

A PRIMER ON SUCCESSFUL TIER II REPORTING

By Amy Bauer

Editor's Note: Tier II reporting, due annually by March 1, does not need to be a stressful task for wood treating facility personnel. The below provides information on the process.

The Emergency Planning & Community Right-to-Know Act (EPCRA) was enacted in 1986 by Congress to address emergency response preparedness. One of its main components is Sections 311 and 312—Hazardous Chemical Inventory Reporting.

The law is designed to help local communities protect public health, safety and the environment from chemical hazards.

Section 311 requires facilities that meet certain criteria to maintain Safety Data Sheets (SDS), which list hazardous chemicals grouped by hazard categories, for the hazardous chemicals stored on site, and one-

annually by March 1 for each chemical that is subject to reporting.

The reported data is used to protect the environment and citizens through spill prevention, mitigation, and hazardous materials incident response.

What Hazardous Chemicals Are Present At Wood Treating Facilities?

A substance for which a facility must maintain Safety Data Sheets under the OSHA Hazard Communication Standard is a hazardous chemical that, if stored over a certain threshold, must be reported on a Tier I or II form. Some states allow a more general Tier I form, but most require a Tier II.

Some exclusions include food, drugs, cosmetics, solids within manufactured items, substances used by the general public, laboratory substances and agricultural substances.

Consumer goods, such as small batteries, paints (five-gallon containers or smaller), insecticides, fire extinguishers and cleaning compounds do not need to be reported; however, when these types of products are stored in bulk containers, such as 55-gallon drums, the exemption no longer applies.

The following chemicals are commonly stored at wood treating facilities; if the amount of the chemicals exceeds the reporting threshold, they could be reportable:

- Wood preservatives
- Liquefied and compressed gases
- Petroleum products (fuels and oils)
- Detergents, cleaning solvents
- Metals
- Lead-acid batteries
- Paints
- Coolants

To learn more visit www.epa.gov/epcra.

What Are The Reporting Thresholds?

There is no need to submit Tier II reports just because a hazardous chemical is stored on site. Tier II reporting thresholds can be found

in 40 CFR Part 370 and are as follows:

- **Extremely Hazardous Substances (EHSs) designated under EPCRA Section 302:** 500 pounds or the threshold planning quantity (TPQ), whichever is lower (TPQs are listed in 40 CFR part 355, Appendix A and Appendix B.)
 - **All other hazardous chemicals:** 10,000 pounds
- For threshold calculations, reporting companies are required to count hazardous chemicals that were present at the facility at any one time during the previous calendar year.

QUICK TIP

Count chemicals that were on site at any one time during the calendar year.

What Information Must Be Reported?

Gather information about each chemical that is subject to reporting. To streamline the reporting process, maintain an inventory of all chemicals stored on site throughout the year along with the accompanying information that is required for the Tier II form. Include the following:

- Chemical name
- Maximum amount stored on site at any one time
- Average daily amount stored on site
- Manner of storage
- Location of storage

Where & How Should Reports Be Submitted?

Submit Tier II forms to three local agencies: the SERC, LEPC and fire department. Most states have an online portal for Tier II submissions. EPA has developed a software program called "Tier2 Submit." Many states accept submissions through this program.

Are There Differences Between States?

There are two primary mechanisms for preparing the Tier II report—using a state-provided software or web program (often called an E-Plan) or EPA's Tier2 Submit program. Below is what is required by the states as of January 2021:

- E-Plan or Tier2 Submit: AL
- State E-Plan: AK, AZ, DE, District of



time submittal of the SDS to the state emergency response commission (SERC), local emergency planning committee (LEPC) and local fire department.

QUICK TIP

Applicable facilities must submit SDSs, or a list of hazardous chemicals, to their SERC, LEPC, and local fire department.

Facilities are also subject to Section 312, which requires the submission of hazardous chemical inventory reports, commonly known as Tier II forms. Facilities must submit the report to the U.S. Environmental Protection Agency or the state equivalent

- Columbia, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OR, PA, SC, SD, TN, TX, WA, WV, WI, WY
- Tier2 Submit: AR, CO, CT, HI, ID, ME, NM, OH, OK, RI, UT, VT, VA, PR

Some states are a single-point submission process, sending copies to SERC, LEPC and fire department.

In California, the hazardous material business plan is the state equivalent to EPCRA 311/312 reporting requirements, with inventory, site map, emergency plan and training requirements.

What Are Common Errors?

- Not reporting at all
- Missing information on form
- Incorrect reporting format
- Not submitting report to correct agencies
- Missing reporting deadline
- Forgotten or incorrect fee payment

- Incorrect inventory calculations
- Incorrect chemical designations
- Missing chemicals altogether
- Not reviewing state-specific requirements, including additional paperwork like site plans
- Forgetting chemicals that are only stored on site temporarily

For facilities that do not currently report, it is recommended to document the reasons the facility is not subject to reporting.

How Can Reporting Be Made Easier?

Tier II reporting doesn't have to be stressful. Tracking chemical storage throughout the year will make things much easier once it comes time to report.

Other ways to improve the reporting process include using consistent reporting methods. Obtain SDS for any new chemicals that come on site. Adopt the mindset that

any item or piece of equipment may contain hazardous chemicals.

QUICK TIP

Some states have additional reportable chemicals and lower reporting thresholds.

No stone should go unturned when assessing the facility for chemical storage and threshold determinations. This includes chemicals used on-site by contractors.

Finally, review state reporting requirements annually to make sure your report is submitted to all required agencies and includes all applicable fees. ■



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SAWMILL FOCUS

Changes In Treated Wood Waste Disposal Will Be Costly To Californians, Environment

The preserved wood industry is working on changes to restore long-time management standards for disposing treated wood waste (TWW) in California that the state Department of Toxic Substance Control (DTSC) terminated on Jan. 1, 2021, following a veto by the state's governor.

The state is functioning without the alternative management standards for TWW, resulting in it being classified as hazardous waste and restricting it from being accepted at the state's 43 composite-lined landfills approved by the regional water board. Without the alternate standards, disposal of the estimated 165 million pounds of TWW generated annually will be expensive for the state's citizens and businesses and potentially detrimental to the environment if illegal dumping occurs or alternative materials are chosen.

California Senate Bill 68, which extended the preserved wood outreach program, was vetoed by Gov. Gavin Newsom in late September 2020. As a result, DTSC determined TWW will now be considered hazardous waste and therefore must be disposed in the state's Class I hazardous waste landfills. To add to the difficulty, due to the high volume of TWW, there is only one hazardous waste landfill approved to accept TWW that is located in a remote area near Bakersfield.

"Wood is the best product for minimizing the environmental impact of critical infrastructure, and the use of preservatives ensures the safety of the infrastructure exposed to the elements," said Dallin Brooks, executive director of the Western Wood Preservers Institute (WWPI), which represents the industry.



Storing used rail ties in the manner pictured above is not allowed in California. Hazardous waste should be stored, handled and transported under California regulations that prevent water runoff from the wood into the environment.

Brooks noted preservatives for residential products, required by codes for decks and sill plates, are mostly copper based and will fail state toxicity tests due to the presence of copper. However, infrastructure preservatives such as creosote used in railway ties may pass such tests, which would allow them to be disposed as non-hazardous waste.

"Not continuing the treated wood disposal standards will cost consumers, businesses and government agencies such as CalTrans millions of dollars in higher fees and transportation costs," Brooks said. He ►