

<b>PLAN REVIEW</b>	
<i>Reviewer</i>	<i>Date</i>
Shane Carlson	9/17/2019
Shane Carlson	7/20/2020

**Contact:**

Mike Nolte  
(507) 967-2242

## COMMUNITY RIGHT-TO-KNOW

### Introduction

The Emergency Planning and Community Right to Know Act of 1986 established requirements for Federal, State, and local governments and industry regarding emergency planning and “Community Right-to-Know” reporting on hazardous and toxic chemicals. This was part of the Superfund Amendments and Reauthorization Act (SARA), the main purpose of which was to extend the Superfund for cleanup of hazardous waste sites throughout the United States. The law contained in its scope provisions on planning for hazardous chemical emergencies and to allow citizens the right to know about hazardous chemicals in their communities. These Community Right-to-Know provisions will help to increase the public’s knowledge and access to information on the presence of hazardous chemicals in their communities and releases of these chemicals into the environment.

The requirements of the law apply to any facility which stores hazardous substances in quantities equal to or greater than the regulated threshold planning quantity (TPQ) or other general limit which is applicable (500 pounds for extremely hazardous chemicals; 10,000 pounds for all other hazardous chemicals).

### Applicability

#### Facilities Storing Extremely Hazardous Substances

If, at any time, Ellsworth Public School stores any of the 360+ extremely hazardous substances listed in SARA Title III above the threshold planning quantities (at any one time), the State Emergency Response Commission will be notified.

### Emergency Notification



Ellsworth Public School will immediately notify the Local Emergency Planning Committees (LEPCs) and the State Emergency Response Commission (SERC) likely to be affected if there is a release into the environment of a hazardous substance that exceeds the reportable quantity for that substance. Substances subject to this requirement are those on the list of 356 extremely hazardous substances as published in Federal Register (40 CFR 355) as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103 (a) (40CFR 302.4). Some chemicals are common to both lists. The CERCLA hazardous substances also require notification of releases to the National Response Center (NRC), which affect alerts federal responses.

Initial notification will be made by telephone. Emergency notification requirements involving transportation incidents will be met by dialing 911, or in the absence of a 911 emergency number, calling the operator.

This emergency notification will include:

- ◆ The chemical name;
- ◆ An indication of whether the substance is extremely hazardous;
- ◆ An estimate of the quantity released into the environment;
- ◆ The time and duration of the release;
- ◆ Whether the release occurred into the air, water, and/or land; any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for the exposed individuals;
- ◆ Proper precautions, such as evacuations or sheltering in place; and,
- ◆ Name and telephone number of the Community Right-To-Know contact person.

### **Chemical Inventory Form**

For all chemicals reported under Section 311, <Public School> will report the past year's quantities to the Emergency Response Commission (MN Tier Two Report).

## **Regulatory Requirements**

### **Community Right-To-Know Requirements**

There are two Community Right-To-Know reporting requirements within the Emergency Planning and Community Right-To-Know Act. Section 311 requires facilities that must prepare safety data sheets (MSDS) under Occupational Safety and Health Administration (OSHA) regulations to submit either copies of their MSDSs or a list of MSDSs chemicals to:



- ◆ The LEPC,
- ◆ The SERC, and,
- ◆ The local fire department with jurisdiction over District facilities.

The initial step a facility coordinator should take in preparing for an emergency should be to inventory and quantify hazardous substances within the facility. The coordinator should begin by focusing on the list of extremely hazardous substances published in the Federal Register. This list is provided under the EHS title in the CHMP section of this program.

If an inventory of the facility's chemicals indicates that a threshold planning quantity is reached, the District is then required to:

1. Notify the Emergency Response Commission in writing within 60 days after acquiring any of the extremely hazardous substances above the threshold planning quantities, and
2. Assign a Facility Emergency Coordinator.

### **Emergency Notification**

Whenever a hazardous substance is released outside the control of the facility (air, sewer, land, or surface water), there are requirements to:

1. Contact local emergency 911;
2. Contact State Duty Officer (Metro 612-649-5451, outside Metro 1-800-422-0798);
3. Contact National Response Center at 1-800-424-8802; and
4. Submit an Emergency Release Follow-up Report to the Emergency Response Commission.

All spills and releases occurring in Minnesota that are outside the control of the facility should be reported to the State Duty Officer—regardless of whether or not the reportable quantity was reached. Minnesota has a “One Call” system that allows the State Duty Officer to make notification to all applicable state, county, and local agencies. If a spill or release occurs which has met or exceeded the reportable quantity, the caller is still responsible for notifying the 911 emergency system and the National Response Center.

The facility should contact local authorities to inform them of the need for emergency response. When contacting the state emergency response number, the facility should



specify that the release is subject to Title III notification. The emergency notification must include:

1. The chemical name or identification of any substance involved in the release;
2. An indication as to whether the substance is on the list of extremely hazardous substances;
3. An estimate of the quantity of any such substance that was released into the environment;
4. The time and duration of the release;
5. Whether the release occurred into air, water, and/or land;
6. Any known or anticipated health risks (acute or chronic) and any advice regarding medical attention for exposed individuals;
7. The proper precautions to be taken in the event of a release, including evacuation; and
8. The name and telephone number of the person or persons to be contacted for further information.

As soon as practical after a release, an Emergency Release Follow-Up Report must be sent to the Emergency Response Commission, and must:

1. Update information included in the initial notice and
2. Provide information on:
  - a. Actual response actions taken and
  - b. Advice regarding medical attention necessary for exposed individuals.

### **Chemical List**

Any facility required to prepare or have available MSDSs under the Minnesota Employee Right to Know or the Hazard Communication Standard must report the following:

1. Any extremely hazardous chemical that is stored in a quantity of 500 pounds or more or greater than the threshold planning quantity (TPQ). If so listed, look up on the list of extremely hazardous substances.
2. Any hazardous chemical for which there is an SDS and which is being stored in a quantity of 10,000 pounds or greater.



Under the reporting requirements, the law states that a list of MSDSs or a copy of the SDS sheets themselves must be submitted for any of the extremely hazardous substances above the TPQ, or other hazardous chemicals in excess of 10,000 pounds. Minnesota provides a Hazardous Chemical Report Form that may be submitted in lieu of the MSDSs (in fact, a fee is charged if the Minnesota form is not used). This form is submitted one time and is only required to be updated if a new chemical is brought into the facility.

- ◆ The chemicals which would potentially be found in quantities greater than 10,000 pounds for “ordinary” hazardous chemicals in a school district would be fuel oil, propane, butane, or diesel fuel.
- ◆ The most commonly found extremely hazardous chemical in most schools is chlorine, which has a TPQ of 100 pounds. If liquefied chlorine in tanks is used for swimming pool chlorination, this limit would apply. Dry chlorine compounds, which may have 10% available chlorine, would also apply if stored in quantities greater than 1,000 pounds. This requirement is based on the actual weight of the specific hazardous chemical and not the total weight of a formulated product (e.g., 10% chlorine of 1,000 pounds total product equals 100 pounds of chlorine).
- ◆ This chemical report form must be submitted to both the State Emergency Response Commission and the local fire department with jurisdiction over your facility.
- ◆ Reporting requirements under Section 311 do not apply to:
  - Wood or wood products;
  - Tobacco or tobacco products;
  - Any food, additive, color, drug, or cosmetic regulated by the Food and Drug Administration; or
  - Any hazardous waste which is regulated by other regulations such as the Solid Waste Disposal Act;
  - Any fertilizer held by a retailer for resale;
  - Any solid substance in a manufacturer item which does not cause exposure under normal conditions of use;
  - Any substance to the extent that 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; and



- Any substance to the extent it is used in a research laboratory, hospital, or other medical facility under the direct supervision of a technically qualified individual.

### Chemical Inventory Form

- ◆ All facilities that have completed an initial Chemical Report Form are also required to submit an annual inventory by March 1, which covers the previous calendar year.
  - This report covers any chemical stored at any time during that year which exceeded the threshold planning quantity or the general limit (over 500 pounds of extremely hazardous chemical or 10,000 pounds of other hazardous chemical).
  - Effective with the 1963 reporting year, the Emergency Response Commission will be electronically scanning data received under this Section.
  - Facilities that are current reporters will receive a Section 312 Tier Two Turnaround Report from the Commission.
- ◆ Facilities reporting for the first time should request a new reporter package from the Commission. Tier Two forms will not be able to be supplied with this program because only originals from the Commission may be used.
- ◆ The purpose of the Tier Two form is to provide state and local officials and the public with specific information on hazardous chemicals present in your facility during the past year. The Tier Two form must be submitted by March 1 of every year for the previous year and must include:
  - Chemical name or common name as used on the MSDS,
  - An estimate of the maximum amount of the chemical present at any one time,
  - A brief description of the manner of storage of the chemical,
  - The location of the chemical, and
  - An indication of whether the administrator elects to withhold location information from disclosure to the public.

