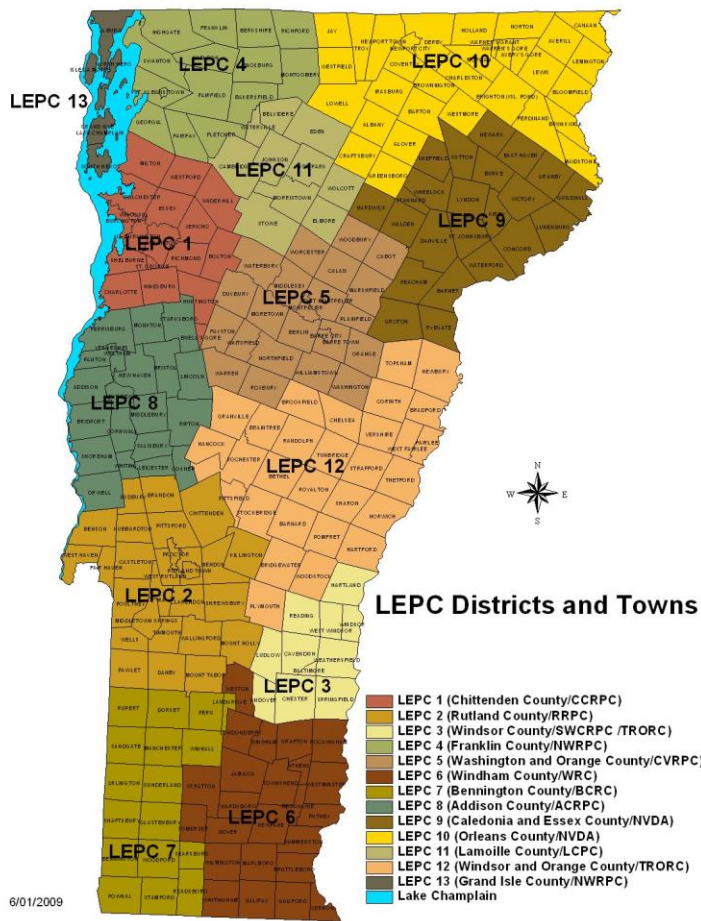


Field Code Changed

Emergency Planning and Community Right-To-Know Act (42 USC Chapter 116)
and Vermont Community Right-to-Know Program
Rules EPA Superfund Amendments and Reauthorization Act
of 1986, Title III Emergency Planning
and Community Right to Know Program



Effective Date: TBD

Table of Contents

- | Section One - Purpose
- | Section Two - Scope
- | Section Three - Definitions
- | Section Four - Hazard Determination
- | Section Five - Employer Reporting Requirements
- | Section Six - Fees
- | Section Seven - Reporting Locations and Public Access to information
- | Section Eight - Enforcement, Penalties, Appeals
- | Section Nine - Hazardous Chemical and Substance Emergency Response Fund
- | Section Ten - Trade Secrets
- | Table I - Reporting Requirements and Quantities
- | ~~Table II - Reporting Fees~~

Effective Date: ~~TBD~~[October 9, 1995](#)

Section One - Purpose

1.1 These rules set forth the procedures for hazardous chemical/substance identification, employer reporting, public disclosure of grants in Vermont as provided for in 20 VSA, Chapter 1, ~~Sections 37 - 39, and Federal EPCRA Law 42 USC Chapter 116, and Public Law 99-499, 42 USC 9601 "Superfund Amendments and Reauthorization Act of 1986, Title III Emergency Planning and Community Right to Know."~~

1.2 These rules are intended to implement a reporting system which will satisfy the requirements of laws specified above. Pesticides will be reported separately to the Vermont ~~Agency~~[Department](#) of Agriculture, Food, and Markets. These rules are implemented pursuant to 20 VSA Section 31.

Section Two - Scope

2.1 These rules apply to all Employers and facilities that are required to prepare or have available Materials

_____ Safety Data Sheets (~~MSDS~~~~SDS~~) for hazardous chemicals/substances under Federal Occupational Safety and Health Administration (OSHA) or Vermont Occupational Safety and Health Administration (VOSHA) regulation 29 CFR 1200, or have Petroleum Products, ~~and~~ ~~F~~fuels in excess of 10,000 pounds.

2.2 _____ These rules also apply to state and local governments or any agency, department or instrumentality thereof.

~~2.3 Exemption - These rules do not apply to the Vermont~~
~~_____ National Guard.~~

Section Three - Definitions

3.1

_____ (a) **“Commissioner”** - unless otherwise specified, the _____ Vermont Commissioner of Public Safety, or designee.

_____ (b) **“Department”** - unless otherwise specified, the _____ Vermont Department of Public Safety.

_____ (c) **“EPCRA”** – means Emergency Planning and Community Right-to-know Act, 42 USC Chapter 116

_____(de) **“Extremely hazardous substance or EHS”** - means any substance _____ listed in the appendices to 40 CFR Part 355.

(ed) **“Explosive”** - Means any _____ chemical that causes a sudden, _____ almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

_____(fe) **“Facility”** - means all buildings, equipment, _____ structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (_____(or by any person who _____ controls, is controlled by, or is under common control with that, such person)). “Facility” includes sites where For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft are present for more than 24 _____ hours.

Comment [NRF1]: Or “24 hours within a seven day period” or something similar.

_____(gf) **“Hazard Category”** - means any of the following:

_____(1) _____ Immediate (acute) health hazard including _____ “highly toxic,” “toxic,” “irritant,” “sensitizer,” “corrosive,” _____ (as defined under 1910.120 of Title 29 of the Code of Federal Regulations) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure and is of

Comment [NRF2]: I did not find a definition in 1910.120 or 1910.1200. Just a reference under Health hazard or IDLH.

short duration;

(2) ___Delayed (chronic) health hazard, including _____carcinogens (as defined under 1910.1200 of Title 29 of the Code of Federal Regulation) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure and is of long duration;

(3) ___Fire hazard, including "flammable," _____"combustible liquid," "pyrophoric," and "oxidizer" (as defined under 1910.1200 of Title 29 of the Code of Federal Regulations).

(4) ___Sudden release of pressure, including _____"explosive" and "compressed gas" (as defined under 1910.1200 of Title 29 Code of Federal Regulations);

(5) ___Reactive, including "unstable reactive," _____"organic peroxide," and "water reactive" (as defined under 1910.1200 of Title 29 of the Code of Federal Regulations).

(hg) **“Hazardous chemical/substance”** - means any _____chemical/substance, including pesticides, which is -a physical hazard or health hazard, except that -such terms does not include the following substances.

(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 exposure to the substance does not occur under normal conditions of use.

(3) ___ 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.

(4) ___ Any substance to the extent it is used in _____routine agricultural operations by private -applicators (farmers). Commercial applicators and/or dealers are not exempted from the reporting requirements of these rules.

(ih) **“Health hazards”** - means a chemical for which there _____is statistically significant evidence based on at least one study conducted in accordance with established

scientific principles that acute or chronic health effects may occur in exposed individuals. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(j) **"Inventory form"** - The Tier Two Emergency and _____ Hazardous Chemical Inventory

_____ form or Tier Two Pesticide Inventory form or other form specified by the Department.

(k) "LEPC" – means Local Emergency Planning Committee

(l) **"Material Safety Data Sheet or MSDSSDS"** - the document _____ required to be developed under 1910.1200 (g) of Title 29 of the Code of Federal Regulations.

(m) **"Physical Hazard"** - means a chemical/substance for _____ which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water- reactive.

_____ (n) **"Pesticide"** - means materials as defined in 6 VSA _____ Section 1101 (6).

~~(om)~~ **“Petroleum products and fuels”** - means gasoline;

~~_____~~ kerosene; number two heating oil; diesel fuel; kerosene base jet fuel; number four, five, and six residual oil for utility or non-utility use; liquified petroleum gas; liquefied natural gas, compressed natural gas; and other blends of fuels used for heating or fuels for transportation.

~~(n)~~ **Regional Emergency Response Commission** ~~the _____ commission created by 20 VSA Section 33 to assist existing emergency management response efforts.~~

~~(p)~~ **“Research Laboratory”** - a workplace or work area of a ~~_____~~ workplace used primarily for research, development, ~~non-routine testing or experimentation activity in~~ which hazardous chemicals are used. Provided, ~~however,~~ that a research laboratory shall not be involved in the production or manufacture of goods for direct commercial sale.

~~(q)~~ **“Road Salts”** – means the chloride salts: sodium chloride (NaCl), calcium chloride (CaCl₂), magnesium chloride (MgCl₂), potassium chloride (KCl), brines used in road deicing/anti-icing, dust suppression, the salt portion of abrasive mixtures and additives commonly used in road salts ~~(ferrocyanides), and Ice Melt.~~

~~(r)~~ **“Significant change in the information previously _____ provided”** -

Modifications which alter physical or health hazards sufficiently to require changes in emergency response plans or actions.

(se) **“State Emergency Response Commission (SERC)”** - The _____ commission created by 20 VSA Section 30 to carry out the requirements of [federal law EPCRA 42 USC Chapter 116, Title III of the Superfund – Amendments and Reauthorization Act of 1986 \(SARA\)](#).

_____ (tf) **“Threshold Planning Quantity (TPQ)”** - the quantities of _____ extremely hazardous substances listed in the appendices of 40 CFR 355.

Section Four - Hazard Determination

4.1 _____ All chemicals/substances for which a Material Safety _____ Data Sheet must be prepared or maintained under VOSHA or OSHA regulation 1910.1200 "Hazard Communication" are hereby designated as hazardous chemicals/substances for purposes of these rules.

Section Five - Employer Facility Reporting Requirements

5.1 _____ Annually, employers and owners or operators of a _____ facility shall report the presence of

hazardous chemicals/substances in each facility or workplace as specified in **Table I**. Reports for periods covering -January 1 through December 31 of each year shall be -filed on or before March 1 of the following year.

~~Previous reports filed pursuant to "Community Right to Know" regulations, effective March 1, 1987, DO NOT satisfy these reporting requirements.~~

5.2 Reports shall be filed on forms specified by the Department. All reports filed concerning pesticides _____ shall be on forms specified by the Vermont Department of Agriculture, Food, and Markets.

5.3 ~~Material~~ Safety Data Sheets (~~MSDSSDS~~), if requested, shall be submitted for each hazardous chemical/substance for which -reporting is required. Submission of a ~~MSDSSDS~~ may be ~~waived~~ by the Department or, for pesticides, by the -Vermont ~~Department Agency~~ of Agriculture, Food and Markets. In -lieu of submitting a ~~MSDSSDS~~, the following may be submitted:

Comment [NRF3]: What is the waiver process?

(a) A list of hazardous chemicals/substances for which _____ an ~~MSDSSDS~~ is required, grouped by hazard category as -defined in section 3.1 (~~gf~~) of these rules; and

_____ (b) The chemical or common name of each hazardous

_____ chemical/substance; and

(c) Any hazardous component of each such chemical as _____ provided on the ~~material~~ safety data sheet.

5.4 ___ Inventory forms, ~~and MSDSSDS~~ (or list authorized pursuant to _____ section 5.3 of these rules,) shall be submitted to the ~~Department~~ (acting for SERC); or for pesticides the Vermont ~~Agency Department~~ of Agriculture, Food, and Markets; the Local Emergency Planning Committee; and the ~~local~~ fire department ~~who provides coverage to the~~ having jurisdiction over the workplace -or the facility. To insure optimum information flow and ~~availability~~, SERC may, with the consent of the LEPC, ~~temporarily receive information -on behalf of any LEPC and redistribute such information -or summaries to any LEPC.~~

Comment [NRF4]: Some towns contract for fire protection services so jurisdiction may not get the information to the responding agency.

~~_____ The addresses and telephone numbers of the filing locations are shown in section 8 of these rules.~~

5.5 ___ Supplemental Reporting

_____ (a) The employer or facility who has submitted ~~MSDSSDS~~ _____ under section 5.3 shall provide revised ~~MSDSSDS~~ to the ~~organizations~~ specified in section 5.4 within 3 months after discovery of significant new information concerning the

hazardous chemical for which the ~~MSDSSDS~~ was submitted.

_____ (b) Within 30 days of a request by the Department,

_____ Vermont ~~Agency Department~~ of Agriculture, Food, and Markets, State Emergency Response Commission, Local Emergency Planning Committee, or the fire department ~~who provides coverage to having jurisdiction over~~ the facility or workplace, the employer shall submit ~~MSDSSDS~~ for any hazardous chemical/substance present at a facility regardless of quantity.

5.6 ~~_____~~ **Research Laboratories**

~~(a)~~ Facilities having multiple research laboratories _____ shall file a separate reporting form for each ~~-~~building containing a research laboratory.

5.7 ~~_____~~ **Emergency Notice**

(a) Release of any hazardous materials/substances

_____ requiring notification under section ~~11004 of EPCRA 42 USC Chapter 116 304 of Title III of the Superfund Amendment and Reauthorization Act of 1986~~ shall be given immediately after the ~~-~~release by the owner or operator of a facility (by such means as telephone, radio, or in person) to ~~the local emergency response agency,~~ the Local Emergency

Planning Committees for any area likely to be affected by the release and to the State

Emergency Planning Commission of any State likely to be affected by the release.

_____ With respect to transportation of a substance -subject to the requirements of section ~~1103~~04 or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by telephoning the Vermont Emergency-Response Management Hazardous Materials Hotline at (800) 641-5005, and the local emergency response organization, by dialing-contacting the local emergency response organization by calling 911, or, in the absence of a 911 emergency telephone number, calling the operator.

Notice 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 chemical name or identity of any substance _____ involved in the release.

(2) ___ An indication of whether the substance is on _____ the list referred to in 11002 of EPCRA 42 USC Chapter 116, section 302(a) of SARA.

(3) ___ An estimate of the quantity of any such _____ substance that was released into the -environment.

_____ (4) ___ The location, time, and duration of the release.

(5) ___ The medium or media into which the release _____ occurred.

(6) ___ Any known or anticipated acute or chronic _____ health risks

associated with the emergency and, -where appropriate, advice regarding medical attention necessary for exposed individuals.

(7) ___ Proper precautions to take as a result of the _____ release, including evacuation (unless such -information is readily available to the community emergency coordinator pursuant to the emergency plan).

Comment [NRF5]: Have we defined this contact?

(8) ___ The name and telephone number of the person or _____ persons to be contacted for further -information.

(b) Follow-up Emergency Notice:

_____ As soon as practicable, but not more than seven calendar -days after such a release, the owner or employer shall provide a written emergency notice, ~~or~~ notices, as more information becomes available, ~~to~~ to the local emergency response organization, LEPC and the SERC through the Department or for pesticides the Agency Department of Agriculture, Food and Markets, setting forth and updating the information required under Section 11004 of EPCRA 42 USC Chapter 116~~Section 304, 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 ___ risks associated with the release, and

_____ (3) ___ where appropriate, advice regarding medical

attention necessary for exposed individuals.

Section Six - Fees

6.1 ~~Beginning January 1, 1991~~ Every facility or employer filing a report pursuant to the requirements of these rules shall pay a fee for each reported hazardous chemical or substance in accordance with the schedule set out in 20 VSA, Chapter 1, Section 39 (a), Table H. Fees that are due ~~and~~ shall be paid at the time of reporting.

~~6.24~~ Where the container and the hazardous chemical or substance are separately owned, the owner of the hazardous chemical or substance shall be responsible for the fee.

~~6.32~~ The following are exempted from paying fees but shall comply with all applicable reporting requirements of this chapter:

- (1) Municipalities and other political subdivisions.
- (2) State agencies.

 (3) Persons engaged in farming as defined in 10 VSA 6001.

 (4) No person shall be required to pay a fee for a

_____ chemical or substance which has been determined to be an economic poison as defined in section 911 of Title 6 or for a fertilizer or agricultural lime as defined in section 363 of Title 6 and for which a registration or tonnage fee has been paid to the ~~Agency~~Department of Agriculture, Food and Markets pursuant to chapter 28 or 81 of Title 6.

(5) Non profit corporations

6.43 ~~__~~ The fees shall be paid to the "Vermont Department of Public Safety – HSF" ~~Commissioner of~~ Public Safety, Hazardous Substance Fund." Fees shall be paid by check or money order. All Fees shall be deposited into the Hazardous Substance Fund established by 20 VSA Section 38(b).

Section Seven - Reporting Locations and Public Access to Information

7.1 ~~__~~ Reporting forms and requests for information concerning ~~—~~ data gathered by the ~~D~~department shall be directed to:

Vermont Emergency Management
Community Right to Know Program
103 S. Main Street
Waterbury, Vermont 05671-2101

(800) 347-0488

(802) 244-8721

Pesticide reporting forms and requests for information concerning pesticide data gathered by the Vermont ~~Agency~~ Department of Agriculture, Food, and Markets shall be directed to:

Vermont ~~Agency~~Department of Agriculture, Food and Markets
Plant Industry Section
116 State Street
Drawer 20
Montpelier, Vermont 05620-2901

(802)828-2431

~~Alternatively, informational requests may be directed to any
Local Emergency Planning Committee.~~

7.2 ~~___~~ Emergency Response Plans, ~~Material~~ Safety Data Sheets, ~~—~~Inventory Forms, Toxic Chemical Release Forms and Follow-up Emergency Notices shall, with the exception of information containing trade secrets as defined by [Section 11022 of 42 USC Chapter 116](#)~~See-322 of Title III, SARA~~, be available to the general public. Information shall be available for public inspection during the Department's and the ~~Agency~~Department of Agriculture, Food and Markets' normal business hours and shall be provided for the cost of copying, printing, postage, and handling.

~~___~~ Upon request of an owner or operator of a facility, the Department and the ~~Agency~~Department of Agriculture, Food and Markets shall withhold from public disclosure the exact location of any specific chemical required to be listed on an inventory reporting form.

7.3 ~~___~~ The State Emergency Response Commission shall annually ~~___~~[post on the web](#)~~publish~~Internet at ~~(URL)~~ a notice ~~that in newspapers of general circulation throughout~~ the state [has received the annual facility Tier II inventory reports. This notice shall be posted by July](#)

Comment [NRF6]: Insert URL of location.

1st of each year. The notice shall state that the Facility Emergency Response Plans -if required,
the Materials-Safety Data Sheets if required, and the Inventory Forms have been submitted to
the Department and the Agency~~Department~~ of Agriculture, Food and Markets. The notice shall
state ~~-that~~ follow-up emergency notices may subsequently be ~~-issued~~. Such notice shall state that
members of the ~~-public~~ who wish to review any such plan, sheet, form, or follow-up notice, may
do so at a location designated by the Department or the Department of Agriculture, Food and
Markets.

Section Eight - Enforcement, Penalties, and Appeals

8.1 Enforcement

(a) The Department, a Local Emergency Planning ~~—————~~Committee, the State
Emergency Response Commission, and its agents, and in the case of pesticides, the Vermont
Agency~~Department~~ of Agriculture, Foods, and Markets, shall have authority to enter upon and
inspect the premises and records of any employer and facility at reasonable times in order to
ensure compliance with these rules.

(b) Upon notification to an employer or operator of a ~~—————~~facility or a
workplace subject to these rules, by ~~-the fire department~~ with that provides coverage to the
jurisdiction over the ~~facility, the fire department~~ shall be allowed to conduct an on-site
inspection of the facility.

(c) A person who violates any provision of 20 VSA Chapter 1~~Title 20,~~ ~~—————~~ Chap.

~~+~~, or a rule adopted under this chapter shall ~~-~~be fined not more than \$1,000 for each violation.

Each day a violation continues shall be deemed to ~~-~~be a separate violation.

8.2 General

~~(a)~~ Reference is made to the ~~latest federal code of regulations~~EPA rule, 40 CFR —
—370, "Hazardous Chemical Reporting; Emergency Hazardous Chemical Inventory Forms
and Community Right to Know Reporting Requirements; Final Rule." This document shall be
used to provide guidance for procedural details not included in these rules.

9.1 Disbursements

The Commissioner of Public Safety, with the approval of the State Emergency Response
Commission, may spend monies from the Hazardous Chemical and Substance Emergency
Fund, reasonably necessary to implement and administer the requirements of EPCRA 42 USC
Chapter 116 Title III of Superfund Amendments and Reauthorization Act of 1986 (SARA) and
20 V.S.A. Secs. 30-32, 38. Such costs may include:

- Employment of personnel to manage and coordinate

 data.

 - Implementation of site visits.

_____ - Informational mailing.

_____ - ~~Training Establishment of and providing training program and personnel.~~

_____ - Data processing.

_____ - Mailing.

_____ - Purchase or rental of equipment.

_____ - Auditing Expenses.

_____ - Employment of Personnel for Administrative Assistance— to the

SERC.

_____ - Chemical Emergency Planning Activities.

_____ - Accident Prevention Programs.

_____ - Technical Assistance.

_____ - Outreach Activities.

9.2 Grants to Local Emergency Planning Districts

(a) Each local Emergency Planning District shall _____ receive an annual grant as stated in 20 VSA Chapter 1, Section 38, of \$1,500.

_____ (b) Disbursement of the annual grant to each local _____ Emergency Planning District shall be contingent upon adequate funds or anticipated funds in the Hazardous Chemical and Substance Emergency Response Fund.

~~(c) Initial grants to local Emergency Planning Districts need not be of equal amounts. In determining the size of initial grants, the Commissioner of Public Safety and the State Emergency Response Commission shall consider the money available in the fund, anticipated funds, the amount of other pending or anticipated requests from local Emergency Planning Districts and the merits of the request itself.~~

~~(c)~~ Local Emergency Planning Committees shall file a grant request ~~application~~ for a portion or all of the annual ~~grant~~ established in 20 VSA Chapter 1, Section 38 of \$1,500. The ~~application~~ grant request shall include a scope of work ~~state a request for a specific amount of money~~ and a budget -indicating how the grant shall be spent. The proposal should indicate how the proposed spending -will further the Local Emergency Planning Committee's long term goals and how the proposal coincides with the Local Emergency Planning Committee's evaluation, conducted pursuant to See. 303(b) of Title III, (SARA) Section 11003 of 42 USC Chapter 116 and 20 VSA Chapter 1, Section 32 of the need for resources necessary to develop, implement, and exercise the emergency plan.

~~(de) Grants may be~~ The annual grant will be awarded to ~~for all costs reasonably~~ ~~necessary to~~ implement and administer those duties imposed upon Local Emergency Planning Committees by 20 V.S.A. Sec. 32. Costs associated with this grant may include:

- employment of personnel;

- training cost;
- equipment;
- data processing;
- mailing;
- office space; ~~and~~
- cost of complying with auditing or reporting ~~_____~~ requirements

mandated by the State Emergency Response Commission;~~;~~

~~_____~~
 - Chemical Emergency Planning Activities;~~;~~

- Accident Prevention Programs;~~;~~
- Technical Assistance; ~~and-~~
- Outreach Activities.

(f) The ~~C~~ommissioner of Public Safety, with the approval
~~_____~~ of the State Emergency Response Committee shall approve in total, approve in
 part, or request resubmission of grant applications with modifications.

(g) ~~All awarded grants shall meet the requirements of Administrative Administrative~~
~~Bulletins 5.0 and 5.5. Prior to actually receiving the money provided by _____ the grant, each~~
~~Local Emergency Planning Committee must be incorporated or must affiliate itself with a city,~~
~~town, fire district, incorporated village, or other incorporated entity. Such entity must agree to~~
~~receive, hold, and disburse the grant monies, and document such transactions according to~~
~~generally accepted accounting principles. The financial records of the Local Emergency~~

~~Planning Committee and any affiliated, incorporated entity shall be considered public records and shall be provided to the Commissioner of Public Safety or the State Emergency Response Commission upon request. All such records must be maintained for a minimum of five years.~~

~~9.3 Additional Grants~~

~~(a) After disbursement of the annual grant amounts to each Local Emergency Planning District or upon a determination that sufficient funds exist or are anticipated to meet the requirements of the annual grant amounts, additional grants may be made by the Commissioner of Public Safety, with the approval of the State Emergency Response Commission to any local emergency planning commission or regional emergency response commission as well as to any political subdivisions including any city, town, fire district, incorporated village, and other incorporated entities in the state.~~

~~(b) Grants made pursuant to this section shall be _____ matched by the local government LEPC in the amount of twenty-five (25) percent of the grant unless waived by the State Emergency Response Commission. The match may be by contribution or by privately furnished funds or by inkind services, space or equipment which would otherwise be purchased by the Committee. Applications shall be submitted for a specific amount of money and a budget indicating how the grant shall be spent. The proposal shall address those factors outlined in Section 9.3(c).~~

~~(c) The Commissioner of Public Safety and the State~~

~~Emergency Response Commission shall consider the comments and evaluations from the appropriate Local Emergency Planning Committee as to the merits of the proposal. They shall also consider how the proposal coincides with the Local Emergency Planning Committee's evaluation, conducted pursuant to Section 303(b) of Title III, (SARA) of the need for resources necessary to develop, implement, and exercise the emergency plan. Emphasis shall be placed upon high risk localities and proposals which facilitate coordination of emergency response services within planning districts.~~

~~(d) Grants may be awarded for costs reasonably necessary to establish and implement hazardous chemical and substance emergency response services. Costs may include:~~

~~employment of personnel~~

~~training costs~~

~~equipment~~

~~data processing~~

~~mailing~~

~~office space~~

~~costs of complying with auditing or reporting requirements mandated by the State Emergency Response Commission.~~

~~Chemical Emergency Planning Activities.~~

~~Accident Prevention Programs.~~

~~Technical Assistance.~~

~~Outreach Activities.~~

(ie) The grantee must agree to receive, hold, and ~~_____~~ disburse the grant monies, and document such transactions according to generally accepted accounting principles. The financial records of the grantee shall be considered public records and shall be provided to the Commissioner of Public Safety or the State Emergency Response Commission upon request. All such records must be maintained for a minimum of five years.

9.4 ~~_____~~ **Reorganization of Additional Local Emergency Planning _____ Committees/Districts**

(a) If existing Local Emergency Planning Districts are ~~_____~~ reorganized and result in additional or fewer districts than presently exist, the State Emergency Response Commission shall determine whether the new ~~_____~~ districts shall qualify for all or part of the minimum grants in Section 9.2(a).

(b) In determining the amount of the minimum grant, if ~~_____~~ any, to be apportioned to a new district, the State Emergency Response Commission shall consider the amount of grants previously made to those areas comprising the new district, the benefits received by those areas from any such grants, and the existing needs of the newly created district.

9.5 Review and Audits of Grants

(a) The Commissioner of Public Safety and the State

Emergency Response Commission may require, as a condition of a grant, that a grantee prepare or have prepared a periodic report, summary or audit of the expenditures made pursuant to the grant. The costs of complying with such a condition may be provided for in the grant.

Section Ten - Trade Secrets

10.1 Requests for trade secret confidentiality status must meet the requirements of [EPCRA 42 USC Chapter 116, Chapter 11042, Public Law 99-499 SARA Title III, Sec. 322](#), Trade Secrets.

Table I

VERMONT REPORTING REQUIREMENTS AND QUANTITIES

<u>FACILITY</u>	<u>EXTREMELY HAZARDOUS SUBSTANCES (EPCRA 42 USC Chapter 116, Sec 11002 & 11004) and ALL OTHER HAZARDOUS CHEMICALS or SUBSTANCES (Sec 3.1 i of this rule) and PESTICIDES</u>	<u>PETROLEUM PRODUCTS AND FUELS (See Definition)</u> <u>Road Salts (See Definition)</u>	<u>KNOWN HUMAN CARCINOGENS</u>	<u>EXPLOSIVES</u>
<u>All facilities handling or storing hazardous chemicals/ substances for which an MSDSSDS is required under VOSHA/OSHA Regulations</u>	<u>100 pounds or the Threshold Planning Quantity (TPO): whichever is lower</u> <u>No MSDSSDS Requirement if MSDSSDS has not changed from previous year.</u>	<u>10,000 pounds or greater</u> <u>No MSDSSDS Requirement</u>	<u>Any amount as defined in VOSHA Regulation 1910.1200(d)</u>	<u>Any amount requiring license by VT Dept. of Public Safety</u>
<u>Research Laboratories</u>	<u>10 pounds or greater - aggregate of all extremely hazardous substances</u> <u>100 pounds or greater - aggregate of all other hazardous chemicals or substances</u> <u>No MSDSSDS Requirement if MSDSSDS has not changed from previous year.</u>	<u>10,000 pounds or greater</u> <u>No MSDSSDS Requirement</u>	<u>Any Amount as defined in VOSHA Regulation 1910.1200(d)</u>	<u>Any amount requiring license by VT Dept. of Public Safety</u>