

Vermont EPCRA
Frequently Asked Tier II Questions
For Reporting Year 2015

- Why can't I change the reporting year from 2014 to 2015 in the Tier2Submit program?
 1. Insure that you have downloaded the Tier2Submit2015 installation program and have installed the application on your computer. The icon will appear as Tier2Submit2015 on your desktop. The 2014 Tier2 data can be imported into the 2015 application which will automatically change the reporting year to 2015.
 2. Tier2Submit2015 can be downloaded from the following website:
<http://www.epa.gov/emergencies/content/epcra/statetier2.htm#vermont>

- What is the current reporting year?
 1. The current reporting year is 2015 (January 1, 2015 to December 31, 2015)
 2. If you were required to report chemicals in inventory for previous reporting years but did not, you will need to file those chemical reports as well and pay the resulting reporting fees based upon the reporting max daily amount category for each reported chemical.

- Are filled petroleum delivery trucks or rail cars reportable under EPCRA?
 1. The reporting facility (rail carrier/yard, petroleum delivery company) will have to determine if they exceed the minimum filing requirements of 10,000 lbs (Vermont's Threshold) and meet the requirements under EPCRA and VOSHA. Contact EPA to determine if these modes of transportation delivery are considered a storage facility.

- What are some of the new data requirements for this year's reporting?
 1. The reporting facility will have to identify the primary transportation route and carrier for each chemical. The reporting facility will also have to indicate the latitude and longitude (in decimal degrees...example latitude 43.45679, longitude - 71.456780) for their facility.

- Do quantities of products "in use" such as elevator hydraulic fluids and oils in compressors and motors etc. need to be considered when evaluating aggregate pounds for reporting?
 1. Each chemical needs to be reported separately. If you have 100 lbs of a hydraulic fluid, this would need to be reported. Same goes for compressor oils. Like chemicals can be combined.

- Regarding battery acid and lead in batteries:

1. Does this mean one needs to estimate the weight of those material contained in each individual emergency light and battery bank?
 - A. The combined weight of the battery acid would be reported. If you had 300 lbs of battery acid distributed throughout the facility in a number of back-ups, the total weight is used. Some facilities report the entire battery (battery acid and lead) as one item. The ranges are so wide that the combined weight may still keep your reporting within one max daily reporting range (02 is 100 lbs to 999lbs as an example). An EHS fee would still be required though.

3. A facility sells automobile batteries wholesale. Are these batteries at the wholesaler's facility exempt from reporting under Sections 311/312 due to the household product exemption under Section 311(e)(3)?
 - A. Section 311(e)(3) exempts from the definition of hazardous chemical "any substance to the extent 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." This exclusion applies to household or consumer products either in use by the general public or in commercial or industrial use when the product has the same form and concentration as that intended for use by the general public. The term "form" refers to the packaging, rather than the physical state of the substance. Therefore, car batteries held for sale by the wholesaler are exempt from reporting since the hazardous chemicals contained are in the same form and concentration as batteries sold for use by the general public.

4. A facility purchases non-industrial batteries in the same form as those packaged for use by the general public. Must the facility consider the batteries when calculating whether Sections 311/312 thresholds have been triggered?
 - A. No. Section 311(e)(3) exempts "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 for the general public." Because the public is generally familiar with the hazards posed by such materials, the disclosure of such substances is unnecessary for right-to-know purposes. The exemption extends to any substance packaged in the same form or concentration as a consumer product whether or not it is used for the same purpose as the consumer product (October 15, 1987, 52 FR 38344).

- Why are items such as gasoline, diesel, #2 fuel etc., which must be reported, not included on the “List of Lists” by either CAS number or by name?
 1. The List of Lists contains only the top 500-600 worst chemicals. There are over 60,000 chemicals in existence. The requirement to report a chemical is based upon the existence of an MSDS sheet and whether a threshold is exceeded.
- What are the implications of having reportable EHS’s and the section 11002 (302) emergency planning requirements?
 1. If you have an EHS on site, you need to develop a simple response plan for that chemical, plus if a release occurred there is a requirement to notify the SERC/LEPC of the release.
- Is the Hazardous Chemical Report used only for chemicals added to ones inventory in the middle of a reporting cycle?
 1. Yes. The requirement to report is based upon the max daily amount of the chemical for any give day in the reporting period. So if you brought the chemical in on December 31, the requirement still exists to report for the reporting year.
- How should one interpret the appropriate TPQ for an EHS like Warfarin when the EHS TPQ is listed as 500/10,000?
 1. Vermont’s threshold is 100 lbs or the TPQ, whichever is lower, for all chemicals including EHS. The only exception is petroleum products which are defined as diesel fuel, gasoline, propane, #2,#4,#6 Fuels, kerosene which has a TPQ of 10,000 lbs or Road Salts which has a TPQ of 10,000 lbs.
- What is the best way to handle a product like formalin (i.e. A solution of formaldehyde and methanol)? Should it be listed as the product Formalin with its total weight, the individual weights of the formaldehyde and methanol contained in it, or as Formaldehyde Solution?
 1. Most facilities report the end solution or mixture. If you report the individual chemical within a solution or mixture, you have to then identify every instance of that chemical's existence in other solutions/mixtures.
- Do we owe a fee for each listed substance or just for the total amount of all of them lumped together?
 1. A fee is required for each chemical reported if it exceeds the minimum threshold. For all chemicals, excluding diesel, gasoline, propane, fuel oil, the fee starts at the “02” max daily amount category range and increases per range.
 2. Vermont’s fee structure is as follows:

QTY Reported (<u>Pounds</u>)	<u>Fee</u>
100-999	\$35

1,000-9,999	\$55
10,000-99,999	\$90
100,000-999,999	\$265
1,000,000 or greater	\$800

Any Extremely Hazardous Substance (EHS) is \$175 additional for any reportable quantity.

- Our satellite facility on Industrial Ave. was closed last year. Do we need to report for that facility?
 1. If reportable chemicals were on site at any given point in calendar year 2015, a report and required fees would be due.
- What is the definition of “Petroleum Products and Fuels”? What is the Threshold Planning Quantity (TPQ)?
 1. Petroleum products as defined in “rules and regulations” must be reported as total mixture. Petroleum is defined as Gasoline; Kerosene; #2 Fuel Oil; Diesel Fuel; Kerosene Based Jet Fuel; #4, #5, and #6 Residual Oil for utility or non-utility use; Propane; Compressed Natural Gas.
 2. The TPQ for these products is 10,000 lbs.
- What is the definition of “Road Salts”? What is the Threshold Planning Quantity (TPQ)?
 1. 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.):
 2. The TPQ for these products is 10,000 lbs.
- Is there a penalty for not reporting?
 1. Any owner or operator who violates any TIER II reporting requirements shall be liable to the United States for a **civil penalty of up to \$37,500 for each such violation**. A person who violates any provision of Vermont statute, Title 20, Ch. 1, shall be fined not more than **\$1,000 for each violation**. Each day a violation continues shall constitute a separate violation.
- What are some of the typical chemicals that need to be reported annually by March 1st?

1. Diesel Fuel, Gasoline, Propane, Kerosene, #2 Fuel Oil, #4/#6 Residual Oil, Natural Gas, Aviation Fuels, Argon, Oxygen, CO₂, Acetylene, Nitrogen, Motor Oil, Lubricating Oils, Inks, Paint, Lead, Chlorine, Ammonia, Freon, Road Salt, Sand, Sawdust, Battery Acid, Lead in Batteries, Alcohol, Solvents, Transformer Oils, De-Icers, Windshield Washer Fluid, Pesticides, and Fertilizers are just some of the chemicals that need to be reported.