

January 17, 2012

**To:** Facility Owners (Seafood Processing Facilities and Canneries)

**Subject:** State and Federal Chemical Release Reporting Requirements

The State of Alaska Department of Environmental Conservation (ADEC, Spill Prevention and Response Division) and the U.S. Environmental Protection Agency (EPA, Region 10, Emergency Management Program) are aware that there may be some confusion on reportable quantities and reporting requirements for chemicals such as anhydrous ammonia, chlorine, and other extremely hazardous substances (EHS). To eliminate any confusion, the State and the EPA are jointly issuing this guidance document detailing respectively, the State and Federal chemical release and inventory reporting requirements. The enclosed flyer and placard provide general guidelines to facility owners on when to report a release, plus outlines routine reporting requirements of annual inventory reporting under Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312. In addition, facilities with a Risk Management Plan (RMP) (as required under Section 112(r) of the Clean Air Act) that report a release may have to report the release as a Five Year Accident.

For the State of Alaska, any release of a hazardous substance must be reported immediately to ADEC, regardless of the quantity released. See the enclosed ADEC placard for reporting hazardous substance releases. The ADEC reporting placard is required to be posted under certain conditions (please see the Alaska Administrative Code at 18 AAC 75.18.305.) Periodic reporting options are available if the facility enters into an agreement with ADEC. This option can be used to report small releases during system maintenance or planned events. Periodic reporting agreements are not intended to replace the applicable requirements for reporting releases of a hazardous substance during unplanned events. Periodic reporting requirements do not apply to hazardous substance releases to water. These types of releases must be reported to ADEC **immediately** regardless of the quantity released. Periodic reporting requirements also do not apply to hazardous substances releases required to be reported under the EPCRA and CERCLA emergency release regulations.

For the EPA, reportable quantities vary based on the chemical released. The following provides reportable quantities for some of the more prevalent chemicals used in Alaska:

- Anhydrous Ammonia (Reportable Quantity: 100 lbs)
- Chlorine (Reportable Quantity: 10 lbs)
- Formaldehyde solution (Reportable Quantity: 100 lbs)
- Sulfuric Acid (Reportable Quantity: 1,000 lbs)

For a complete listing of chemicals and EPA reportable quantities, please visit the following website:

[http://www.epa.gov/emergencies/docs/chem/list\\_of\\_lists\\_revised\\_7\\_26\\_2011.pdf](http://www.epa.gov/emergencies/docs/chem/list_of_lists_revised_7_26_2011.pdf)

Section 312 requires that facilities report inventories of all on-site chemicals that have Material Safety Data Sheets (MSDS) to state and local officials and local fire departments annually. Threshold Planning Quantities (TPQ) determine the amount of chemical on-site that requires reporting. Some TPQ's are:

- Anhydrous Ammonia (TPQ: 500 lbs)
- Chlorine (TPQ: 100 lbs)
- Sulfuric Acid (TPQ: 500 lbs)
- Gasoline, diesel and propane (and other chemicals that are not extremely hazardous substances) (TPQ: 10,000 lbs)

For a more information on EPA EPCRA Section 312 reporting and Threshold Planning Quantities, please visit the following website:

[http://www.epa.gov/emergencies/content/epcra/epcra\\_storage.htm](http://www.epa.gov/emergencies/content/epcra/epcra_storage.htm)

For more information on EPCRA Section 312 reporting in Alaska, please visit the following website:

<http://www.ak-prepared.com/serc/>

For more information on the Clean Air Act, Section 112(r) (also called the Risk Management Program) and preventing chemical releases, please visit the following website:

<http://yosemite.epa.gov/R10/airpage.nsf/Enforcement/rmp>

The overall intent of this letter is to ensure compliance with federal and state chemical release and inventory reporting requirements, and preclude issuing violations and penalties for non-reporting. The chemical release information is also very valuable for local hazardous materials response teams, firefighters, and other emergency responders in preparing for and effectively responding to a chemical release at your facility.

We hope you find this information useful, and strongly encourage you to use this data to further educate your facilities. If there are any questions regarding the information, please don't hesitate to call Doug Corkum (EPA, 360-753-9477), Idell Hansen (EPA, 360-753-9428) or Camille Stephens (ADEC, 907-465-5242).

Sincerely,

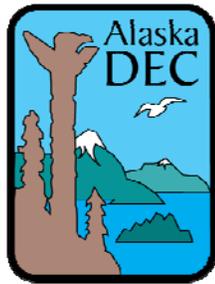
*Suzanne E. Powers*

Suzanne Powers  
Enforcement Coordinator  
Emergency Planning Community  
Right To Know (EPCRA)  
Emergency Preparedness and Prevention Unit  
Emergency Management Program  
U.S. EPA Region 10

*Larry Iwamoto*

Larry Iwamoto  
Preparedness Section Manager  
Alaska Dept of Environmental Conservation  
Spill Prevention and Response Division  
Prevention and Emergency Response Program

Encl: Informational Flyer  
DEC Reporting Placard



## **State and Federal Guidelines for Chemical Releases and Routine Reporting**

### **Release Reporting:**

#### **State Requirements:**

Any release of a hazardous substance must be reported as soon as the person has knowledge of the discharge.

Minor discharges during system maintenance may be reported on a periodic basis if a written agreement exists between the State and the facility/vessel owner. Periodic reporting requirements do not apply to any hazardous substance release to water. This type of release must be reported to DEC immediately regardless of the quantity released.

(Reference: Alaska Statute 46.03.755)

#### **Federal Requirements:**

**Immediate Notification** - Facilities must immediately notify Local Emergency Planning Committees (LEPCs) and State Emergency Response Commission (SERCs) for any area likely to be affected by a release. In addition, spills of CERCLA hazardous substances must also be reported to the National Response Center at **(800) 424-8802**. Emergency notification requirements involving transportation incidents can be met by dialing 911. Please visit the following links for additional information.

- [More information about emergency release notification requirements](#)
- [Find your LEPC](#)

**Follow-Up Notification** - Facilities have up to **30 days** to submit a written follow-up report to state and local agencies.

- [Alaska Emergency Release Reporting Guidance \(PDF\)](#) (3pp, 29K)

## **Routine (Non-Release) Inventory Reporting: (under Federal and State Law)**

### **State Requirements:**

Alaska Law 29.35.500 requires annual reporting for certain substances stored at facilities in Alaska. Annual Tier Two reporting is required by the State Emergency Response Commission and details for reporting are covered at the following websites:

<http://www.ak-prepared.com/serc/tier.htm>

[http://www.ak-prepared.com/serc/documents/Final%20Revised%20Instructions AK 2009 FINAL update.pdf](http://www.ak-prepared.com/serc/documents/Final%20Revised%20Instructions%20AK%202009%20FINAL%20update.pdf)

### **Federal Requirements:**

Section 311 of EPCRA requires facilities to submit copies of Material Safety Data Sheets (MSDS) or a list of hazardous chemicals grouped by hazard category for all chemicals present above an applicable threshold. Section 312 requires facilities to report inventories of all on-site chemicals that have MSDSs to state and local officials and local fire departments on an annual basis. Please access the following links for additional information:

- Fact Sheet: [Guidance on Reporting Options for Sections 311 and 312 and Some Interpretations \(PDF\)](#) (2pp, 37K)
- Alaska: [Alaska State Emergency Response Commission \(SERC\)](#)

Section 112(r) of the [Clean Air Act](#), the [Chemical Accident Prevention Provisions](#) require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA. Covered facilities were initially required to comply with the rule in 1999, and the rule has been amended on several occasions since then, most recently in 2004.

<http://yosemite.epa.gov/R10/airpage.nsf/Enforcement/rmp>

**REPORT ALL  
OIL AND HAZARDOUS  
SUBSTANCE SPILLS**

**ALASKA LAW REQUIRES REPORTING OF ALL SPILLS**

**During normal business hours**

contact the nearest DEC Area Response Team office:

**Central Alaska**

**Anchorage phone: (907) 269-3063**

**fax: (907) 269-7648**

**Northern Alaska**

**Fairbanks phone: (907) 451-2121**

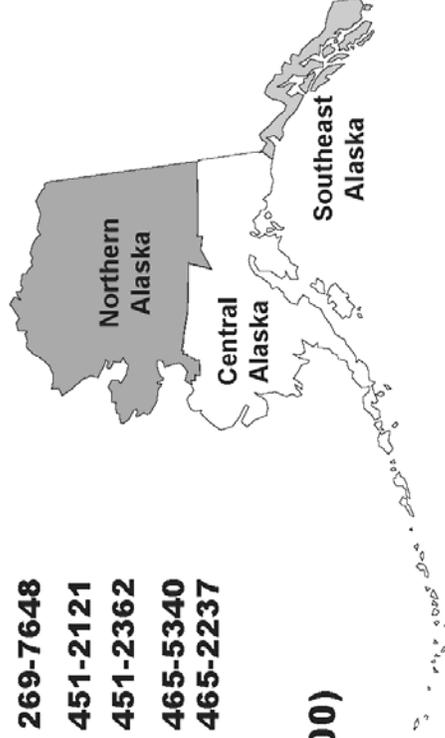
**fax: (907) 451-2362**

**Southeast Alaska**

**Juneau phone: (907) 465-5340**

**fax: (907) 465-2237**

**Outside normal business hours, call:  
1-800-478-9300 (International 1-907-428-7200)**



**Alaska Department of Environmental Conservation**  
Division of Spill Prevention and Response

## Discharge Notification and Reporting Requirements

AS 46.03.755 and 18 AAC 75 Article 3

Notification of a discharge must be made to the nearest Area Response Team during working hours:

Anchorage (907) 269-3063  
(907) 269-7648 (FAX)

Fairbanks (907) 451-2121  
(907) 451-2362 (FAX)

Juneau (907) 465-5340  
(907) 465-2237 (FAX)

OR

to the 24-Hour Emergency Reporting Number during non-working hours:  
1-800-478-9300 (International 1-907-428-7200)

## Notification Requirements

### Hazardous Substance Discharges

Any release of a hazardous substance must be reported as soon as the person has knowledge of the discharge.

### Oil Discharges

#### ■ TO WATER

- Any release of oil to water must be reported as soon as the person has knowledge of the discharge.

#### ■ TO LAND

- Any release of oil in **excess of 55 gallons** must be reported as soon as the person has knowledge of the discharge.
- Any release of oil in **excess of 10 gallons, but 55 gallons or less**, must be reported within 48 hours after the person has knowledge of the discharge.
- A person in charge of a facility or operation shall maintain, and provide to the Department on a monthly basis, a written record of any discharge of oil **from 1 to 10 gallons**.

#### ■ TO IMPERMEABLE SECONDARY CONTAINMENT AREAS

- Any release of oil **in excess of 55 gallons** must be reported within 48 hours after the person has knowledge of the discharge.

## Special Requirements for Regulated Underground Storage Tank (UST) Facilities\*

If your release detection system indicates a possible discharge, or if you notice unusual operating conditions that might indicate a release, you must notify the Storage Tank Program at the nearest DEC Office within 7 days:

Anchorage (907) 269-7886  
(907) 269-7679

\*Regulated UST facilities are defined at 18 AAC 78.005 and do not include heating oil tanks.

rev. June/2010