams may also be certified to perform stabilization actions needed to remove threats to public health and the environment from hazardous material releases.

"Commonwealth agency." An executive agency or independent agency.

"Council." The Pennsylvania Emergency Management Council.

"County." Includes, but is not limited to, a city of the first class coterminous with a county of the first class.

"County commissioner." Includes, but is not limited to, the mayor of a city of the first class coterminous with a county of the first class, or the designee of such mayor, and the equivalent county official designated under a home rule charter or optional plan adopted under the act of April 13, 1972 (P.L. 184, No. 62), known as the Home Rule Charter and Optional Plans Law.

"County emergency management coordinator." The person designated to perform emergency management functions by the county under 35 Pa.C.S. Part V (relating to emergency management services).

"Emergency management." The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, manmade or natural sources.

"Emergency Service Organization." A team of individuals organized by a Commonwealth agency, a local agency or any other entity for the primary purpose of providing emergency services as defined in 35 Pa.C.S. §7102 (relating to definitions).

“Executive agency.” The Governor and the departments, boards, commissions, authorities and other nonlegislative officers and agencies of the Commonwealth, except any court or other officer or agency of the unified judicial system or the General Assembly and its officers and agencies or any independent agency.

“Extremely hazardous substance.” A substance appearing on the list of extremely hazardous substances published by the administrator of the Federal Environmental Protection Agency under the authority of section 302 of the Federal Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Public Law 99-499, 42 U.S.C. §11002), as set forth at 40 CFR Part 355 (“Appendix A — The List of Extremely Hazardous Substances and Their Threshold Planning Quantities”), or appearing on any successor list of extremely hazardous substances published by the Administrator of the Federal Environmental Protection Agency under the authority of section 302 of SARA, Title III.

“Facility.” All buildings, structures and other stationary items which are located on a single site or a contiguous or adjacent site which are owned or operated by the same person and which actually manufacture, produce, use, transfer, store, supply or distribute any hazardous material. The term includes railroad yards and truck terminals but does not include individual trucks, rolling stock, water vessels, airplanes or other transportation vehicles.

“Family farm enterprise.” A natural person, family farm corporation or family farm partnership engaged in farming which processes and markets its agricultural commodities in either intrastate or interstate commerce.

“Hazardous chemical.” Substances as defined within the meaning of 29 CFR 1910.1200(c), except that the term does not include the following:

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

(2) Any substance present as a solid in any manufactured item to the extent that exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent that 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.

(4) Any substance to the extent that it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent that it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer.

“Hazardous material.” Any of the following, as defined in this act:

- (1) A hazardous substance.
- (2) Any extremely hazardous substance.
- (3) A hazardous chemical.
- (4) A toxic chemical.

Except as provided in section 206, the term does not include the transportation, including the storage incident to such transportation, of any substance or chemical subject to the requirements of this act, including the transportation and distribution of natural gas.

“Hazardous substance.” A substance appearing on the list of hazardous substances prepared under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767), as set forth at 40 CFR Part 302 (“Table 302.4 — List of Hazardous Substances and Reportable Quantities”), or appearing on any successor list of hazardous substances prepared under section 102 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980.

“Independent agency.” Boards, commissions, authorities and other agencies and officers of the Commonwealth which are not subject to the policy supervision and control of the Governor, except any court or other officer or agency of the unified judicial system or the General Assembly and its officers and agencies.

“Local agency.” A municipality or any officer or agency thereof.

“Local emergency planning committee” or *“local committee.”* The local committee within each emergency planning district responsible for preparing hazardous material plans and performing other functions under the Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Public Law 90-499, 42 U.S.C. §11001 et seq.)

“PEMA.” The Pennsylvania Emergency Management Agency.

"Person." An individual, corporation, firm, association, public utility, trust, estate, public or private institution, group, Commonwealth or local agency, political subdivision, and any legal successor, representative or agency of the foregoing.

"Regional hazardous material organization." A nonprofit corporation, joint venture or authority formed under the laws of this Commonwealth which either contracts with or is organized by one or more Commonwealth agencies, local agencies or volunteer service organizations for the purpose of creating, training, equipping, maintaining and providing one or more hazardous material response teams to serve any specific geographic area as approved by the Pennsylvania Emergency Management Council within, but not limited to, the Commonwealth under this act.

"Release." Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of a hazardous material, including, but not limited to, the abandonment or discarding of barrels, containers and other receptacles containing a hazardous material.

"Reportable quantity." The quantity of a hazardous material stated on the various lists of hazardous substances and extremely hazardous substances as defined in this section, the release of which shall be reported under this act.

"Rolling stock." Any railroad tank car, railroad boxcar or other railroad freight car as defined in 49 CFR 215, or its successor, that contains an extremely hazardous substance in excess of the threshold planning quantity established for such substance and is used as a storage site for such substance.

"SARA, Title III." The Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Public Law 99-499, 42 U.S.C. §11001 et seq.)

"Service stations." A motor vehicle service station, filling station, garage or similar operation engaged in the retail sale of motor fuels that are regulated by the act of July 6, 1989 (P.L. 169, No. 32), known as the Storage Tank and Spill Prevention Act, or a facility whose primary function is auto body repair.

"Toxic chemical." A substance appearing on the list of chemicals described in section 313 of SARA (Title III, Public Law 99-499, 42 U.S.C. §11023), as set forth at 40 CFR Part 372, or appearing on any successor list of chemicals set forth in the Code of Federal Regulations under the authority of section 313 of SARA, Title III.

"Unified judicial system." The unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania.

"Vehicle." Any truck, railroad car, water vessel, airplane or other transportation vehicle that ships, carries or transports a hazardous material on any highway, rail line or waterway within the jurisdiction boundaries of this Commonwealth.

CHAPTER 2 HAZARDOUS MATERIAL PROTECTION

Section 201. Designation and functions of Pennsylvania Emergency Management Council.

(a) *Council.* — The Pennsylvania Emergency Management Council, established and organized under the act of November 26, 1978 (P.L. 1332, No. 323), known as the Emergency Management Services Code, is designated and shall constitute the Commonwealth's emergency response commission to carry out the responsibilities assigned to the Commonwealth by SARA, Title III, to develop overall policy and direction for a Statewide hazardous material safety program and to supervise and coordinate the responsibilities of the local emergency planning committees.

(b) *Membership.* — The council shall be composed of the current members of the Pennsylvania Emergency Management Council as now provided by law and the Secretary of Labor and Industry.

(c) *Chairperson.* — The Governor shall designate a member of the council to serve as chairperson of the council. In the absence of the chairperson, the director of PEMA shall serve as chairperson. The chairperson shall have the authority to assign, delegate or transfer tasks, duties and responsibilities to members of the council. The chairperson shall approve the appointment of members to the council who are designated by their respective department or office and authorized to fulfill the duties and responsibilities of the appointed member of the council.

(d) *Compensation and expenses.* — Members shall serve without compensation but shall be reimbursed for necessary and reasonable actual expenses, such as travel expenses, incurred in connection with attendance at council meetings.

(e) *Meetings.* — For the conduct of routine or emergency business, the council shall meet at the call of the chairperson. Five members of the council shall constitute a quorum for the purpose of conducting

the business of the council and for all other purposes. All actions of the council shall be taken by a majority of the council members present. The council shall be subject to the act of July 3, 1986 (P.L. 388, No. 212), known as the Sunshine Act.

(f) *Staff.* — The council shall supervise PEMA as its primary agent responsible for performing the functions and duties of the council established under this act. For this purpose, PEMA shall employ such professional, technical, administrative and other staff personnel as may be deemed essential to carry out the purposes of this act and the development and maintenance of a comprehensive Commonwealth hazardous material safety program and report directly to the council.

(g) *Powers and duties.* — The council shall have the duty and power to:

(1) Carry out all of the duties and responsibilities of a State emergency response commission as specified in SARA, Title III.

(2) Promulgate as provided by law any rules and regulations necessary to carry out and implement this act and SARA, Title III.

(3) Develop Commonwealth agency contingency plans relating to the implementation of this act and SARA, Title III.

(4) Provide guidance and direction to counties for the implementation of this act and SARA, Title III.

(5) Supervise the operation of local committees and ensure that local committees meet all Federal and Commonwealth standards and requirements as provided by law.

(6) Develop a Commonwealth comprehensive hazardous material safety program.

(7) Delegate authority and assign primary responsibility to the Department of Labor and Industry for receiving, processing and managing hazardous chemical information forms and data, trade secrets and public information requests under this act and in coordination with the act of October 5, 1984 (P.L. 734, No. 159), known as the Worker and Community Right-to-Know Act. Emphasis should be given to electronically processing the information reported under this act to maximize its use in emergency response and to enhance its availability to the public.

(8) Delegate authority and assign responsibility to the Department of Environmental Resources and the Department of Health for providing technical advice and assistance consistent with established departmental responsibilities in the alleviation of public health and environmental hazards associated with hazardous material releases or threatened releases of hazardous materials, including, but not limited to, dispatching emergency response personnel to accident sites during emergency situations when requested by PEMA. This act shall not affect any existing authority these agencies have to respond to hazardous material releases.

(9) Prescribe duties and responsibilities for Commonwealth agencies, counties and local emergency planning committees to conduct comprehensive emergency management activities consistent with this act.

(10) Prescribe standards for hazardous material response team training or certification, the equipping of hazardous material response team units and other matters involving hazardous material response activities.

(11) Develop a public information, education and participation program for the public and facility owners covering the requirements of this act and the Worker and Community Right-to-Know Act and interpretation of the chemical information collected under this act and the risks those chemicals pose to the public health and environment.

(12) Develop a mechanism or guidelines for the use of local emergency planning committees to act as boards of arbitration for resolving cost recovery disputes concerning those costs defined in section 210(c) that arise between a person who causes a release of a hazardous material and the organizers of any certified hazardous material response teams and/or emergency service organizations that responded to the hazardous material release.

(13) Do all other acts and things necessary for the exercise of the powers and duties of the council and for the implementation of this act and SARA, Title III.

(h) *Council expense.* — The council shall develop a specific operating budget to implement the provisions of this act which shall be submitted separately by PEMA with its regular budget each year, subject to the requirements of section 207.

(i) *Advisory committee.* — The council shall appoint a Hazardous material Emergency Planning and Response Advisory Committee from the members of the council and other persons representative of those groups affected by this act as the council chairman may determine. Meetings of the committee shall be convened by PEMA for the purpose of reviewing guidelines, standards or regulations developed to implement this act. PEMA shall participate in all meetings of the advisory committee and provide admin-

istrative support. For the purpose of convening meetings, a majority of the advisory committee members shall constitute a quorum.

Section 202. Establishment of emergency planning districts.

Each county is designated and constituted an emergency planning district for the purposes of SARA, Title III.

Section 203. Establishment and functions of local emergency planning committees.

(a) *Local emergency planning committees.* — In order to carry out the provisions of Federal and Commonwealth law, a minimum of one local emergency planning committee shall be established in each county. The local committee shall elect a chairman from among its members. The local committee shall be subject to the supervision of the council and shall cooperate with the county emergency management agency and SARA facilities to prepare the emergency response plans required by section 303 of SARA, Title III, for facilities where extremely hazardous chemicals are present.

(b) *Membership.* — A local committee shall be composed of the county emergency management coordinator, one county commissioner and at least one person selected from each of the following groups:

- (1) Elected officials representing local governments within the county.
- (2) Law enforcement, first aid, health, local environmental, hospital and transportation personnel.
- (3) Firefighting personnel.
- (4) Civil defense and emergency management personnel.
- (5) Broadcast and print media.
- (6) Community groups not affiliated with emergency service groups.
- (7) Owners and operators of facilities subject to the requirements of SARA, Title III.

(c) *Coordinator.* — The county emergency management coordinator, as supervised by the county commissioners, shall have the lead responsibility for ensuring that the plans and activities of the local committee comply with SARA, Title III, this act, and other applicable statutes and laws.

(d) *Appointment.* — The members of a local committee shall be appointed by the council from a list of nominees submitted by the governing body of the county. The list of nominees shall contain the names of at least one person from each of the groups enumerated in subsection (b). Upon the failure of the governing body of a county to submit a list of nominees to the council within a time fixed by the council, the council may appoint members at its pleasure.

(e) *Vacancies.* — Within 60 days of the occurrence of a vacancy, the council shall appoint, in the manner provided in subsection (d), a successor member to a local committee for the remainder of the unexpired term of the member for which the vacancy exists. A vacancy shall occur upon the death, resignation, disqualification or removal of a member of a local committee.

(f) *Meetings.* For the conduct of routine or emergency business, the local committee shall meet at the call of the chairperson. A majority of the members of the local committee, or such other number of members of the local committee as set by the local committee, shall constitute a quorum for the purpose of conducting the business of the local committee and for all other purposes. All actions of the local committee shall be taken by a majority of the local committee members present. The local committee shall be subject to the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

(g) *Duties.* — A local committee shall have the duty and authority to:

- (1) Make, amend and repeal bylaws and other procedures in order to carry out the duties, requirements and responsibilities of a local committee as set forth in SARA, Title III, and as required by the council.
- (2) Take appropriate actions to ensure the implementation and updating of the local emergency response plan required by this act.
- (3) Report to the council on alleged violations of this act.
- (4) Prepare reports, recommendations or other information related to the implementation of this act, as requested by the council.
- (5) Meet, when appropriate, with any Commonwealth agency or local or regional agency which is empowered to exercise the governmental functions of planning and zoning, to regulate land use and land use development, or to authorize the siting of a facility within the county to discuss and review with the Commonwealth agency and local agency all mitigation factors necessary to protect the health, safety and welfare of the general public from a potential release of hazardous materials from a proposed facility. Mitigation factors include, but are not limited to, environmental impacts, shelter

and evacuation feasibility, emergency warning and communications, availability of response equipment and future population and economic growth in the area of the proposed facility.

(6) Accept and deposit into its county Hazardous Material Emergency Response Account any grants, gifts or other funds received which are intended for the purpose of carrying out this act.

(h) *Expenses.* — The administrative and operational expenses of a local committee may be paid through a combination of sources by the county from the fees collected by the county, from grants received from the council in accordance with the provisions of sections 207 and 208, respectively, or by accepting private donations.

(i) *Agency and compensation for injury.* — A member of a local committee shall be an agent of the council and shall be deemed a duly enrolled emergency management volunteer for the purposes of 35 Pa.C.S. §7706 (relating to compensation for accidental injury).

(j) *Advisory capacity.* — The local committee may perform other emergency management advisory duties as requested by county elected officials.

(k) *Plan provisions.* — Each emergency plan shall include, but not be limited to, each of the following:

(1) Identification of the facility subject to the requirements of section 303 of SARA, Title III, within the county, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances and identification of additional facilities contributing or subjected to additional risk due to their proximity to the facility subject to the requirements of this section, such as hospitals or natural gas facilities.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(3) Designation of a county emergency management coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.

(4) Procedures providing reliable, effective and timely notification by the facility emergency coordinators and the county emergency management coordinator to persons designated in the emergency plan, and to the public, that a release has occurred, consistent with the notification requirements of section 304 of SARA, Title III.

(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

(6) A description of emergency equipment and facilities in the county and at each facility in the county subject to the requirements of this section, and an identification of the persons responsible for such equipment and facilities.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

(8) Training programs, including schedules for training of local emergency response and medical personnel.

(9) Methods and schedules for exercising the emergency plan.

Section 204. Hazardous material safety program.

(a) *Program components.* — In conjunction with the Departments of Environmental Resources, Health, Transportation, Agriculture, Labor and Industry and Commerce, Pennsylvania Public Utility Commission, Fish Commission, Pennsylvania Turnpike Commission and the Pennsylvania State Police, or any other Commonwealth agencies as determined by the council, PEMA shall develop a hazardous material safety program for incorporation into the Pennsylvania Emergency Management Plan developed by PEMA under 35 Pa.C.S. Pt. V (relating to emergency management services). The hazardous material safety program shall include an assessment of the potential dangers and risks that hazardous material releases occurring at facilities and from transportation-related accidents pose to the general public and the environment. The Pennsylvania State Fire Academy shall be utilized as a primary training facility pursuant to its duties under 35 Pa.C.S. §7316(c) (relating to Pennsylvania State Fire Academy). The council may also utilize other institutions that have in place appropriate training resources, such as the Center for Hazardous Materials Research at the University of Pittsburgh's Applied Research Center, to fulfill its training responsibilities. The program shall also consider the impacts, consequences and necessary protective measures required to respond to and mitigate the effects of such releases and accidents. The program shall include, but not be limited to:

(1) Development of comprehensive emergency management guidance for hazardous materials for the Commonwealth and Commonwealth agencies which sets forth the specific duties, responsibilities, roles and missions of Commonwealth agencies.

(2) Development of comprehensive emergency management guidance consistent with the Emergency management Services Code for hazardous materials that can be used by the local committees to meet the requirements of Federal and Commonwealth statutes and laws.

(3) Development of specific procedures for counties to complete the Hazardous Materials Emergency Response Preparedness Assessment within 30 days of the effective date of this act.

(4) Development of a notification system whereby the owners and operators of a facility will report the occurrence of any hazardous substance or extremely hazardous substance release to the appropriate Commonwealth agencies, local agencies and Commonwealth and local officials designated in the Commonwealth and local emergency plans. The reporting requirements for this notification system are set forth in section 206.

(5) Development of a notification system whereby the transporters of any hazardous substance or extremely hazardous substance will report the occurrence of any hazardous material release to the Commonwealth agencies, local agencies and Commonwealth and local officials designated in the Commonwealth and local plans. The reporting requirements for this notification system are set forth in section 206.

(6) Training and equipping local agency public safety and emergency response personnel.

(7) Establishing training standards and a certification program for the formation of Commonwealth agency, local agency or regional hazardous material response teams. All Commonwealth agency, supporting paid and volunteer emergency service organizations, local agency or other agencies and committees that establish training standards for emergency service, law enforcement, firefighting or other personnel shall cooperate with the council in the implementation of these training standards and certification program.

(8) Periodical exercise of hazardous material release scenarios at facilities and transportation sites that are designed to test the response capabilities of Commonwealth agency, local agency and regional public safety and emergency response personnel.

(9) Assistance in procuring of specialized hazardous material response supplies and equipment to be used by local and regional public safety and emergency response personnel.

(10) PEMA's staffing and operation of a 24-hour State emergency operations center to provide effective emergency response coordination for all types of natural and manmade disaster emergencies, including the ability to receive and monitor the emergency notification reports required under sections 205 and 206 from all facilities and transporters involved with hazardous material incidents.

(11) Provisions for financial assistance to counties as provided in sections 207 and 208 and for the payment of compensation benefits awarded to duly enrolled emergency management volunteers under 35 Pa.C.S. §7706 (relating to compensation for accidental injury).

(b) *County preparedness assessment.* —

(1) within one year of the completion of procedures called for in subsection (a)(3), counties shall develop and submit to the council a Hazardous Material Emergency Response Preparedness Assessment. The assessment shall be updated annually.

(2) The county shall assess the potential dangers and risks that hazardous material releases from facilities and transportation accidents pose to public health and the environment, identify the county's needs and resources for hazardous material response teams to deal with those dangers and risks and outline its plan for implementing county and local emergency planning functions under this act.

(3) The assessment shall include the following:

(i) Potential threats posed by facilities requiring emergency response plans under section 303 of SARA, Title III, and other concentrations of hazardous materials in the county or in areas immediately adjacent to the county that may pose a threat.

(ii) Potential threats posed by hazardous material transported by highway and railroad in the county.

(iii) Identification of existing capabilities to respond to hazardous material releases, including personnel, equipment, training, planning and identification of existing hazardous material response zones.

(iv) Selection of an option to comply with this act under section 209(c) and identification of the need for personnel, equipment, training and planning needed to respond to the potential threats, including the designation of proposed levels of preparedness for local or regional response teams and proposed local or regional response zones.

(v) Identification of other resources needed to implement the provisions of this act and to support the local emergency planning committee.

(vi) An audit of the Hazardous Material Emergency Response Account.

(4) The local emergency planning committee shall assist the county in the preparation of the Hazardous Material Emergency Response Preparedness Assessment.

(5) The council shall review and approve the assessment if it determines the assessment is complete and fulfills the county's obligations under this act to respond to releases of hazardous materials.

(6) If an assessment is not approved by the council, it shall be returned to the county with an explanation of its deficiencies. The county shall have 90 days to return the assessment to the council with either changes or further explanation or justification. The council shall then review the assessment.

Section 205. Emergency reporting requirements.

(a) *Requirements.* — The owner or operator of a facility in this Commonwealth shall comply with the following requirements:

(1) The owner or operator of a facility in this Commonwealth covered under section 302 of SARA, Title III, shall comply with the emergency planning and notification requirements under section 302 and 303 of SARA, Title III.

(2) The owner or operator of a facility in this Commonwealth covered under section 311 of SARA, Title III, shall comply with the reporting requirements under sections 311 and 312 of SARA, Title III.

(3) The owner and operator of a facility in this Commonwealth subject to section 313 of SARA, Title III, shall comply with the toxic chemical release form requirements under section 313 of SARA, Title III.

(4) The owner or a facility in this Commonwealth subject to the requirements of paragraphs (2) and (3) shall comply with the procedures for providing information under section 323 of SARA, Title III

(5) The owner or operator of a facility in this Commonwealth covered under section 304 of SARA, Title III, shall comply with the notification requirements of section 304 of SARA, Title III, and section 206 of this act.

(b) *Document repository.* — For the purposes of complying with the reporting requirements set forth in sections 311, 312 and 313 of SARA, Title III, the owner or operator of any facility shall submit its material safety data sheets or chemical lists, emergency and hazardous chemical inventory forms and toxic chemical release forms to the Department of Labor and Industry, which is the council's repository for those documents at the State level.

(c) *Rolling stock.* — The owner or operator of a property that has one or more rolling stock, whether owned or leased, located within its property boundaries for any period of time in excess of 30 continuous days and containing an extremely hazardous substance in excess of the threshold planning quantity shall notify the council and the appropriate local committee of that fact and shall prepare an emergency response plan, which contains those provisions that either the council or the appropriate local committee directs, in order to deal with any potential release of an extremely hazardous substance from that rolling stock.

Section 206. Emergency notification requirements.

(a) *Facility or transportation accident or incident.* — Except as provided in subsection (e), the owner or operator of a facility that manufactures, produces, uses, imports, exports, stores, supplies or distributes any hazardous substance or extremely hazardous substance and the owner or operator of a vehicle that ships, transports or carries any hazardous substance or extremely hazardous substance to, within, through or across this Commonwealth shall immediately report the release of the substance which exceeds the reportable quantity and which extends beyond the property boundaries of the facility or which results from a transportation accident or incident to the appropriate Commonwealth and county emergency response office as follows:

(1) Two notifications shall be made by the owner or operator of a facility. The first call shall be to the 24-hour response telephone number of the county office designated and acting as the emergency response coordinator for the local committee, which may be known as the county emergency management office 24-hour response number. The second call shall be made to the PEMA 24-hour response number.

(2) Notification shall be made by the owner or operator of a vehicle by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator in order to notify the county emergency management office 24-hour response number within whose jurisdiction the transportation accident or incident has occurred, and reporting that a hazardous substance or an extremely hazard-

ous substance release has occurred. The county emergency management office shall report any notification made under this subsection to the PEMA 24-hour response number within one hour of its receipt.

(b) *Contents.* — The notification required by this section shall include each of the following to the extent known at the time of the notice and so long as no delay in responding to the emergency results:

(1) The name and telephone number of the person making the notification.

(2) The name of the person employed by the owner or operator of the facility or vehicle who has the authority or responsibility to supervise, conduct or perform any cleanup activities required at the facility or transportation accident site or to contract for the performance of any cleanup activities at the facility or transportation accident site.

(3) The chemical name or identity of any substance involved in the release.

(4) An indication of whether the substance is an extremely hazardous substance or other hazardous material or appears on a Federal or Commonwealth list of hazardous materials as periodically amended.

(5) An estimate of the quantity of the substance that was released into the environment.

(6) The time, location and duration of the release.

(7) The medium or media into which the release occurred.

(8) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(9) Proper precautions to take as a result of the release, including evacuation, unless the information is readily available to the community emergency coordinator under an emergency plan, and any other relevant information which may be requested.

(10) The name and telephone number of the person or persons to be contacted for further information.

(11) Additional information required by Federal or Commonwealth law or regulation.

(c) *PEMA notice.* — The notification to PEMA shall be made to the PEMA 24-hour response number. This notification shall contain the information required by subsection (b). The notice to PEMA shall fulfill the requirements in SARA, Title III, to notify the council. Notice under this section shall not fulfill any requirements in other State laws to notify the Department of Environmental Resources or any other State agency of a spill or release of a hazardous chemical.

(d) *Written report.* — Within 14 calendar days after a release which required notice under this section, the owner or operator of a facility and the owner or operator of a vehicle shall provide a written follow-up emergency notice, or notices if more information becomes available, to PEMA and the county emergency management office setting forth and updating the information required under subsection (b), and including additional information with respect to:

(1) Actions taken to respond to and contain the release.

(2) Any known or anticipated acute or chronic health risk associated with the release.

(3) Advice regarding medical attention necessary for exposed individuals, where appropriate.

(4) Actions to be taken to mitigate potential future incidents.

(e) *Exception.* — The provisions of this section shall not apply to a release of a hazardous substance or an extremely hazardous substance if the release of such substance is exempted, excluded or permitted by Federal or Commonwealth statute, law, rule or regulation.

(f) *Coordinated notification system.* —

(1) The council shall, within one year of the effective date of this act, complete a study of current notification procedures to determine the feasibility of establishing a single notification center and simplified alternative notification processes for State agencies to receive notification of all emergencies involving hazardous or potentially hazardous substances or releases into the air or water or on the land. The council shall study the feasibility of replacing notification of individual State agencies with a single point of contact and simplified alternative notification procedures covering substances regulated by this act, by the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, the act of January 8, 1960 (1959 P.L. 2119, No. 787), known as the Air Pollution Control Act, the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, the act of October 18, 1988 (P.L. 756, No. 108), known as the Hazardous Sites Cleanup Act, the act of July 6, 1989 (P.L. 169, No. 32), known as the Storage Tank and Spill Prevention Act, or by any other State statute requiring notification of any State agency of spills and releases into the environment. The study shall consider any impact a single point of contact and alternative notification procedures may have on the regulated community, any enforcement programs within the Department of Environmental Resources or other agencies and notification requirements established in Federal law and make specific recom-

mendations for implementing its findings, including recommended changes to State law. The Hazardous Material Emergency Planning and Response Advisory Committee shall be involved in the development of the study.

(2) The council shall forward a copy of the final study, including a recommended timetable for implementing any recommendations, to the House Conservation Committee and the Senate Environmental Resources and Energy Committee.

Section 207. Establishment of funds.

(a) *Hazardous Material Response Fund.* —

(1) There is hereby created in the State Treasury a nonlapsing restricted account to be known as the Hazardous Material Response Fund. The fund shall consist of the fees collected under subsections (c), (d) and (e), civil penalties and fines and funds appropriated by the General Assembly. Moneys in the fund and the interest it accrues shall be appropriated annually to PEMA to be disbursed by the council through PEMA and shall be used to carry out the purposes, goals and objectives of SARA, Title III, and the Commonwealth's hazardous material safety program.

(2) The council, through PEMA, shall administer and allocate moneys in the fund, including all interest generated therein, in the following manner:

(i) Up to 10% shall be expended on training programs for hazardous material response teams.

(ii) Up to 10% shall be expended for public and facility owner education, information and participation programs.

(iii) No more than 10% shall be used for the general administrative and operational expenses of this act, excluding the expenses of the Hazardous Material Emergency Planning and Response Advisory Committee.

(iv) The remaining revenue in the fund shall be used as grants to support the activities of counties under this act, as described in section 208.

(b) *County emergency response financing.* —

(1) The treasurer of each county shall establish a nonlapsing restricted account to be known as the Hazardous Material Emergency Response Account. The account shall consist of revenue from fees authorized by this section, county, Federal or State funds, grants, loans or penalties and any private donations provided to finance the hazardous material safety program. Expenditures from the account shall be authorized by the county consistent with the need identified in the county Hazardous Material Emergency Response Preparedness Assessment approved by the council. The Hazardous Material Emergency Response Account shall also be utilized by the local emergency planning committee to resolve cost recovery disputes that arise between a person who causes a release of a hazardous material and a volunteer emergency service organization when acting as part of a certified hazardous material response team in accordance with this act. Each volunteer services organization shall be eligible to receive no more than \$300 per response to cover expenses related to a response from the Hazardous Material Response Account, if the person who causes a release of a hazardous material is financially unable to pay costs as defined in section 210(b).

(2) By March 1 of each year, each owner or operator of a facility shall pay to the county treasurer where the facility is located a local hazardous chemical fee of from \$35 to \$75, as established by the county by ordinance, for each hazardous chemical within the meaning of 29 CFR 1910.1200(c) or its successor which is required by section 312 of SARA, Title III, to be listed on the hazardous chemical inventory form (Tier II) which the owner or operator of the facility submits to the local emergency planning committee. Counties shall grant facility owners up to 100% credit toward their chemical fee obligation under this section for training, equipment or other in-kind services donated to the county to support the hazardous material safety program if such training, equipment or in-kind services are accepted by the county. The credit shall be based on the fair market value of equipment donated and the agreed-upon value of training or in-kind services donated.

(3) Counties may establish a program to provide funding through the Hazardous Material Emergency Response Account for certified hazardous material response teams within the county consistent with the Hazardous Material Emergency Response Preparedness Assessment. This grant program shall not be bound by any dollar limits on assistance to local fire protection services imposed by other statutes.

(c) *Hazardous chemical fee.* — Each owner or operator of a facility shall pay a fee, to be known as a hazardous chemical fee, of \$10 by March 1 of each year to the council for each hazardous chemical within the meaning of 29 CFR 1910.1200(c) or its successor which is required by section 312 of SARA, Title III, to be listed on the hazardous chemical inventory form (Tier II) which the owner or operator of

the facility submits to the council. The fees collected under this subsection shall be deposited by the council into the Hazardous Material Response Fund.

(d) *Toxic chemical registration fee.* — Each owner or operator of a facility that submits a toxic chemical release form to the Department of Labor and Industry on or before July 1, 1990, as required by section 313 of SARA, Title III, shall pay a \$1,000 registration fee to the Department of Labor and Industry. The registration fees collected under this subsection shall be deposited by the Department of Labor and Industry into the Hazardous Material Response Fund. The Department of Labor and Industry may retain up to 10% of the fees collected for administration of the program and management of the data collected.

(e) *Toxic chemical release form fee.* — Each owner or operator of a facility shall pay a fee of \$250 on or before July 1, 1991, and the first day of July of every year thereafter, to the Department of Labor and Industry for each toxic chemical which is required by section 313 of SARA, Title III, to be listed on the toxic chemical release form which the owner or operator of the facility submits to the Department of Labor and Industry. The cumulative amount of this fee shall not exceed \$5,000 per facility. The fees collected under this subsection shall be deposited by the Department of Labor and Industry into the Hazardous Material Response Fund. The Department of Labor and Industry may retain up to 10% of the fees collected for administration of the program and management of the data collected.

(f) *Emergency planning fee.* — By March 1 of each year, each owner or operator of a facility that manufactures, produces, uses, stores, supplies or distributes any extremely hazardous substance in quantities larger than the threshold planning quantities shall be required to pay to the county treasurer where the facility is located an emergency planning fee of up to \$100 as established by the county by ordinance. Counties shall grant facility owners up to 100% credit toward any emergency planning fee obligation under this section for training, equipment or other in-kind services donated to the county to support the hazardous material safety program if such training, equipment or in-kind services are accepted by the county, in addition to those for which a credit is claimed under subsection (b)(2). The credit shall be based on the fair market value of equipment donated and the agreed-upon value of training or in-kind services donated.

(g) *Exemptions.* — the owners or operators of family farm enterprises, service stations and facilities owned by State and local governments shall be exempt from payment of the fees required under subsections (b), (c), (d), (e) and (f).

(h) *Federal funds, grants or other gifts.* — The council is authorized to accept and may deposit into the Hazardous Material Response Fund grants, gifts and Federal funds for the purpose of carrying out the provisions of this act.

(i) *Changes in threshold quantities and chemicals.* — For purposes of the fees established in this section, the term "hazardous chemical" shall mean chemicals on lists established by the United States Environmental Protection Agency effective on July 1, 1989. No fee may be applied to additional facilities or hazardous materials because of changes made by the United States Environmental Protection Agency in lists of hazardous materials, threshold planning quantities or other requirements under SARA, Title III, without complying with the provisions of section 213.

(j) *Termination.* — The fees established in this section or pursuant to section 213 shall terminate ten years after the effective date of this act unless reestablished by the General Assembly by statute.

(k) *Transportation fee study.* — Within one year of the effective date of this act, the council shall report to the General Assembly on the feasibility of establishing a fee on the transporters of hazardous materials regulated under this act. The purpose of this fee would be to supplement the funds provided by fixed facility owners or operators to the Hazardous Material Response Fund.

(l) *Status of fund.* — The Hazardous Material Response Fund shall not be subject to 42 Pa.C.S. Ch. 37 Subch. C (relating to judicial computer system).

Section 208. Emergency management grants.

(a) *General.* — Each county shall participate in the hazardous material safety program and may be eligible to receive an emergency management grant from the Hazardous Material Response Fund in order to comply with the requirements of SARA, Title III, and the Commonwealth's hazardous material safety program.

(b) *Applications.* — A county or group of counties may apply annually to the council for an emergency management grant. Applications shall be made in the manner specified by the council in regulations promulgated under section 201(g) consistent with the county preparedness assessment.

(c) *Eligible costs.* — Eligible costs for emergency management grants are limited to the cost of:

(1) Developing a county Hazardous Material Emergency Response Preparedness Assessment required in section 204(b).

(2) Developing, updating and exercising emergency response plans required under section 303 of SARA, Title III.

(3) Performing public information functions as required by section 324 of SARA, Title III.

(4) Collecting, documenting and processing chemical inventory forms and other documents required by SARA, Title III.

(5) Developing an emergency planning and response capability for responding to hazardous material releases and meeting the requirements of the Commonwealth's hazardous material safety program, including training, equipment, material and other supplies needed to respond to a release.

(6) Supporting the operation and administration of local committees.

(7) Reimbursing certain response costs of supporting volunteer emergency service organizations in accordance with section 207(b)(1).

(d) *Grant amount.* — The amount of the annual grant from the Hazardous Material Response Fund shall not exceed the sum of the funds of local revenues made available by the county for the purpose of complying with the requirements and provisions of SARA, Title III, and the Emergency Management Services Code with respect to hazardous material releases, retroactive to November 1986 and the revenues collected under section 207(b)(2) and (f), except that any county emergency management coordinator whose Hazardous Material Emergency Response Account receives less than \$10,000 annually in fees established in this section or meets the requirements of subsection (e)(3) shall be eligible for additional grants equal to county funds specifically appropriated for compliance with this act, not to exceed \$5,000.

(e) *Payment of grants.* — The council shall review annually all applications received under this section and may make grants to the counties from the Hazardous Material Response Fund. The council shall prioritize the available funds among the eligible applicants based upon the following criteria:

(1) Completion of initial county Hazardous Material Emergency Response Preparedness Assessment.

(2) Compliance with the requirements of SARA, Title III, and the Commonwealth's hazardous material safety program and Emergency Management Services Code with respect to hazardous material releases.

(3) The number of facilities located within the county, or the existence of unique or special circumstances that pose a threat to the health and safety of the general public or the environment, or both. The existence of unique or special circumstances under this section as determined by PEMA shall include an interstate highway, the Pennsylvania Turnpike or any secondary route used by a transporter because of load restrictions on primary routes.

(4) Availability of financial, technical or other assistance to the applicant from other governmental, business or private sources.

(5) No more than 10% of the grant funds shall be expended in any one county in any year unless more than one county applies for funds in a joint application.

(f) *Initial grant.* — In addition to any other grants provided for in this section, each county of the third through eighth class shall, within 18 months of the effective date of this act, receive an initial grant of \$1,500 for the purpose of complying with the provisions of this act. The initial grant shall be made from the Hazardous Material Response Fund.

Section 209. Certified hazardous material response teams.

(a) *General rule.* — The council shall establish a program for certifying hazardous material response teams, setting standards for training, equipment, safety, operations and administration of the teams. The certification program shall include, but not be limited to:

(1) Standards for certifying response teams with several preparedness levels patterned after levels established by the United States Occupational Safety and Health Administration at 29 CFR Part 1910.120.

(2) Reviewing existing hazardous material training and certification programs to establish specific procedures for crediting that training and certification under the program established by this section.

(b) *Hazardous material response zones.* — The council may establish hazardous material response zones, consisting of portions of counties or multiple counties, that may be served by certified hazardous material response teams that are certified by the council where counties have not identified zones in their Hazardous Material Emergency Response Preparedness Assessment.

(c) *Grants.* — Each certified hazardous material response team may be eligible to receive, through an application submitted by a county, an emergency management grant from the Hazardous Material Response Fund. Counties are required to submit copies of all applications and requests they receive from certified hazardous material response teams as part of their application.

(d) *Compliance with guidelines and regulations.* — Hazardous material response teams shall comply with any guidelines, regulations, directives or other documents developed by the council for incorporation into the Commonwealth's hazardous material safety program and shall be consistent with the county Hazardous Material Emergency Response Preparedness Assessment approved by the Council.

(e) *Compliance with act.* — Each county shall comply with the hazardous material safety program and 35 Pa.C.S. Part V (relating to emergency management services) by doing any of the following, consistent with the county Hazardous Material Emergency Response Preparedness Assessment:

(1) Individually organizing and operating a certified hazardous material response team.

(2) Contracting or having formal agreements with a certified hazardous material response team, including those formed by a regional hazardous material organization or private companies.

(3) Participating as a member of a regional hazardous material organization for the purpose of creating and organizing a certified hazardous material response team.

(f) *Grants to counties.* — A county may be eligible for a grant from the Hazardous Material Response Fund for a cost that would otherwise be eligible under section 208(c) but was actually incurred prior to the effective date of this act and after the effective date of SARA, Title III, provided that no such grant shall take priority over grants for eligible costs incurred after the effective date of this act.

(g) *Regional hazardous material organizations.* — Regional hazardous material organizations formed solely by a county or counties may be funded fully or in part by proportional contributions from the political subdivisions included within the hazardous material response zone serviced by the regional hazardous material organization or as otherwise agreed to by contract between the regional hazardous material organization and those political subdivisions and approved in the county preparedness assessment.

(h) *Insurance.* Each Commonwealth agency, local agency, regional hazardous material organizations, volunteer service organizations, hazardous material transporter, manufacturer, supplier or user, or other entity that organizes a certified hazardous material response team as identified on the team certification, shall be responsible for providing, directly or by agreement with a third party, worker's compensation and ordinary public liability insurance for its certified hazardous material response team. The Commonwealth, a county or municipality may self-insure to meet this obligation to the extent it is now authorized by State law. A certified hazardous material response team that meets the training standards or certification requirements established under the Commonwealth's hazardous material safety program shall receive a discount from the applicable insurance company as that insurance company's loss experience justifies based on guidelines developed by the Insurance Commissioner.

(i) *Emergency response.* — A certified hazardous material response team may, when authorized by the county emergency management coordinator, enter onto any private or public property on which a release of a hazardous material has occurred or the occurrence or the threat of a hazardous material release is imminent. A certified hazardous material response team may enter any adjacent or surrounding property to which the hazardous material release has entered or threatens to enter. A certified hazardous material response team may enter any private or public property in order to respond to the release or threatened release of a hazardous material, to monitor and contain the hazardous material release, to perform cleanup and stabilization actions and to perform any other emergency response activities deemed necessary by the certified hazardous material response team or by the representatives of PEMA, the county emergency management office as established under 35 Pa.C.S. Pt. V or the local committee.

(j) *State agency.* — Notwithstanding any Federal law to the contrary, the Department of Environmental Resources, consistent with the State emergency operations plan, is designated as the State agency assigned the responsibility to direct cleanup efforts at a release site upon the occurrence of a release.

Section 210. Recovery of response costs.

(a) *General rule.* — A person who causes a release of a hazardous material shall be liable for the response costs incurred by a certified hazardous material response team or a supporting paid or volunteer emergency service organization. The Commonwealth agency, local agency, regional hazardous material organization, volunteer emergency service organization, or hazardous material transporter, manufacturer, supplier or user that organized the certified hazardous material response team, as identified on the team certification, or supporting paid or volunteer emergency service organizations, that undertakes a response action may recover those response costs in law or an action in equity brought before a court of competent jurisdiction or may proceed under the provisions of subsection (d). Should more than one certified haz-

ardous material response team incur response costs for the same hazardous material release or incident, the organizing entities of those certified hazardous material response teams may file a joint action in law or equity and may designate one entity to represent the others in the law suite.

(b) *Amount.* In an action to recover response costs, a Commonwealth agency, local agency, regional hazardous material organization, supporting paid or volunteer emergency service organization, or a hazardous material transporter, manufacturer, supplier or user may include operational, administrative, personnel and legal costs incurred from its initial response action up to the time that it recovers its costs. Only those certified hazardous material response teams or supporting paid or volunteer emergency service organizations that are properly trained in accordance with the standards developed under this act and that are properly requested and dispatched by a legally constituted authority shall be eligible to recover their response costs.

(c) *Definitions.* — When used in this section, the term “response cost” includes the following:

- (1) Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the response to the hazardous material release.
- (2) Rental or leasing of equipment used specifically for the response, for example, protective equipment or clothing and scientific and technical equipment.
- (3) Replacement costs for equipment that is contaminated beyond reuse or repair during the response, for example, self-contained breathing apparatus irretrievably contaminated during the response.
- (4) Decontamination of equipment contaminated during the response.
- (5) Compensation of paid employees or members of the hazardous material response team or supporting paid or volunteer emergency service organization, to include regular and overtime pay for permanent full-time and other than full-time employees or members.
- (6) Special technical services specifically required for the response, for example, costs associated with the time and efforts of technical experts or specialists.
- (7) Laboratory and testing costs for purposes of analyzing samples or specimens taken during the response.
- (8) Other special services specifically required for the response, for example, utility costs.
- (9) Cost associated with the services, supplies and equipment used to conduct an evacuation during the response.
- (10) Costs associated with the removal and disposal of hazardous materials.

(d) *Arbitration.* —

(1) In lieu of bringing an action at law or in equity in a court of competent jurisdiction in the matter of a response cost dispute under subsection (a), the party who is the person who caused a release of a hazardous material and the party who is the certified hazardous material response team, including any volunteer emergency service organizations requested and dispatched by a legally constituted authority, may agree to submit the response cost dispute to binding arbitration as provided in this subsection. By submitting the response cost dispute to arbitration, the parties shall have waived all rights to remedies available under subsection (a) or to any other remedies available at law.

(2) Once the parties agree to submit the response cost dispute to binding arbitration, the local committee shall notify the council and the parties of the request for a board of arbitration and shall request the recommendation of the parties for persons to be appointed to the board. The board of arbitration shall consist of three persons, one to be selected by each of the parties and a third person to be agreed upon by the arbitrators as specified in paragraph (3). Within five days of the request for arbitration, the parties shall submit the names of the arbitrators that they have chosen and the local committee shall appoint those persons to the board of arbitration.

(3) Within five days after their appointment, the two arbitrators shall meet and select a third arbitrator who shall be appointed to the board by the local committee, and who will be chairman of the board of arbitration.

(4) If the two arbitrators fail to select a third arbitrator as provided in paragraph (3), the council shall, within five days, select a third arbitrator who shall be appointed to the board. The person so selected shall not be a member of the council, a member of any local committee or a person or a relative of a person employed by the party or a subsidiary of the party who caused the hazardous material release or who has an ownership or equity interest in the party or subsidiary of the party who caused the hazardous material release.

(5) Upon appointment of the third member, the board shall commence its proceedings and within 30 days shall make its determination, which shall be binding on all parties.

(6) Unless otherwise prescribed in the agreement to arbitrate, the expenses and fees of the arbitrators and other expenses, but not including counsel fees, incurred in the conduct of the arbitration shall be paid as prescribed in the award.

Section 211. Facility and vehicle inspection and testing.

(a) *Inspection.* — In order to determine compliance with this act and SARA, Title III, either the qualified council or local committee member or representative, as defined in subsection (3), may enter a facility or vehicle site, during normal business hours, to inspect the facility or vehicle and to request information or reports from the facility or vehicle owner or operator concerning the chemical name, identity, amount or any other information necessary for emergency planning and response purposes for any substance, liquid mixture, material or product manufactured, produced, used, stored, supplied, imported, exported or distributed at, to or from the facility or vehicle.

(b) *Testing.* — Should the qualified council or local committee member or representative determine during the course of a facility or vehicle inspection that the chemical name, identity, amount or any other requested information for any substance, liquid, mixture, compound, material or product present at the facility or vehicle cannot be identified or determined to his satisfaction, due to the lack of proper labeling, placarding, recordkeeping or for any other reason, the representative shall have the authority to analyze or arrange for the analysis of the substance to identify the chemical properties of the sample or specimen, the amount of the substance, liquid, mixture, compound, material or product manufactured, produced, used, stored, supplied, imported, exported or distributed at, to or from the facility or vehicle to determine if it is regulated by this act. The owner or operator of a facility or vehicle shall pay any testing and laboratory analysis costs incurred by the council or a local committee as performed under this section. Samples of any substance required to be taken under this section by the qualified council or local representative shall be split with the facility for analysis.

(c) *Emergency situations.* — Should a release or threatened release of a known or unknown substance, liquid, mixture, compound, material or product occur or appear to be imminent at a facility or vehicle site, which endangers or has the potential to endanger the health, safety and welfare of the public, employees of the facility or the vehicle's owner or operator, or the employees of the owner or operator of the vehicle, the council or the local committee may send qualified representatives to the facility or vehicle site at any time in order to inspect the facility or vehicle and to access the danger posed by the release or threatened release and to obtain samples or specimens of the substance, liquid, mixture, compound, material or product involved in the release or threatened release and to perform any other emergency response activities deemed necessary by the representatives of the council or the local committee.

(d) *Trade secrets.* — A person shall provide the qualified representative of the council or the local committee with the chemical name, identity or any other information requested concerning any substance, liquid, mixture, compound, material or product present at the facility or vehicle, whether or not the chemical name, identity or other information requested is entitled to protection as a trade secret under section 322 of SARA, Title III, unless the manufacturer of the substance will not provide the information requested to the facility owner because it has received trade secret protection under SARA, Title III. For that information which has received trade secret protection under section 322 of SARA, Title III, prior to the date of the inspection or request, the qualified representative shall give a written assurance to the person that reasonable measures will be taken to protect the confidentiality of any information provided to the qualified representative.

(e) *Qualified person.* — For purposes of this section, the council shall develop qualification standards for members of the council, local committees or their representatives who exercise the reporting, inspection and testing authority contained in this section. At a minimum, those qualifications shall include:

(1) Training in inspection and enforcement activities related to enforcing environmental or fire incident investigations.

(2) Training in the handling and recognition of hazardous materials.

(3) Conflict of interest standards and procedures designed to prevent a local committee member or representative from using the authority of this section to gather information on a business competitor or other trade secret information.

(4) Procedures for decertifying a member or representative who was determined to be qualified representative of the council or local committee.

Section 212. Annual report.

The council shall submit an annual report to the General Assembly by October 1 of each year on the activities it has undertaken to implement this act. The report shall include, but not be limited to:

- (1) An accounting of revenues and expenditures from the Hazardous Material Response Fund and the county Hazardous Material Emergency Response Accounts along with a description of the projects undertaken with these funds and a projection of future activities.
- (2) The status of local emergency planning committee activities.
- (3) The status of facilities required to comply with this act, including their number, location, number of employees and the number and amount of chemicals reported.
- (4) The number and nature of emergency notifications handled by PEMA.

Section 213. Changes in fees.

(a) *Additional facilities.* — If changes made by the United States Environmental Protection Agency under SARA, Title III, result in the fees established in section 207 applied to additional facilities, no fees may be collected from the owners or operators of these facilities until the council subjects these facilities to the fees by regulation.

(b) *Change in requirements.* — The council, by regulation, may also revise the fees established in section 207, as they apply to all facilities when the Environmental Protection Agency, under SARA, Title III, changes the threshold planning quantities, the hazardous material lists or other requirements.

**CHAPTER 3
MISCELLANEOUS PROVISIONS**

Section 301. Immunity from civil liability.

(a) *General.* — No Commonwealth agency, local agency, regional hazardous material organization, volunteer emergency service organization or hazardous material transporter, manufacturer, supplier or user that organized the certified hazardous material response team nor their elected officers, officials, directors and employees, and no certified hazardous material response team member, member of an industrial hazardous material response team, law enforcement officer, ambulance service or rescue squad member, firefighter or other emergency response or public works personnel engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property or the environment resulting from a response to a hazardous material release, except for any acts or omissions which constitute gross negligence or willful misconduct. Nothing in this section shall exempt any hazardous material transporter, manufacturer, supplier or user from liability for the death of or any injury to persons or loss or damage to property or the environment resulting from the release of any hazardous material.

(b) *Council and local committees.* — No member of the council or a local committee shall be liable for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omission arising out of the performance of the functions, duties and responsibilities of the council or local committee, except for acts or omissions which constitute willful misconduct.

(c) *Other.* — No employee, representative or agent of a Commonwealth agency or local agency engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property resulting from that hazardous material release, except for any acts or omissions which constitute willful misconduct.

Section 302. Penalties and fines.

(a) *Civil penalty.* — A person who violates any of the emergency reporting, planning or notification requirements of, or fails to pay the fees outlined in, sections 201 through 207 or any regulations promulgated under those sections shall be subject to a civil penalty of not less than \$1,000 and not more than \$25,000. Each day of a continuing violation shall be considered a separate offense.

(b) *Misdemeanor.* — A person who:

- (1) Knowingly and willfully fails to report the release of a hazardous substance or extremely hazardous substance as required by sections 205 and 206 commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000 and not more than \$2,500 for each separate offense or imprisonment in the county jail for a period of not more than one year, or both. For the purposes of this paragraph, each day of continued violation constitute a separate offense.

(2) Intentionally obstructs or impairs, by force, violence, physical interference or obstacle, a representative of PEMA, a certified hazardous material response team or the local committee attempting to perform the duties and functions set forth in section 211 commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000 and not more than \$5,000 for each separate offense or imprisonment in the county jail for a period of not more than two years, or both.

(c) *Disposition.* — One half of all civil penalties and fines collected under this section shall be deposited into the Hazardous Material Response Fund and one-half shall be deposited into the appropriate county Hazardous Material Emergency Response Account.

Section 303. Enforcement.

(a) *Civil actions.* — The Office of Attorney General or the Office of General Counsel may commence a civil action against any person for failure to comply with this act or its regulations. No action may be commenced under this subsection prior to 60 days after the Office of Attorney General or Office of General Counsel has given written notice of the alleged violation to the alleged violator. The council, a county or a municipality may commence a civil action against any person for failure to comply with this act or its regulations if the Office of Attorney General or the Office of General Counsel has not commenced such action and more than 120 days have elapsed since the council, a county or a municipality gave notice of the alleged violation to the alleged violator.

(b) *Criminal actions.* — The Office of Attorney General under this act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act, or the district attorney for the county in which the violation is alleged to have occurred may commence criminal proceedings for the enforcement of this act and its regulations.

(c) *Venue.* — A proceeding under subsection (a) or (b) may be brought in the court of common pleas for the county in which the defendant is located or for the county in which the violation is alleged to have occurred.

Section 304. Relationship to other laws.

(a) *Federal law.* — This law shall be read in conjunction with the Federal acts, laws or regulations providing for the identification, labeling or reporting of information concerning hazardous material releases, and any other health and safety matters related to hazardous materials, and is intended to supplement Federal acts, laws and regulations in the interests of protecting the health and safety of the citizens of this Commonwealth. In those instances where the provisions of this act are more comprehensive or stringent than the provisions of an applicable Federal act, law or regulation, the provisions of this act shall be controlling.

(b) *State law.* — Nothing in this act shall affect or modify in any way the obligations or liabilities of any person under other statutes of this Commonwealth.

(c) *Local law.* — This act shall preempt any ordinances or resolutions passed or adopted by any political subdivision that is effective on or before or after the effective date of this act to the extent that such ordinance or resolution conflicts or is inconsistent with the provisions of this act.

Section 305. Facility insurance.

A facility that complies with the emergency reporting requirements of section 205(a), (b) and (c), as applicable to that facility, may receive a discount from that facility's insurance company as that insurance company loss experience justifies.

Section 306. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 307. Effective date.

This act shall take effect in 60 days.

APPROVED — The 7th day of December, A.D. 1990.

ROBERT P. CASEY

**CONTACT/RESOURCE ORGANIZATIONS
LOCAL, STATE AND FEDERAL LEVELS**

JURISDICTION	TOPICS	CONTACT/ORGANIZATIONS
Local	302 Emergency Planning Notification and County Fees 304 Accidental Release Notification: Initial and follow-up notices	See listing for LEPC contacts for your county
	311 Lists or MSDS 312 Tier II Reports and County Fees	(1) Contact primary fire department (2) See listing for LEPC contacts for your county
State	302 Notices	PA Emergency Management Council c/o PEMA P. O. Box 3321 Harrisburg, PA 17105
	304 Accidental Release Notification: Initial and follow-up notices Written follow-up emergency notices	State Emergency Operations Center 717-783-8150 PA Emergency Management Council c/o PEMA P. O. Box 3321 Harrisburg, PA 17105
	311 Lists or MSDS 312 Tier II Reports and State Fees 313 Toxic Chemical Release Inventory (Form R) and State Fees	Bureau of Worker and Community Right to Know Room 1503, L & I Bldg. 7th and Forster Sts. Harrisburg, PA 17120

**CONTACT/RESOURCE ORGANIZATIONS
LOCAL, STATE AND FEDERAL LEVELS
CONTINUED**

JURISDICTION	TOPICS	CONTACT/ORGANIZATIONS
Federal	304 Accidental Release/ CERCLA Hazardous Substances Notification	National Response Center 1-800-424-8802
	311 Lists or MSDS -- Questions and Answers	U.S. EPA, Region III SARA Coordinator 841 Chestnut Street Philadelphia, PA 19107 215-597-3184
	312 Chemical Inventory -- Questions and Answers	
	313 Toxic Chemical Release Inventory -- Questions and Answers	U.S. EPA, Region III TRI Coordinator 841 Chestnut Street Philadelphia, PA 19107 215-597-1260
	313 Hot Line (Washington, DC)	U.S. EPA 202-554-1411
	National SARA Hot Line	U.S. EPA 1-800-535-0202
	SARA Compliance Materials (forms, pamphlets, Federal Register, regulations, chemical lists, etc.)	Environmental Protection and Community Right to Know Information Service U.S. EPA OS-120, 401 M Street, SW Washington, DC 20460 1-800-535-0202
	OSHA Hazard Communication Standard Questions	U.S. Department of Labor OSHA Region III Office Gateway Bldg., Suite 2100 3535 Market Street Philadelphia, PA 19104 (215) 596-1201
	OSHA Consultation Service	Indiana University of PA 1-800-382-1241

**Pennsylvania Worker and Community
Right-to-Know Program
Electronic Bulletin Board (EBB)**

QUESTIONS AND ANSWERS

1. Q: What is "Right-to-Know?"

A: Pennsylvania workers, citizens and emergency response personnel have a "right-to-know" about chemical hazards present where they live and work.

The Pennsylvania Worker and Community Right-to-Know Act and the federal Superfund Amendments and Reauthorization Act (known as SARA Title III) provide information about hazardous chemicals to interested parties. The Bureau of Worker and Community Right-to-Know in the Department of Labor and Industry administers these Right-to-Know Programs and also receives and stores all documents filed under SARA Title III.

The laws help to protect the health and safety of everyone living or working in Pennsylvania by providing information about these chemicals.

2. Q: What is the Electronic Bulletin Board?

A: The Electronic Bulletin Board (EBB) is a computer accessible listing of information about Right-to-Know programs including notices, newsletter, compliance requirements and other technical information on Pennsylvania Right-to-Know and SARA Title III. Bulletins are added as needed and in response to EBB user requests.

The EBB also allows users to ask questions and receive electronic responses from the Bureau of Worker and Community Right-to-Know.

3. Q: What are the Access Requirements?

A: Anyone with a personal computer, a 300 or 1200 baud modem, and some type of communication software may connect with the EBB by dialing (717) 783-5135. Preferred modem settings are 8 data bits, parity of none, duplex full, and stop bits of 1. Pre-registration is not required.

4. Q: Who to Contact for Assistance?

A: If you have questions about the EBB, call the EBB Technical Coordinator at (717) 783-2071.

5. Q: What is Available?

A: The current EBB Bulletin Menu is as follows:

BULLETIN MENU

Date	Bull. No.		Date	Bull. No.	
2/88	2	Outline of Current OSHA, RTK, and SARA Title III Requirements	3/89	23	Construction Industry Compliance with OSHA/SARA Title III
Current	7	Software Vendors of OSHA, RTK, and SARA Title III Packages	4/89	24	Training Guidelines for Public Sector Employers — Q's & A's
Current	8	Right-to-Know Consultants List	4/89	25	Pennsylvania Poison Control Centers
5/88	9	Pennsylvania Right-to-Know Act	5/89	26	Pennsylvania Dept. of Agriculture — Pesticide Accident Reporting
5/88	10	Pennsylvania Right-to-Know Regulations	5/89	27	Pennsylvania Fish Commission — Pesticide Spills in Waterways
5/88	11	Common RTK Questions and Answers — Public & Private Sectors	5/89	28	Pennsylvania DER Emergency Response Coordinators
7/88	14	Right-to-Know Newsletter on Universal Labeling	10/90	29	Summary of the RTK Hazardous Substance List Revisions
10/90	16	Right-to-Know Chronology	9/89	30	1989 RTK Hazardous Substance List
Current	18	Manufacturers Reporting SARA Title III Toxic Release Forms and Tier III Forms for 1988 and 1989	10/89	32	Farm RTK & SARA Title III Questions and Answers
10/90	19	Directory of RTK and SARA Title III Contracts	11/89	34	Public Sector Newsletter Vol 3, No. 1
Current	21	Local Emergency Planning Committee (LEPC) Contacts	1/90	35	Pennsylvania RTK Labeling Bulletin
3/89	22	SARA Title III Questions and Answers	2/90	36	Employer Mailing (RTK 691, Rev. 1) — Press Release
			2/90	37	RTK Hazardous Substance Survey Form (HSSF) Change
			3/91	38	Synopses of SARA Title III & Act 165

6. Q: Further Suggestions?

A: If you have suggestions regarding the EBB, either input your comments into the EBB system or contact the Right-to-Know program at (717) 783-2071.

Pennsylvania Emergency Management Coordinators

LOCAL EMERGENCY PLANNING COMMITTEE CONTACTS

1. **Adams County Emergency Management Agency**
Mr. Richard L. Ketterman, Coordinator
Court House, Room 6
Gettysburg, Pennsylvania 17325
Bus. Phone...717-334-8603
Telefax.....717-334-1822
Dep. Coord ..Walter B. Lane
2. **County of Allegheny, Department of Emergency Management**
Mr. Robert G. Kroner, Coordinator
Penn Liberty Plaza
1520 Penn Avenue
Pittsburgh, Pennsylvania 15222
Bus. Phone...412-392-8550
Telefax.....412-392-2896
Dep. Coord ..John A. Kaus
3. **Armstrong County Emergency Management Agency**
Mr. G. Paul Simon, Coordinator
Armsdale Administration Building, R.D. #8
Kittanning, Pennsylvania 16201
Bus. Phone...412-548-3431
Telefax.....412-548-3243
Dep. Coord ..William A. Hamilton
4. **Beaver County Emergency Management Agency**
Mr. Russell T. Chiodo, Coordinator
250 East End Avenue
Beaver, Pennsylvania 15009
Bus. Phone...412-774-1049
Telefax.....412-775-1163
Dep. Coord ..Wayne W. Harley
5. **Bedford County Emergency Management Agency**
Mr. LeGrand W. Perce, III, Coordinator
130 Vondersmith
Bedford, Pennsylvania 15522
Bus. Phone...814-623-1105
Telefax.....
Dep. Coord ..Joseph Lurie
6. **Berks County Emergency Management Agency**
Mr. Robert L. Reber, Coordinator
Agricultural Building, R.D. #1
Leesport, Pennsylvania 19533
Bus. Phone...215-374-4800
Telefax.....215-374-8865 (Daily)
215-373-5597 (EOC Activation)
Dep. Coord ..Michael Kandrack, Jr.
7. **Blair County-Altoona Emergency Management Agency**
Mr. Lawrence V. Carroll, Coordinator
Emergency Operating Center
Court House
Holidaysburg, Pennsylvania 16648
Bus. Phone...814-695-5035
Telefax.....814-696-9214 (call first)
Dep. Coord ..Mary L. Alexander
8. **Bradford County Emergency Management Agency**
Mr. John A. Mosser, Coordinator
R.D. #1, Box 179C
Towanda, Pennsylvania 18848
Bus. Phone...717-265-5022
Telefax.....717-265-4774 (call first)
Dep. Coord ..William McNett
9. **County of Bucks Emergency Management Agency**
Vacant
Emergency Services Building
50 North Main Street
Doylestown, Pennsylvania 18901
Bus. Phone...215-348-7518
or 215-238-7521/24/27
Telefax.....215-348-2019
Dep. Coord ..Harford P. Drexler
10. **Butler County Emergency Management Agency**
Mr. W. Brad Magill, Coordinator
309 Sunnyview Circle
Butler, Pennsylvania 16001-3549
Bus. Phone...412-287-7769
Telefax.....412-287-8024
Dep. Coord ..Frank P. Matis
11. **Cambria County Emergency Management Agency**
Mr. Daniel Penatzer, Coordinator
Court House
Ebensburg, Pennsylvania 15931
Bus. Phone...814-472-5440, Ext. 270
Telefax.....814-472-4661
Dep. Coord ..Joseph McCloskey
12. **Cameron County Emergency Management Agency**
Mr. Nelson Haas, Coordinator
Court House
Emporium, Pennsylvania 15834
Bus. Phone...814-486-2315
(Emergency Only)
Telefax.....None
Dep. Coord ..
13. **Carbon County Emergency Management Agency**
Mr. Carl E. Merluzzi, Coordinator
Court House
Jim Thorpe, Pennsylvania 18229
Bus. Phone...717-325-3097
Telefax.....717-325-9132
Dep. Coord ..Dennis De Mara
14. **Centre County Emergency Management Agency**
Mr. John J. Hvizdash, Acting Coordinator
Willowbank Building
Bellefonte, Pennsylvania 16823
Bus. Phone...814-355-6745
Telefax.....814-355-6707 (Mon-Fri)
Dep. Coord ..Oak D. Norton
15. **Chester County Department of Emergency Services**
Mr. Timothy R. S. Campbell, Director
Hazlett Building
14 East Biddle Street
West Chester, Pennsylvania 19380
Bus. Phone...215-344-6160
Telefax.....215-344-6719
Dep. Coord ..John McNamara
16. **Clarion County Emergency Management Agency**
Mr. Joseph McEwen, Coordinator
Court House, Main Street
Clarion, Pennsylvania 16214
Bus. Phone...814-226-6631
Telefax.....814-226-4294
Dep. Coord ..Dean Pryor
George Campbell
17. **Clearfield County Emergency Management Agency**
Mr. Brian Witherow, Coordinator
700 Leonard Street
Clearfield, Pennsylvania 16830
Bus. Phone...814-765-5357
Telefax.....814-765-6236
Dep. Coord ..Eric Smith
18. **Clinton County Emergency Management Agency**
Ms. Brenda Wooding, Coordinator
Susque-View, Cree Drive
Lock Haven, Pennsylvania 17745
Bus. Phone...717-893-4090/91
Telefax.....717-893-4044
Dep. Coord ..
19. **Columbia County Department of Emergency Services**
Ms. Irene M. Miller, Coordinator
Court House, West Main Street
Bloomsburg, Pennsylvania 17815
Bus. Phone...717-784-6300
Telefax.....717-784-0257/2975
Dep. Coord ..Brenda S. Remaley
20. **Crawford County Emergency Management Agency**
Mr. Stephen M. Watt, Coordinator
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Meadville, Pennsylvania 16336
Bus. Phone...814-724-8110
Telefax.....814-337-0457
Dep. Coord ..Robert Kessler
21. **Cumberland County Office of Emergency Preparedness**
Mr. Theodore Wise, Coordinator
Cumberland County Prison
1101 Claremont Road
Carlisle, Pennsylvania 17013
MAIL: Cumberland County Court House
Carlisle, Pennsylvania 17013
Bus. Phone...717-240-6400
Telefax.....717-240-6406
Dep. Coord ..Doug Glass
22. **Dauphin County Emergency Management Agency**
Mr. Micahel E. Wertz, Coordinator
Veterans Memorial Building
Front & Market Streets, P.O. Box 1295
Harrisburg, Pennsylvania 17108-1295
Bus. Phone...717-238-1693
Telefax.....717-236-4553/7799
Dep. Coord ..John A. Brabits
23. **Delaware County Civil Defense**
Mr. Edwin J. Truitt, Coordinator
Court House
Media, Pennsylvania 19063
Bus. Phone...215-565-8700
Telefax.....215-891-7239
Dep. Coord ..Vacant
24. **Elk County Emergency Management Agency**
Mr. Michael McAllister, Acting Coordinator
Court House
Ridgway, Pennsylvania 15853
Bus. Phone...814-776-5314/772-0006
Telefax.....814-773-1697
Dep. Coord ..Duane Duffy

25. **Erie County Emergency Management Agency & Emergency Medical Services**
Mr. Paul Sowash, Coordinator
1714 French Street
Erie, Pennsylvania 16501
Bus. Phone...814-870-1950
Telefax.....814-870-1980
Dep. Coord..John Trzybinski
26. **Fayette County Office of Emergency Management**
Mr. Roy A. Shipley, Jr., Coordinator
Court House, 61 East Main Street
Uniontown, Pennsylvania 15401
Bus. Phone...412-430-1277
Telefax.....412-430-1281
Dep. Coord..Rick Adobato
27. **Forest County Emergency Management Agency**
Mr. Jack B. Kennedy, Coordinator
R.D. #1
Tidioute, Pennsylvania 16351
Bus. Phone...814-755-8863
Telefax.....
Dep. Coord..
28. **Franklin County Emergency Management Agency**
Mr. Philip A. Tarquino, Coordinator
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Chambersburg, Pennsylvania 17201
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Telefax.....717-267-3493
Dep. Coord..Jerry Flasher
29. **Fulton County Emergency Management Agency**
Mr. Reed Lynch, Coordinator
Court House Annex #1
214 North Second Street
McConellsburg, Pennsylvania 17233-1199
Bus. Phone...717-485-3201
Telefax.....
Dep. Coord..
30. **Greene County Emergency Management Agency**
Mr. Wayne M. Long, Coordinator
Room 303, Greene County Office Building
93 East High Street
Waynesburg, Pennsylvania 15370
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Telefax.....412-627-5428
Dep. Coord..H. Murray Kline
31. **Huntingdon County Emergency Management Agency**
Mr. Richard N. Moore, Coordinator
Court House
Huntingdon, Pennsylvania 16652
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Telefax.....814-643-8152 (call first)
Dep. Coord..
32. **Indiana County Emergency Management Agency**
Mr. Paul R. Beatty, Coordinator
825 Philadelphia Street
Indiana, Pennsylvania 15701
Bus. Phone...412-349-9300
Telefax.....412-465-3868
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Thomas Stutzman
33. **Jefferson County Office of Emergency Management**
Mr. Richard Stover, Coordinator
Jefferson County Service Center
R.D. #5
Brookville, Pennsylvania 15825
Bus. Phone...814-849-5052
Telefax.....814-849-4084
Dep. Coord..Robert Stowman
34. **Juniata County Emergency Management Agency**
Mr. Fred Naylor, Coordinator
Court House, P.O. Box 68
Mifflintown, Pennsylvania 17059
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or 436-8991, Ext. 211
Telefax.....717-436-5543
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35. **Lackawanna County Civil Defense**
Mr. Thomas M. Pitoniak, Coordinator
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Scranton, Pennsylvania 18503
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Telefax.....717-963-6529
Dep. Coord..Robert W. Reese
36. **Lancaster County Emergency Management Agency**
Mr. Randall Gockley, Coordinator
P.O. Box 3480
Lancaster, Pennsylvania 17603
Bus. Phone...717-299-8373
Telefax.....717-295-3625/3597
Dep. Coord..Vacant
37. **Lawrence County Emergency Management Agency**
Ms. Joan Schwartzman, Coordinator
Government Center
New Castle, Pennsylvania 16101
Bus. Phone...412-658-7485/2541
Telefax.....412-658-5760
Dep. Coord..Frank A. Vitril
38. **Lebanon County Emergency Management Agency**
Mr. Clyde H. Miller, Coordinator
Room 15, County-City Building
Lebanon, Pennsylvania 17042
Bus. Phone...717-272-7621
Telefax.....717-272-9509
Dep. Coord..Annette Smith
39. **Lehigh County Emergency Management Agency**
Mr. Jerry Duckett, Coordinator
455 Hamilton Street
Allentown, Pennsylvania 18105
Bus. Phone...215-820-3073
Telefax.....215-820-2035
Dep. Coord..Michael W. Jacobs
40. **Luzerne County Emergency Management Agency**
Maj. Gen. Frank Townend, Coordinator
Court House
Wilkes-Barre, Pennsylvania 18711-1001
Bus. Phone...717-825-1776
Telefax.....717-825-1605
Dep. Coord..James M. Syracuse
41. **Lycoming County Department of Emergency Services**
Mr. Leslie M. Gruver, Coordinator
48 West Third Street
Williamsport, Pennsylvania 17701
Bus. Phone...717-327-2447
Telefax.....717-327-2511
Dep. Coord..Lester P. Bennett, Sr.
42. **McKean County Emergency Management Agency**
Mr. Ernest Ishman, Coordinator
Court House
Smethport, Pennsylvania 16749
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Telefax.....814-887-5753
Dep. Coord..Stanley Moore
43. **Mercer County Emergency Management Agency**
Mr. Carl M. Black, Jr., Coordinator
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Mercer, Pennsylvania 16137
Bus. Phone...412-662-2603
Telefax.....412-662-1630
Dep. Coord..Paul McSherry
44. **Mifflin County Civil Defense Office of Emergency Management**
Mr. R. Kevin Murry, Coordinator
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Lewistown, Pennsylvania 17044
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Telefax.....717-238-0666
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45. **Monroe County Office of Emergency Services**
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Court House
Stroudsburg, Pennsylvania 18360
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Telefax.....717-424-7003
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46. **Montgomery County Office of Emergency Preparedness**
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Eagleville, Pennsylvania 19403
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Telefax.....215-631-6536
Dep. Coord..Samuel Tabak
47. **Montour County Emergency Management Agency**
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Danville, Pennsylvania 17821
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Telefax.....717-271-3078
Dep. Coord..
48. **Northampton County Emergency Management Agency**
Mr. Nicholas F. Tylenda, Coordinator
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Telefax.....215-759-2172
Dep. Coord..George DiFelice
49. **Northumberland County Emergency Management Agency**
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Telefax.....717-988-4218
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50. **Perry County Emergency Management Agency**
Mr. Larry Smeigh, Coordinator
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New Bloomfield, Pennsylvania 17068
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Telefax.....717-582-8570
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51. **Philadelphia Office of Emergency Management**
Mr. Stephen W. LeBoutillier, Director
Fire Administration Building
240 Spring Garden Street
Philadelphia, Pennsylvania 19123-2991
Bus. Phone...215-574-1138
Telefax.....215-574-1117
Dep. Coord..Michael A. Nucci, Jr.

52. **Pike County Civil Defense**
Mr. Leith Hoffman, Coordinator
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506 Broad Street
Milford, Pennsylvania 18337
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Telefax.....717-296-6055
Dep. Coord ..George Campbell
53. **Potter County Emergency Management Agency**
Mr. John P. Hetrick, Coordinator
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Coudersport, Pennsylvania 16915
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Telefax.....814-274-8901
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54. **Schuylkill County Emergency Management Agency**
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Telefax.....717-628-1109
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55. **Snyder County Emergency Management Agency**
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Dep. Coord ..Diane M. Jordan
56. **Somerset County Emergency Management Agency**
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57. **Sullivan County Emergency Management Agency**
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Telefax.....717-278-9268
(Mon-Fri/call first)
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59. **Tioga County Department of Emergency Services**
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Telefax.....717-724-6819
Dep. Coord ..
60. **Union County Department of Emergency Services**
Emergency Management Agency
Mr. Thomas W. Hess, Coordinator
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Telefax.....
Dep. Coord ..Neil E. Gramly
61. **Venango County Emergency Management Agency**
Mr. Richard Graff, Coordinator
Court House
Franklin, Pennsylvania 16323
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Telefax.....814-432-4741
Dep. Coord ..John P. Woloszyn
62. **Warren County Emergency Management Agency**
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63. **Washington County Emergency Management Agency**
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Telefax.....412-238-6935
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64. **Wayne County Emergency Management Agency**
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65. **Westmoreland County Department of Emergency Management**
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Telefax.....412-830-3667
Dep. Coord ..J. Robert Ceroni
66. **Wyoming County Emergency Management Agency**
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Wyoming County Communications Center
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Telefax.....717-836-8887
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67. **York County Emergency Management Agency**
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Telefax.....717-771-9803
Dep. Coord ..Kay Carman



**Commonwealth of Pennsylvania
 Pennsylvania Emergency Management Council
 (PEMC)**



SURVEY - SUGGESTION FORM

We are interested in any ideas, comments, criticisms or feedback on this manual as well as any aspect of our administration and your compliance with federal SARA Title III and Pennsylvania Act 165. We encourage you to use this form to make your comments and will welcome your ideas, including any criticisms you would like to offer. Additional comment space is provided on the other side of this form. After completing the form, simply fold and drop in the mail. Return postage has been provided.

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1. My overall impression of this manual is very useful useful not useful confusing
2. The Flowcharts were very useful useful not useful confusing
3. The reference materials in the Appendix were very useful useful not useful confusing
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 c/o Bureau of Worker and Community Right to Know
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