

Chapter 7: Emergency Planning and Communication

When accidental spills, releases, fires, or other incidents occur, the presence of hazardous chemicals may result in an emergency situation. The federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 brings industry, government, and the public together to plan for accidental chemical release responses and to provide access to information about chemical hazards in local communities. Wisconsin Emergency Management (WEM) implements EPCRA within the state.

EPCRA: also known as Title III of the Superfund Amendments Reauthorization Act (SARA), brings industry, government, and the general public together to address emergency planning for accidental chemical

Chemicals used in the printing industry may fall under some or all of EPCRA's requirements. The summary table below outlines EPCRA's regulations and reporting requirements. The remaining sections in this chapter contain more detailed information about the applicable chemicals and associated reporting requirements.

EPCRA Provisions and Reporting Requirement Summary				
Section	Sections 302/303	Section 304	Sections 311/312	Section 313
Topic	Emergency Planning Notification	Emergency Release Notification	Hazard Chemical Inventory Reporting	Toxic Chemical Release Inventory / TRI (Form R)
Chemicals identified	356 extremely hazardous substances (EHS)	>1,000 hazardous & extremely hazardous substances	Products with SDS	650 toxic chemicals and categories
Threshold levels	Threshold Planning Quantity (TPQ) 1-10,000 lbs on site at any one time (chemical specific)	Reportable Quantity (RQ) >1-5,000 lbs, released in 24 hr period	1. TPQ, or 2. 500 lbs for extremely hazardous substances (EHS) and 3. 10,000 lbs on site at any one time for other chemicals	1. 25,000 lbs/year manufactured or processed 2. 10,000 lbs/year "otherwise used" 3. certain persistent bioaccumulative toxics have lower thresholds
Reporting requirements	Section 302: one time notification to WEM Section 303: updates as necessary	Emergency notification for each occurrence of release of RQ	Section 311: one time notification, updated as necessary Section 312: Tier II report due annually by 1 March to WEM, LEPC & fire dept	TRI (form R) report due annually by 1 July to EPA

Key terms used in the table above:

- **Extremely Hazardous Substance (EHS):** In EPCRA, an EHS is a chemical subject to EPA's regulations for Emergency Planning and Notification under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, commonly known as Superfund).
- **Safety Data Sheet (SDS):** An SDS provides information on the chemical composition of a substance and its hazards. OSHA regulations require employers to maintain SDSs for any of approximately 500,000 hazardous chemicals that could be stored or used at their facilities.
- **Toxic Chemical:** Toxic Chemicals are chemicals identified by EPA's Toxic Chemical Release Reporting Regulations, which are subject to TRI Reporting. Approximately 650 chemicals fall into this category.

- **Threshold Planning Quantity (TPQ):** TPQ is the amount of an EHS which triggers the Emergency Planning Notification requirements (EPCRA Section 302). The EHS list provides chemical-specific TPQ's.
- **Toxics Release Inventory (TRI):** In EPCRA, the TRI is intended to inform the public and government officials about routine releases of toxic chemicals to the environment. This is an annual inventory that EPCRA requires qualifying businesses to report.

What does EPCRA address?

EPCRA *planning provisions* are designed to:

- inform Local Emergency Planning Committees (LEPC) and WEM about businesses that have hazardous chemicals
- prevent accidents
- encourage preparation for chemical emergencies

LEPC: Local Emergency Planning Committee, as created by Wisconsin statutes. Each of Wisconsin's 72 counties has an LEPC.

EPCRA *community right-to-know provisions*:

- make information available to the public about chemicals that are stored, used, or released in the local area
- require businesses to report their inventory of hazardous chemicals to the local fire department, the LEPC, and WEM
- require businesses to report their use and release of certain hazardous chemicals to EPA and DNR

What does EPCRA require printers to do?

Under the planning portion of EPCRA, printers are required to:

- participate in emergency planning for accidental chemical releases, if they store certain hazardous chemicals above specific thresholds
- report spills and releases of chemicals

Under the *community right-to-know* portion of EPCRA, printers *may* be required to:

- report hazardous chemical inventoried at their facilities
- report certain toxic chemical use and release

EPCRA's reporting requirements for printers apply based on the quantities of chemicals a facility uses or stores. The emergency release notification requirements apply to *all* printers, regardless of size, but are dependent upon the amount of the chemical spilled and/or released.

Section A: Emergency Planning Requirements (EPCRA Section 302)

Emergency Planning Notification involves providing information about the presence of toxic and hazardous chemicals at your facility to your Local Emergency Planning Committee and Wisconsin Emergency Management. If your facility stores and/or uses plate chemicals, inks, solvents, fuels, or other chemicals above threshold levels called Threshold Planning Quantities (TPQs), you will need to complete and submit the appropriate information for Emergency Planning Notification to WEM.

Does my facility have to comply with Emergency Planning Notification requirements?

Yes. Printers that store any Extremely Hazardous Substances (EHS) in amounts larger than the Threshold Planning Quantities (TPQ), at any single time, must submit an Emergency Planning Notification form. The form can be found here:

http://www.emergencymanagement.wi.gov/EPCRA/forms/2017_Emergency_Planning_Notification.pdf.

In lieu of completing the form, a letter can be submitted. More information related to what needs to be included in the letter can be found later in this document.

TPQs are chemical-specific. TPQs for *each* EHS are defined in EPA's "Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act..." The complete EHS list contains 356 chemicals and their TPQs. The list is available online through both EPA and WEM (which links to EPA):

<https://www.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>

The Black Ink Room section of this workbook contains examples of some EHSs used in printing facilities and chemical-specific TPQs.

How do I account for EHSs in chemical mixtures?

EHSs sometimes occur in chemical mixtures. Any EHS at a concentration of more than 1%, or 0.1% if it is a carcinogen, must be included when calculating the total amount stored or used at your facility. In lieu of counting the entire amount of a product that contains a small fraction of a covered chemical, it is acceptable (though it may require more effort) to calculate and count only the amount of a chemical in a product and not count the entire amount of a product toward the threshold.

How is the total of EHSs calculated?

To calculate the total quantity of EHSs at your facility, add the total amount of each chemical in all mixtures containing more than 1%, or 0.1% for any carcinogen, of each EHS. Any mixture containing a lower concentration of an EHS does not need to be included in the total determination.

Where can I get help with these calculations?

EPA and WEM provide online assistance for calculating quantities of chemicals in mixtures and for converting gallons to pounds. See:

- WEM's EPCRA information guide, available online at http://www.emergencymanagement.wi.gov/EPCRA/docs/EPCRA_Booklet_Full_Page.pdf
- EPA's guide is available online through EPA's TRI website (<https://www.epa.gov/toxics-release-inventory-tri-program>). To find the guide, start by finding the Annual Reporting For Facilities section of this website and select the first option "Reporting Instructions and Guidance." A new page will open. Select the Guidance Documents tab. Then scroll down to Industry Guidance Documents and select the option for "Printing, Publishing, and Packaging Industry".
 - The Printing, Publishing, and Packaging Industry guidance can be found directly by following this link: https://ofmpub.epa.gov/apex/guideme_ext/f?p=104:81:::no::p81_id:printing.
- Other resources can be found at: <http://www.emergencymanagement.wi.gov/WHOPRS/default.asp>.

When do I need to proceed with Emergency Planning Notification?

When a printer *receives a shipment of or produces* any EHS at their facility in amounts that meet or exceed the TPQ, an Emergency Planning Notification must be filed within 60 days.

An *amended* Emergency Planning Notification must be filed within 60 days if new EHSs are received or produced, or if amounts stored at a facility increase so that TPQ limits are exceeded.

How do I submit Emergency Planning Notification?

Emergency Planning Notification may be done using an Emergency Planning Notification form or through the online reporting system called WHOPRS. Each method is described below.

1. facility owner or operator completes the WEM Emergency Planning Notification form (# DMA 1003)
 - see a sample form in the Black Ink Room section of this workbook
 - obtain the form online at http://www.emergencymanagement.wi.gov/EPCRA/forms/2017_Emergency_Planning_Notification.pdf
2. facility owner submits the information online <https://whoprs.wisconsin.gov/>
 - more information on how to submit online, including user guides and conversion help, can be found here: <http://www.emergencymanagement.wi.gov/WHOPRS/default.asp>

Tips for submitting the information to WEM and the LEPC:

1. File online at <https://whoprs.wisconsin.gov/>.
 - Online submissions are made available to both WEM and the LEPC automatically.
2. Send the *original* paper copy of the form to WEM and a *copy* to the LEPC.
 - The address for WEM is at the end of the form.
 - The appropriate LEPC's address can be found here: http://emergencymanagement.wi.gov/counties/county_directors.asp
 - Keep a *copy* of the paper form on file.
 - Consider sending your form with Return Receipt Requested so there is a record that the documentation was received.

What if I don't store EHSs above the threshold quantities?

If no EHSs are stored, or if chemicals are present only in amounts below the TPQ levels, your facility is exempt. No further emergency planning is required. However, printers must certify that their facility is exempt. To do this, printers must file a one-time notification with WEM and the LEPC to let them know that the facility is not required to participate in emergency planning. If a TPQ is later exceeded, you will be subject to the requirements for Emergency Planning Notification.

To submit the one-time notification:

- complete sections 1 through 4 of the Emergency Planning Notification form and section 8 - Emergency Planning Notification Determination
- check NO to indicate that the facility has never had an EHS at or above TPQ level

Question EP.1	Are you subject to the emergency planning requirements in EPCRA Section 302?	<input type="checkbox"/> Yes. Continue with the next section. <input type="checkbox"/> No. Skip to Section C.
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Section B: Community Emergency Planning (EPCRA Section 303)

If your facility is subject to the reporting requirements in EPCRA Section 302, then you are also required to participate in Community Emergency Planning.

My facility must participate in Community Emergency Planning. What is required?

Community Emergency Planning involves the following:

- Select a *facility emergency planning coordinator*.
- Notify the LEPC, in writing, of the coordinator's name, address, and telephone number.
- Complete and submit the Emergency Planning Notification form (previously addressed under Section 302) and list a *facility emergency planning coordinator* under section 5 of the form
- Develop an emergency response plan. The *facility emergency planning coordinator* will develop this plan in accordance with LEPC guidelines (described below).
- Pay a fee, if required. Refer to information provided below.

Question EP.2	Have you identified a facility emergency planning coordinator and provided the LEPC with their contact information?	<input type="checkbox"/> Yes. Continue with the next section. <input type="checkbox"/> No. Choose a coordinator before proceeding.
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What does a facility emergency planning coordinator do?

A facility emergency planning coordinator:

- works with LEPC to develop an emergency response plan for the facility
- informs LEPC of any changes at the facility that may affect emergency response (i.e., changes in amounts or types of EHSs stored)

Off-site emergency response plans should be developed for individual facilities, and should include the following:

- facility name and location
- name of facility emergency planning coordinator with 24 hour contact phone number
- list of primary emergency responders
- list of resources available from/at the facility
- list of outside resources available
- hazard analysis of the facility with a vulnerability zone for release of EHSs stored at the facility
- identification of special facilities (i.e., schools, hospitals, nursing homes, day care centers, etc.) within the vulnerability zone
- population protection procedures (sheltering and evacuation)

Question EP.3	Have you worked with the LEPC to develop an emergency response plan?	<input type="checkbox"/> Yes. Continue with the next section. <input type="checkbox"/> No. Develop a plan before proceeding.
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Do I have to pay a fee?

Complete section 9 of the Emergency Planning Notification form (# DMA 1033) to determine whether a fee applies. The fee guidelines are as follows:

- If your facility has at least 10 full-time equivalent (FTE) employees in Wisconsin you must:

FTE: a full-time equivalent employee is someone who works 20,000 hours or more per year

- pay a one-time Emergency Planning Notification Fee of \$1080.00 (current as of June 2017, the form will list the correct fee at the time of filing), and
- include the fee when submitting the form.
- If your facility has fewer than 10 FTE employees in Wisconsin, the Emergency Planning Notification Fee is not required.

Question EP.4	Have you filed the Emergency Planning Notification Form in the past year, and paid the fee if appropriate?	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Complete the form and pay the fee, if needed.
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Section C: Emergency Release Notification (EPCRA Section 304)

When any *hazardous substance* is released **in an amount that meets or exceeds the minimum Reportable Quantity (RQ)**, and which could potentially affect people or the environment outside the facility, emergency notification is required.

What must be done if a hazardous substance is released at my facility?

Printing facility management must *immediately* notify these organizations *verbally* of the release of a hazardous substance at your facility:

1. Wisconsin DNR 24-hour Emergency Hotline: 800-943-0003
2. National Response Center: 800-424-8802
3. LEPC: contact your county Emergency Management Office – find contact information for your office at: http://emergencymanagement.wi.gov/counties/county_directors.asp

Hazardous and Extremely Hazardous Substances: See the Black Ink Room section of this workbook for a list of chemicals commonly used by printers.

What constitutes “immediate” reporting?

The regulations do not specify any time limits, but, in practice, notification should occur as soon as safely possible. DNR’s regulations contain the following general guidance:

- “In uncomplicated release situations, responsible parties are expected to provide notice to the department within a matter of a few minutes after they learned of the release.”
- “In other situations, especially where emergency action of some kind is being taken by the responsible party or where the responsible party does not have access to a telephone, notification may not be possible for several hours, but would still be considered ‘immediate’ if promptly given.”

After verbal notification, the printer must follow up with a *written* notice to WEM and the LEPC as soon as practicable after the release. This written notice should include the following:

1. Additional information available since the initial verbal notification
2. Actions taken to respond to or contain the release
3. Identification of who responded to the release
4. Known or anticipated acute or chronic health risks
5. Where appropriate, advice regarding medical attention

This report is different than the one described in Chapter 5, page SR-8, on Spills reporting.

Which chemicals trigger emergency release notification requirements?

Two types of chemicals trigger emergency notification requirements:

- those classified as hazardous substances in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)
- EHSs identified by EPCRA

The Black Ink Room section of this workbook provides examples of some hazardous substances commonly used by printers and the threshold Reportable Quantities that trigger required emergency notification of a release, along with links to lists of these chemicals. You can find the complete List of Lists from EPA at: <https://www.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>.

Question EP.5	Have you prepared a list of chemicals and their Reportable Quantities that are present in your facility?	<input type="checkbox"/> Yes.
		<input type="checkbox"/> No. Prepare the list.

A spill or release has occurred at my facility. What is required?

If a spill or release occurs at your facility that “contaminates the environment”, refer to Chapter 5 - Spills and Accidental Release Response, for guidance and more information about emergency chemical releases.

Section D: Community Right-to-Know Program

EPCRA’s Community Right-to-Know Program has two main components:

- *hazardous chemical* inventory reporting
- toxic chemical release reporting

Printers may be required to provide community right-to-know information about their chemical use under some or all of EPCRA’s regulations.

Hazardous Chemical: Any chemical that is a physical hazard or a health hazard under EPCRA, or any substance for which OSHA requires a facility to maintain an SDS.

Section D.1: Chemical Storage (SDS Chemical List) Reporting (EPCRA Section 311)

Is chemical storage (SDS chemical list) reporting required for my facility?

Section 311 of EPCRA requires printers that store or use sufficient quantities of any hazardous chemicals to do chemical storage (also called SDS chemical list) reporting. Generally, this regulation applies to any chemical requiring an SDS.

This requirement applies if, at any single time during a calendar year, your facility stores:

- more than 10,000 lbs of any hazardous chemicals (defined by OSHA as those that require SDSs) **or**
- more than the TPQ, or 500 lbs, whichever is less, of any EHS.

SDS: Safety Data Sheet—a document that provides information on the chemical composition of a substance and its hazards. OSHA regulations require employers to maintain SDSs for any of approximately 500,000 hazardous chemicals that could be stored or used at their facilities.

Many printers don’t exceed the reporting thresholds. Those that *do* exceed the thresholds, and trigger the requirements for chemical storage reporting, may do so because the facility has one or more of the following:

- 10,000 lbs or more of all ink on-hand, such as ink totes for process colors
- storage tanks or tote storage for large volume materials, such as blanket wash and fountain solution, that contain hazardous chemicals
- ammonia chillers or other ammonia storage over 500 lbs (TPQ for this substance)
- lift truck batteries containing 500 lbs of sulfuric acid (an EHS chemical)

How do I quantify chemical storage at my facility?

To quantify your chemical storage:

- calculate the total quantity of each hazardous chemical and/or EHS stored at your facility

- include quantities occurring in any chemical mixture containing more than 1%, or 0.1% for carcinogens, of an EHS

WEM and EPA provide online resources and instructions for calculating chemical quantities—refer to the links at <http://www.emergencymanagement.wi.gov/WHOPRS/default.asp>.

My facility is required to do chemical storage reporting. What is involved?

Two options are available for chemical storage reporting. Printers may choose the most appropriate option (contact the LEPC for their preference):

1. submit a copy of the SDS for each individual chemical, or
2. submit a list of all chemicals that are subject to reporting requirements
 - include the chemical/common name found at the top of each SDS
 - include the hazard category (i.e., acute health hazard, chronic health hazard, fire hazard, etc.) for each chemical reported

Follow these requirements for chemical storage reporting:

- submit reports within 90 days of the date when quantities of chemicals at the facility exceeded the TPQs
 - this information must only be submitted once for each chemical
 - no fee is required for reporting
- any time new chemicals are added or quantities increased at the facility and the TPQs are exceeded, submit additional or updated SDS sheets or lists within 90 days
- submit the reports to WEM, LEPC, *and* the local fire department

Question EP.6	Do you need to file a chemical storage report?	<input type="checkbox"/> Yes. Continue with the next section. <input type="checkbox"/> No. Skip to Section E.
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Section D.2: Chemical Inventory Reporting (EPCRA Section 312)

Is annual chemical inventory (Tier II) reporting required for my facility?

The community right-to-know provisions of EPCRA include annual Emergency and Hazardous Chemical Inventory, or Tier II, reporting. In Wisconsin, this annual report is called the *Wisconsin Tier II Emergency and Hazardous Chemical Inventory* or simply **Tier II**.

Printers required to submit chemical inventory reports under EPCRA Section 311 (above) must also file an annual inventory of the reported chemicals. The inventory includes basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility.

What should I know about submitting the Wisconsin Tier II report?

In Wisconsin, the following requirements apply to annual Tier II reports:

- complete the Wisconsin Tier II Emergency and Hazardous Chemical Inventory (DMA form 1005) and send it to WEM, or file online at <https://whoprs.wisconsin.gov/>
- report chemicals present at your facility during the previous calendar year
- this inventory is due by March 1st of each year

- if filing a paper form:
 - submit copies to the LEPC and local fire department
 - keep one copy for your facility files

A sample of form #DMA1005 is in the Black Ink Room section of this workbook. The form is available also online at: <http://www.emergencymanagement.wi.gov/EPCRA/forms.asp>. Look for a link starting with the most recent year/two-year period followed by “Tier II Emergency and Hazardous Chemical Inventory (PDF)” in the filename.

Do I have to pay a fee when submitting this form?

Printers that participate in Tier II reporting may be required to pay an associated Inventory Fee, due with the Tier II Inventory:

- Printers with fewer than 10 FTE employees in Wisconsin (< 20,000 hours worked annually) are *exempt* from the fee.
- Printers with more than 10 FTE employees in Wisconsin are *subject* to fee requirements. The amount of the fee depends on the number and quantity of hazardous chemicals reported. See the 2017 Wisconsin Tier II Emergency and Hazardous Chemical Inventory Fees table below.

2017 Wisconsin Tier II Emergency and Hazardous Chemical Inventory Fees		
Number of chemicals	Cumulative amount < 100,000 lbs	Cumulative amount => 100,000 lbs
0	\$0	\$0
1	\$205	\$245
2-10	\$405	\$485
11-100	\$610	\$730
101-200	\$745	\$890
201-300	\$880	\$1055
301-400	\$1015	\$1215
401-500	\$1150	\$1375
500+	\$1285	\$1540

For a current listing of fees, go to: <http://www.emergencymanagement.wi.gov/EPCRA/program.asp>

My facility is *not* required to participate in Tier II annual reporting. What must I do?

Printers that are *not* required to do Tier II annual reporting must notify WEM that their facility is exempt. Submit the Tier II Emergency and Hazardous Chemical Inventory and Fee Statement (WEM form DMA 1004&1005) or a letter to WEM, stating that your facility is exempt from Tier II reporting requirements.

To submit notification via the form:

- complete sections 1 through 4 of the Emergency and Hazardous Chemical Inventory form and section 8 – Reporting Exemptions
- select the appropriate option for your facility that render it exempt

Question EP.7	Have you filed in the past year either a Tier II annual reporting form or a notification that you are exempt?	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Complete the appropriate form and submit.
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Section E: Toxics Release Inventory Reporting (EPCRA Section 313)

Is annual Toxics Release Inventory (TRI) or EPA Form R reporting required for my facility?

Toxics Release Inventory (TRI) reporting documents releases and other management practices of *toxic chemicals* during the preceding calendar year. The report contains detailed information about a business, the chemicals used by the business, and amount of chemicals released or transferred from a facility. TRI is an **annual inventory** due on **July 1st** of each year.

Not all printers are subject to the TRI reporting requirements. You *are* required to submit a TRI report if:

- the facility is included in a North American Industry Classification System (NAICS) code listed here <https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry>; *and*
- the facility has at least 10 full-time employees; *and*
- the facility used at least 10,000 lbs of listed toxic chemicals in the prior calendar year; *and/or*
- the facility imported, manufactured, or processed at least 25,000 lbs of listed toxic chemicals in the prior calendar year; *and/or*
- the facility used more than the designated threshold for Persistent, Bioaccumulative, Toxic (PBT) compounds

The report must be filed electronically with EPA. Learn more about electronic submission of TRI reports at <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms>.

What chemicals trigger TRI reporting requirements?

More than 650 toxic chemicals and chemical categories trigger TRI reporting. They are identified in EPA's consolidated list of chemicals (see the Black Ink Room section of this workbook for links to the list). In the printing industry, the primary sources of these chemicals are solvents found in the ink formulations and solvents used in cleanup operations.

The EPA resource book, "Emergency Planning and Community Right-To-Know Act Section 313 Reporting Guidance for the Printing, Publishing, and Packaging Industry," provides a step-by-step guide to compliance with Section 313 of EPCRA. The guide includes information about how to determine if your facility must report, how to calculate amounts, and guidance for estimating quantities from releases and other waste management activities. To find the guide:

- start at <https://www.epa.gov/toxics-release-inventory-tri-program>
- find the graphic with *Annual Reporting for Facilities*, select the bullet under that graphic that says "Reporting Instructions and Guidance" and a new page will open
- select the Guidance Documents tab, then scroll down to Industry Guidance Documents and select the option for "Printing, Publishing, and Packaging Industry"
- download the full document or section by section at the different links provided there
- The Printing, Publishing, and Packaging Industry guidance can also be found directly by following this link: https://ofmpub.epa.gov/apex/guideme_ext/f?p=104:81:::no::p81_id:printing.

Question EP.8	If you have at least 10 FTE and chemicals above reporting thresholds, have you filed your TRI report in the past year?	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Submit the report immediately. <input type="checkbox"/> N/A. Fewer than 10 FTE and/or chemicals below reporting levels.
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