

# *Facility Reporting Requirements*

*SARA Title III  
and  
Pennsylvania Act  
165*



## *Tier II Chemical Inventory Reporting Requirements and Fee Instructions*



DEPARTMENT OF  
**LABOR & INDUSTRY**  
COMMONWEALTH OF PENNSYLVANIA



BUREAU OF PENNSAFE  
1623 LABOR & INDUSTRY BUILDING  
7<sup>TH</sup> & FORSTER STREETS  
HARRISBURG, PA 17120-0019



1-888-SAFE-422

Fax: 717-783-5099

[www.dli.state.pa.us](http://www.dli.state.pa.us)

Dear Sir/Madam:

This book includes basic compliance information as well as answers to commonly asked questions regarding Section 312 of federal SARA Title III, the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 165).

Specific information in this book includes reporting and fee requirements, instructions for completing the Emergency and Hazardous Chemical Inventory Form, and the Tier II Chemical Inventory Invoice (if applicable to your facility), a blank Tier II form, and a list of the Local Emergency Planning Committees. Also included are guidelines for avoiding common problems the department encounters with the Tier II form and site plan. Finally, information is included about the Electronic Data Exchange System (EDES), a user friendly software package developed by the department that enables facilities to file their Tier II reports magnetically. EDES is paying significant dividends in reducing processing time, eliminating paper and increasing the accuracy of data.

The Pennsylvania Emergency Management Council, which oversees the administration of these laws, requires that a site plan accompany the Tier II form. Site plans show specific facility information which greatly assists emergency personnel in responding to incidents such as spills, releases, fires, and explosions. This data can help save lives, minimize damage to the facility and the surrounding environment, and may even save your business. **However, in an effort to reduce unnecessary paperwork, if your site plan is already on file with the department and has not changed, you do not need to send another copy.**

If you have any questions about the material in this book or need additional information, please write or call PENNSAFE at the Department of Labor & Industry, Room 1623, Seventh & Forster Streets, Harrisburg, PA 17120; Telephone (717) 783-2071, FAX (717) 783-5099 or visit our website: [www.dli.state.pa.us](http://www.dli.state.pa.us).

Sincerely,

Thomas J. Ward, Jr.  
Director

# TABLE OF CONTENTS

	<b>Page</b>
An Overview of Reporting Requirements .....	1
Decision Flow Sheet .....	4
Reports and Fee Summary .....	5
Common Problems to Avoid When Completing and Submitting the Tier II Form ...	6
Completion and Submission of Tier II Site Plans .....	7
Tier II Sample Report .....	8
Tier II Sample Site Plan .....	9
Blank Tier II Form .....	10
Tier II Instructions General Information .....	11
Answers to Commonly Asked Questions .....	19

# APPENDIX

- ☞ Local Emergency Planning Committees
- ☞ Tier II Reporting Software (EDES)
- ☞ Tier II Chemical Inventory Invoice

# AN OVERVIEW OF REPORTING REQUIREMENTS

## Reporting Requirements:

### ANNUAL REPORT BY MARCH 1:

- ✍ Pennsylvania facilities covered by the federal OSHA Hazard Communication Standard must file a Tier II form for:
  1. Extremely Hazardous Substances (EHSs), as identified under Section 302, in quantities at or above the Threshold Planning Quantities (TPQs), or 500 pounds (whichever is less); and/or
  2. Hazardous chemicals, regulated by the federal OSHA Hazard Communication Standard, which are present at your facility at or above 10,000 pounds at any one time during the calendar year.

### INITIAL SUBMISSION WITHIN 5 WORKING DAYS:

- ✍ Section 205 of Act 165 has been amended by the addition of subsection (d) relating to facility duties. This amendment has great impact on facilities' reporting requirements. **Facilities are now required to report the presence of hazardous material within 5 business days after the hazardous material is first present at the facility.** Accordingly, facilities will now have to submit a Tier II reporting form and site plan to Labor & Industry (as well as to their LEPC and local fire department) if they bring on any new hazardous material meeting the established threshold requirements that had not been reported during the previous calendar year. Hazardous materials reported under this requirement must be reported again at the time of the annual filing and fee payment required on or before March 1st.
- ✍ Federal facilities were directed by Executive Order 12856, August 3, 1993, to comply with all provisions of EPCRA and the Pollution Prevention Act (PPA).
- ✍ For facilities required to file, a copy of the Tier II form and site plan must be sent to:
  1. Department of Labor & Industry  
PENNSAFE  
P. O. Box 68571  
Harrisburg, PA 17106-8571
  2. Local Emergency Planning Committee (see listing within the Appendix).
  3. Local Fire Department(s) with jurisdiction over the facility.
- ✍ Tier II forms must be submitted on or before March 1st of each year for the chemicals present at the facility during the prior calendar year.
- ✍ The federal OSHA Hazard Communication Standard definition of a hazardous chemical is "one that causes physical and/or health hazards." Because OSHA uses a performance based set of criteria by which manufacturers determine a chemical's hazard properties, there is not a "list" of these chemicals. Facilities, therefore, must rely on Material Safety Data Sheets (MSDSs) to determine whether a chemical is hazardous under the federal OSHA Hazard Communication Standard.

- ✍ A reproducible copy of a Tier II form is included on page 10.
- ✍ SARA Title III provides an option for facilities to withhold location information for specific chemicals by utilizing an alternative Tier II form known as a "Confidential Location Information Sheet." These forms may be requested from PENNSAFE.

## OR

- ✍ **If you made changes to your previous site plan, you must submit a new one.** The size of the site plan can be 8-1/2" x 11" or 8-1/2" x 14" and must be legible. Site plans not meeting this criteria will be returned. Instructions and an example are included in this book. **If your site plan is identical to the one previously submitted, you do not need to send another copy.**

---

### Fee Requirements:

- ✍ A facility required to file a Tier II form under SARA Title III shall pay a state fee of \$10.00 per chemical, unless otherwise exempted by Act 165.
- ✍ Checks must be made payable to: "Pennsylvania Hazardous Material Response Fund."
- ✍ Additional county-assessed fees for chemicals reported to the LEPC may also be applicable. The LEPC with jurisdiction over your facility can provide you with information concerning those county-based fees.

## EXEMPTIONS

### Reporting Requirements:

- ✍ Facilities not covered by the federal OSHA Hazard Communication Standard, such as public sector employers (i.e., state and local governments, public schools and public universities and private sector mining industry employers (except for oil and gas extraction)), are **not required to file** Tier II forms.
- ✍ Facilities which are covered by the federal OSHA Hazard Communication Standard that do not have an EHS at or above the TPQ or 500 pounds (whichever is less), **and** which do not have any OSHA hazardous chemicals at or above 10,000 pounds, are not required to file a Tier II form.
- ✍ The following items are exempt from Tier II reporting requirements:
  1. Products regulated by the Federal Food and Drug Administration (FDA).
  2. Articles.
  3. Household packaged products.
  4. Substances used in research and development labs, hospitals or other medical facilities.
  5. Substances used in routine agricultural operations.

6. Fertilizers held for sale by retailers.
7. Retail service stations (Gasoline 75,000 and Diesel 100,000)

## **FEE REQUIREMENTS**

- ✍ Facilities owned by federal, state and local governments are not required to pay fees under Act 165.
- ✍ Family farm enterprises and service stations, including auto body repair shops, are not required to pay fees under Act 165, **but** are required to file reports if the criteria described on the previous page are met.

1. Gasoline/Diesel Fuel Reporting

EPA raised the thresholds that trigger 312 reporting requirements for gasoline and diesel fuel stored entirely underground at retail gas stations that comply with requirements for underground storage tanks (UST's new threshold levels are 75,000 gallons for gasoline and 100,000 for diesel fuel). These reporting levels will relieve most retail gas stations from reporting gasoline and diesel fuel under EPCRA.

# DECISION FLOW SHEET FOR HAZARDOUS CHEMICAL REPORTING/FEEES

Reporting Requirements under Federal Superfund Amendments and Reauthorization Act,  
Title III Fee Submission under Pennsylvania Act 165

SARA REPORTING REQUIREMENTS: TIER II	PENNSYLVANIA FEE SUBMISSIONS: HAZARDOUS CHEMICAL FEE
<div style="text-align: center; margin-bottom: 20px;"> <p>Is your facility covered by the OSHA Hazard Communication Standard? *</p> <p style="margin-left: 100px;">No ?</p> <p style="margin-left: 100px;">Yes ?</p> </div> <div style="text-align: center; margin-bottom: 20px;"> <p>Does your facility have 500 lbs. or the TPQ (whichever is less) of an Extremely Hazardous Substance and/or Does your facility have 10,000 lbs. or more of any OSHA Hazardous Chemical?</p> <p style="margin-left: 100px;">No ?</p> <p style="margin-left: 100px;">(1)</p> </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center; width: 45%;"> <p>Is this the first time that your facility is in receipt of this substance?</p> <p style="margin-left: 10px;">?      ?</p> <p style="margin-left: 10px;">Yes      No</p> </div> <div style="text-align: center; width: 45%;"> <p>No Report Required</p> <p>No Report Required</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <p>File a Tier II Report within 5 business days</p> <p>File a Tier II Report annually by March 1st</p> </div> <div style="width: 45%; text-align: center;"> <p>No Fee Required</p> <p>No Fee Required</p> </div> </div>	<div style="text-align: center; margin-bottom: 20px;"> <p>Is your facility required to file a Tier II Report?</p> <p style="margin-left: 100px;">No ?</p> <p style="margin-left: 100px;">Yes ?</p> </div> <div style="text-align: center; margin-bottom: 20px;"> <p>Is your facility a family farm, service station, State, Federal or Local government agency?</p> <p style="margin-left: 100px;">Yes ?</p> <p style="margin-left: 100px;">No ?</p> </div> <div style="text-align: center; margin-bottom: 20px;"> <p>Pay \$10 to the Commonwealth for each chemical reported on the Tier II form. Form and fee due annually by March 1st.</p> </div>

(1) Excludes:

- (a) FDA regulated products
- (b) articles
- (c) household packaged products
- (d) substances used in Research and Development labs, hospitals or other medical facilities
- (e) substances used in routine agricultural operations
- (f) fertilizers held for sale by a retailer
- (g) retail service stations (Gas 75,000) (Diesel 100,000)

\* Federal agencies were directed by Executive Order No. 12856 signed by President Clinton August 3, 1993, to comply with all provisions of EPCRA and the Pollution Prevention Act (PPA).

**REPORTS AND FEE SUMMARY  
EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY (TIER II)**

<b>REPORT</b>	<b>SARA SECTION</b>	<b>LIST</b>	<b>FILING CRITERIA</b>	<b>EXEMPTIONS</b>	<b>DUE DATE</b>
Chemical Inventory Form: Annually	312	Chemicals considered hazardous under the federal OSHA Hazard Communication Standard <sup>1</sup>	Must be covered by OSHA Hazard Communication Standard  10,000 pounds or more of an OSHA Hazardous Chemical or an EHS at 500 pounds or the TPQ, whichever is less	(1) FDA regulated products (2) Articles (3) Household packaged products (4) Substances used in R & D labs, hospitals or other medical facilities (5) Substances used in routine agricultural operations (6) Fertilizers held for sale by a retailer (7) Retail Service Stations (Gasoline 75,000 and Diesel 100,000)	By March 1 of each year covering the prior calendar year
<b>REQUIREMENT</b>	<b>ACT 165 SECTION</b>	<b>LIST</b>	<b>FILING CRITERIA</b>	<b>EXEMPTIONS</b>	<b>DUE DATE</b>
Chemical Inventory Form: Initial Submission	205	Same as above	Same as above	Same as above	Within 5 business days of receipt of new substance
State fee of \$10 for each chemical reported on the Tier II Form <sup>2</sup>	207(c)	Same as above	Same as above	(1) Same as above (2) Family farms (3) Service stations (4) State, Federal or Local government agencies	By March 1 of each year

**Submit Tier II Chemical Inventory Form to:**

- (1) Local Fire Department
- (2) Local Emergency Planning Committee
- (3) Department of Labor & Industry  
Bureau of PENNSAFE  
P. O. Box 68571  
Harrisburg, PA 17106-8571  
Telephone (717) 783-2071

**Submit state fee of \$10 for each chemical reported on the Tier II form to:**

PA Emergency Management Council  
c/o Department of Labor & Industry  
Bureau of PENNSAFE  
P. O. Box 68571  
Harrisburg, PA 17106-8571  
Telephone (717) 783-2071

1. **Federal facilities were directed by Executive Order 12856, August 3, 1993, to comply with all provisions of EPCRA and the Pollution Prevention Act (PPA).**
2. **Additional county assessed fees for chemicals reported to the LEPC may also be applicable. The LEPC with jurisdiction over your facility can provide you with information concerning those county-based fees.**

## COMMON PROBLEMS TO AVOID WHEN COMPLETING AND SUBMITTING THE TIER II FORM

### Missing Data

1. Incomplete forms, omitting inventory codes, container type, report year, signature and name.
2. Facility location vague or incomplete address provided. Mailing address used instead of actual physical location. (**Post office box numbers are not acceptable.**) If a separate mailing address is necessary for billing purposes, provide to the bureau the appropriate "bill to" address for each facility location.

### Poor Quality

1. Unreadable reports, illegible handwriting, poor copies.

### Incorrect Information

1. The CAS number does not correspond to the chemical reported.
2. Confidential portion completed when not necessary. When reporting confidential locations, complete and submit **both** non-confidential and confidential portions of the form.

### Inappropriate Forms

1. Computer generated reports are acceptable if the format and contents are consistent with EPA's Tier II form.

### Too Much Information

1. Courtesy reporting of Extremely Hazardous Substances and OSHA hazardous chemicals that do not meet the established Threshold Planning Quantity (TPQ) should not be included on the Tier II form to the state.

2. If your facility chooses to report the chemicals that do not meet the TPQ, they should be included on a separate document. An Addendum Form is available upon request from the department.

### Improper Completion

1. Listing multiple facility addresses in the chemical storage location area on the form will not be accepted. A separate Tier II form must be completed for each facility.
2. If the chemical is or contains an Extremely Hazardous Substance (EHS), complete the EHS block **and** EHS chemical name.
3. Gasoline or diesel fuels should be reported as one chemical regardless of the grade (i.e. super unleaded, premium, unleaded).
4. If storage locations exceed the space provided, continue into next storage location area report block. Do not complete chemical description with duplicate chemical name. Leave blank or write, "Continued from above."
5. Reporting multiple well sites as a single facility is acceptable provided the well sites are on a contiguous piece of property.

### Revisions

1. When submitting a revision, an entire Tier II report with the corrected information must be submitted.

### Reporting year

1. Indicate correct reporting period on form.

## COMPLETION AND SUBMISSION OF TIER II SITE PLANS

The Pennsylvania Emergency Management Council (PEMC) has adopted the following criteria for site plans that must accompany the Tier II form:

**A. Plant Location** (Include the following information on the site plan):

1. Facility ID (FACID, if known), printed on the Tier II form.
2. Facility name and address or physical location. Please specify full street address (not P.O. Box or mailing address). Upon receipt by the department, the Tier II form is separated from the site plan for processing. Provide the facility name, address, and facility ID on all pages of your Tier II report and site plan.
3. Latitude and longitude.

**B. Location of Hazardous Chemicals**

1. Identify plant buildings appropriately, either by name, numbers or letters.
2. Indicate or identify within or outside appropriate buildings the location of each hazardous chemical reported. This can be done by using geometrical shapes such as circles, squares, etc. Placing the "name" of the hazardous chemical within or outside the buildings is acceptable, as long as the name is legible and the information can be cross referenced to the Tier II form.
3. Avoid color coding or shading.

**C. Clear Copies of Site Plans**

Be sure that the copies of the site plan submitted are clear and legible. Any data printed or handwritten on the site plan must be legible. Blueprints or aerial site plans are not acceptable. Submit plans displaying only the exact physical locations of the reported chemicals.

**D. Size of Site Plans and Tier II Forms**

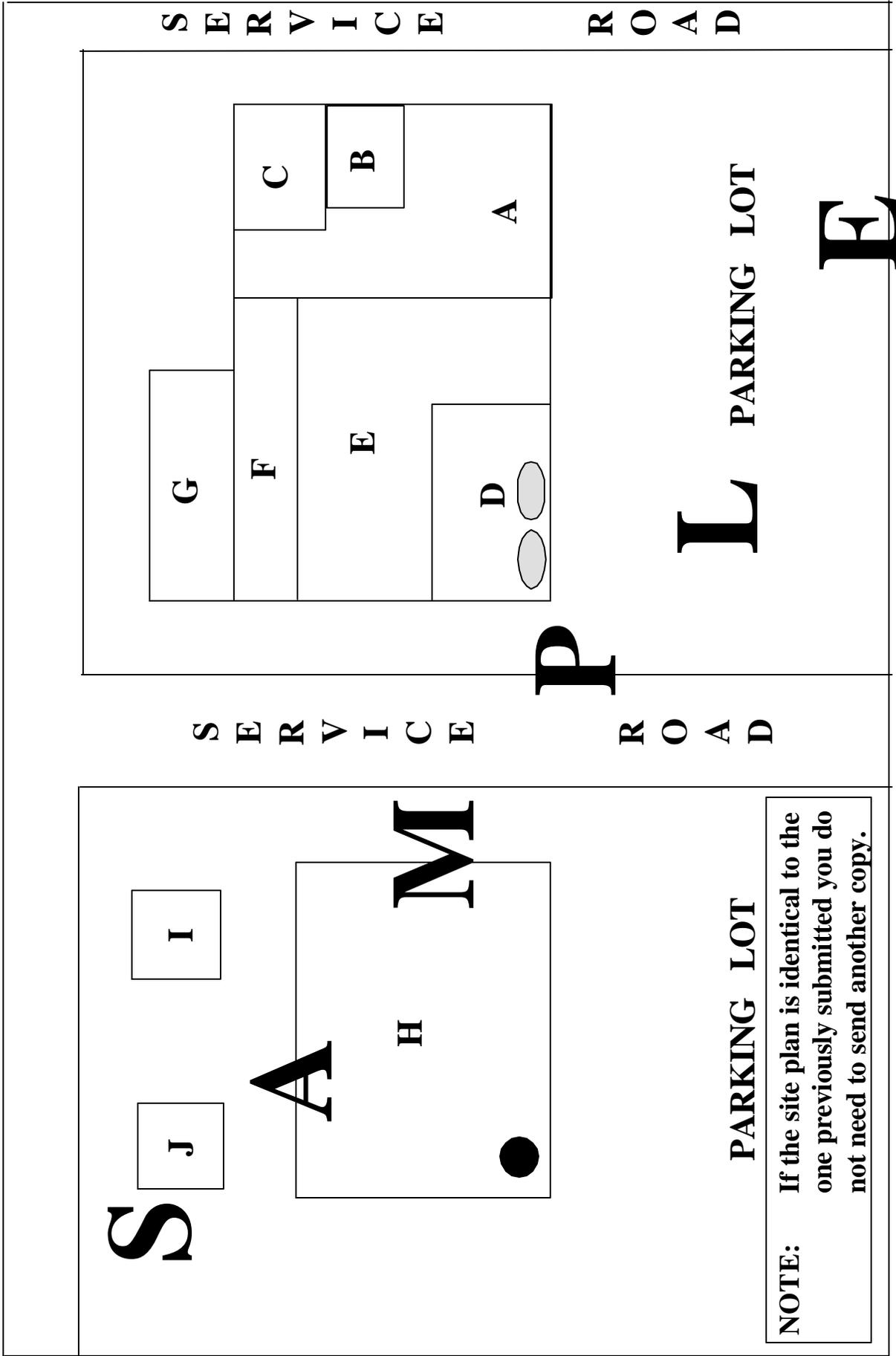
The system used to electronically store and retrieve the site plans can accommodate paper no larger than 8-1/2" x 14". It is acceptable to use more than one page for the site plan in order to provide sufficient details of your facility. An example of a site plan is on page 9.

**NOTE: If the site plan is identical to the one previously submitted, you do not need to send another copy.**



FACID: 12345  
 ABC MANUFACTURING PLANT  
 1234 Mayfield Drive

(40° 36' 15" LAT/77° 26' 10" LONG)



**NOTE:** If the site plan is identical to the one previously submitted you do not need to send another copy.



# **TIER II INSTRUCTIONS**

---

---

## **GENERAL INFORMATION**

---

---

Submission of the Tier II form (when requested) is required by Title III of the Superfund Amendments and Reauthorization Act of 1986, Section 312, Public Law 99-499, codified at 42 U.S.C. Section 11022. The purpose of this Tier II form is to provide state and local officials as well as the public with specific information on hazardous chemicals present at your facility during the past year.

### **CERTIFICATION**

The owner/operator or the officially designated representative must certify that all information included in the Tier II submission is true, accurate, and complete. On the first page of the Tier II report, enter your full name and official title. Sign your name and enter the current date. Also, enter the total number of pages included in the Confidential and Non-Confidential Information Sheets as well as all attachments. An original signature is required on at least the first page of the submission. Submissions to the SERC, LEPC, and fire department must each contain an original signature on at least the first page. Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.

**YOU MUST PROVIDE ALL INFORMATION REQUESTED ON THE FORM TO FULFILL TIER II REPORTING REQUIREMENTS.**

Regulations at §1910.1200. This form does not have to be submitted if all of the chemicals located at your facility are excluded under Section 311 (e) of Title III.

### **WHO MUST SUBMIT THIS FORM**

Section 312 of Title III requires owners or operators that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels to submit this Tier II form to the State Emergency Response Commission, a local emergency planning committee, and the fire department with jurisdiction over the facility.

This request may apply to the owner or operator of any facility that is required, under regulations implementing the Occupational Safety and Health Act of 1970, to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical present at the facility. MSDS requirements are specified in the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, found in Title 29 of the Code of Federal

### **WHAT CHEMICALS ARE INCLUDED**

You must report the required information on this Tier II form for each hazardous chemical present at your facility in quantities equal to or greater than established threshold amounts (discussed below), unless the chemicals are excluded under Section 311(e) of Title III. Hazardous chemicals are any substances for which your facility must maintain a MSDS under OSHA's Hazard Communication Standard.

## **CHEMICALS THAT ARE EXCLUDED**

Section 311 (e) of Title III excludes the following substances:

- (i) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- (ii) 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;
- (iii) 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;
- (iv) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;
- (v) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

OSHA regulations, Section §1910.1200(b), stipulate exemptions from the requirement to prepare or have available an MSDS.

## **REPORTING THRESHOLDS**

Minimum thresholds have been established for Tier II reporting under Title III, Section 312. These thresholds are as follows:

For Extremely Hazardous Substances (EHSs) designated under Section 302 of Title III, the reporting threshold is 500 pounds (or 227 kg.) or the threshold planning quantity (TPQ), whichever is lower.

For all other hazardous chemicals for which facilities are required to have or prepare a MSDS, the minimum reporting threshold is 10,000 pounds (or 4,540 kg.).

You need to report hazardous chemicals that were present at your facility at any time during the previous calendar year at levels that equal or exceed these thresholds. For instructions on threshold determinations for components of mixtures see, "What about mixtures?" on page 14 of these instructions.

A requesting official may limit the responses required under Tier II by specifying particular chemicals or groups of chemicals. Such requests apply to hazardous chemicals regardless of established thresholds.

---

---

## TIER II INSTRUCTIONS

---

---

*Please read these instructions carefully. Print or type all responses.*

### WHEN TO SUBMIT THIS FORM

Owners or operators of facilities that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit the Tier II form by March 1.

Section 205 of Act 165 has been amended by the addition of subsection (d) relating to facility duties. This amendment has great impact on facilities' reporting requirements. Facilities are now required to report the presence of hazardous material within 5 business days after the hazardous material is first present at the facility. Accordingly, facilities will now have to submit a Tier II reporting form and site plan to Labor & Industry (as well as to their LEPC and local fire department) if they bring on any new hazardous material meeting the established threshold requirements that had not been reported during the previous calendar year. Hazardous materials reported under this requirement must be reported again at the time of the annual filing and fee payment required on or before March 1st.

### WHERE TO SUBMIT THIS FORM

Send a completed Tier II form to each of the following organizations:

1. Your State Emergency Response Commission.
2. Your Local Emergency Planning Committee.
3. The fire department with jurisdiction over your facility.

If a Tier II form is submitted in response to a request, send the completed form to the requesting agency.

### PENALTIES

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 \$27,500 for each such violation. Each day a violation continues shall constitute a separate violation.

If your Tier II responses require more than one page use additional forms and fill in the page number at the top of the form.

### REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31.

### FACILITY IDENTIFICATION

Enter the full name of your facility (and company identifier where appropriate).

Enter the full street address or state road. If a street address is not available, enter other appropriate identifiers that describe the physical location of your facility (e.g., longitude and latitude). Include city, county, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) code and the Dun & Bradstreet number for your facility. The financial officer of your facility should be able to provide the Dun & Bradstreet number. If your firm does not have this information, contact the state or regional office of Dun & Bradstreet to obtain your facility number or have one assigned.

### OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address, and phone number.

### EMERGENCY CONTACT

Enter the name, title, and work phone number of at least one local person or office who can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility. Provide an emergency phone number where such emergency information will be available 24 hours a day, every day. This requirement is mandatory. The facility must make arrangements to ensure that a 24 hour contact is available.

### IDENTICAL INFORMATION

Check the box indicating identical information, located below the emergency contacts on the Tier II form, if the current chemical information being reported is identical to that submitted last year. Chemical descriptions, hazards, amounts, and locations must be provided in this year's form, even if the information is identical to that submitted last year.

## CHEMICAL INFORMATION

### Description, Hazards, Amounts, and Locations

The main section of the Tier II form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communication Standard.

If you choose to indicate that all of the information on a specific hazardous chemical is identical to that submitted last year, check the appropriate optional box provided at the right side of the storage codes and locations on the Tier II form. Chemical descriptions, hazards, amounts, and locations must be provided even if the information is identical to that submitted last year.

---

\*What units should I use?

**Calculate all amounts as weight in pounds.** To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

\*What about mixtures?

If a chemical is part of a mixture, *you have the option* of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g., if a hazardous solution weighs 100 lbs. but is composed of only 5% of a particular hazardous chemical, you can indicate either 100 lbs. of the mixture or 5 lbs. of the chemical).

The option used for each mixture must be consistent with the option used in your Section 311 reporting.

Because EHSs are important to Section 303 planning, EHSs have lower thresholds. The amount of an EHS at a facility (both pure EHS substances and EHSs in mixtures) must be aggregated for purposes of threshold determination. It is suggested that the aggregation calculation be done as a first step in making the threshold determination. Once you determine whether a threshold for an EHS has been

reached, you should report either the total weight of the EHS at your facility, or the weight of each mixture containing the EHS.

---

## CHEMICAL DESCRIPTION

1. Enter the Chemical Abstract Service registry number (CAS). For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, leave this item blank or report the CAS numbers of as many constituent chemicals as possible.

If you are withholding the name of a chemical in accordance with criteria specified in Title III, Section 322, enter the generic class or category that is structurally descriptive of the chemical (e.g., list toluene diisocyanate as organic isocyanate) and check the box marked Trade Secret. Trade secret information should be submitted to EPA and must include a substantiation. Please refer to EPA's final regulation on trade secrecy (53 FR 28772, July 29, 1988) for detailed information on how to submit trade secrecy claims.

2. Enter the chemical name or common name of each hazardous chemical.
3. Check box for *ALL* applicable descriptors: pure or mixture; *and* solid, liquid, or gas; and whether the chemical is or contains an EHS.
4. If the chemical is a mixture containing an EHS, enter the chemical name of each EHS in the mixture.

### **EXAMPLE:**

You have pure chlorine gas on hand, as well as two mixtures that contain liquid chlorine. You write "chlorine" and enter the CAS number. Then you check "pure" and "mix" - as well as "liquid" and "gas."

## PHYSICAL AND HEALTH HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

### Hazard Category Comparison For Reporting Under Sections 311 and 312

<u>EPA's</u> Hazard Categories	<u>OSHA's</u> Hazard Categories
Fire Hazard	Flammable Combustion Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute) Health Hazards	Highly Toxic Toxic Irritant Sensitizer Corrosive
	Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens  Other hazardous chemicals with an adverse effect with long term exposure

## MAXIMUM AMOUNT

1. For each hazardous chemical, estimate the greatest amount present at your facility on any single day during the reporting period.
2. Find the appropriate range value code in Table 1.
3. Enter this range value as the Maximum Amount.

**TABLE I REPORTING RANGES**

<u>Range</u>	<u>Weight</u>	<u>Range in Pounds</u>
Value	From...	To...
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

**EXAMPLE:**

You received one large shipment of a solvent mixture last year. The shipment filled five 5,000 - gallon storage tanks. You know that the solvent contains 10% benzene, which is a hazardous chemical.

You figure that 10% of 25,000 gallons is 2,500 gallons. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 2,500 gallons by 7.29 pounds per gallon to get a weight of 18,225 pounds.

Then you look at Table I and find that the range value 04 corresponds to 18,225. You enter 04 as the Maximum Amount.

**EXAMPLE:**

The 25,000 gallon shipment of solvent you received last year was gradually used up and completely gone in 315 days. The sum of the daily volume levels in the tank is 4,536,000 gallons. By dividing 4,536,000 gallons by 315 days on-site, you calculate an average daily amount of 14,400 gallons.

You already know that the solvent contains 10% benzene, which is a hazardous chemical. Since 10% of 14,400 is 1,440, you figure that you had an average of 1,440 gallons of benzene. You also know that the density of benzene is 7.29 pounds per gallon, so you multiply 1,440 by 7.29 to get a weight of 10,500 pounds.

Then you look at Table I and find that the range value 04 corresponds to 10,500. You enter 04 as the Average Daily Amount.

**AVERAGE DAILY AMOUNT**

1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year.

To do this, total all daily weights and divide by the number of days the chemical was present on the site.

2. Find the appropriate range value in Table I.
3. Enter this range value as the Average Daily Amount.

**NUMBER OF DAYS ON-SITE**

Enter the number of days that the hazardous chemical was found on-site.

**EXAMPLE:**

The solvent composed of 10% benzene was present for 315 days at your facility. Enter 315 in the space provided.

## STORAGE CODES AND STORAGE LOCATIONS

List all non-confidential chemical locations in this column, along with storage types/conditions associated with each location. Please note that a particular chemical may be located in several places around the facility. Each row of boxes followed by a line represents a unique location for the same chemical.

Storage Codes: Indicate the types and conditions of storage present.

- a. *Look at Table II.* For each location, find the appropriate storage type and enter the corresponding code in the first box.
- b. *Look at Table III.* For each location, find the appropriate storage types for pressure and temperature conditions. Enter the applicable pressure code in the second box. Enter the applicable temperature code in the third box.

**TABLE II - STORAGE TYPES**

CODES	Types of Storage
A	Above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or nonmetallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other

**TABLE III - PRESSURE AND TEMPERATURE CONDITIONS**

CODES	Storage Conditions
	(PRESSURE)
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
	(TEMPERATURE)
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

**EXAMPLE:**

The benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature.

Table II shows you that the code for a tank inside a building is C. Table III shows you that the code for ambient pressure is 1, and the code for less than ambient temperature is 6.

You enter: 

C	1	6
---	---	---

## Storage Locations:

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates as explained below.

For each chemical, indicate at a minimum the building or lot. Additionally, where practical, the room or area may be indicated. You may respond in narrative form with appropriate site coordinates or abbreviations.

If the chemical is present in more than one building, lot, or area location, continue your responses down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report that the chemical is ubiquitous at the site.

## Optional attachments:

If you choose to attach one of the following, check the appropriate Attachments box at the bottom of the Tier II form.

- a. *A site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.
- b. *A list of site coordinate abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.
- c. *A description of dikes and other safeguard measures* for storage locations throughout your facility.

### **EXAMPLE:**

You have benzene in the main room of the main building, and in tank 2 in tank field 10. You attach a site plan with coordinates as follows: main building = G-2, tank field 10 = B-6. Fill in the Storage Location as follows:

\_\_\_\_\_

B-6 ( Tank 2 )    G-2 ( Main Room )

\_\_\_\_\_

## CONFIDENTIAL INFORMATION

Under Title III, Section 324, you may elect to withhold location information on a specific chemical from disclosure to the public. If you choose to do so:

- \* Enter the word "confidential" in the Non-Confidential Location section of the Tier II form on the first line of the storage locations.
- \* On a separate Tier II Confidential Location Information Sheet, enter the name and CAS number of each chemical for which you are keeping the location confidential.
- \* Enter the appropriate location and storage information, as described above for non-confidential locations.
- \* Attach the Tier II Confidential Location Information Sheet to the Tier II form. This separates confidential locations from other information that will be disclosed to the public.

---

## CERTIFICATION

Instructions for this section are included on Page 11 in this book.



## ANSWERS TO COMMONLY ASKED QUESTIONS

During the process of conducting hundreds of training programs, the bureau has answered many questions regarding the filing of Tier II forms and corresponding fees associated with EPCRA and PA Act 165. Below you will find a number of the most commonly asked Questions and Answers.

**Q. Do you accept electronic reporting of Tier II?**

**A.** Yes, the bureau has developed the Electronic Data Exchange System (EDES) to help facilities file their Tier II forms electronically. EDES is provided to any requesting facility free of charge (see Appendix for more information.)

**Q. The Tier II report form has a site plan under the optional attachments section. Is a site plan required in Pennsylvania with the submission of a Tier II report?**

**A.** Yes, in Pennsylvania, a site plan is required. However, if the site plan is identical to the one already on file with the Department and has not been changed, you do not have to send another copy.

**Q. Do fuels such as gasoline and diesel fuel, which have many grades (i.e., regular, unleaded, leaded, premium, etc.) have to be reported as different chemicals or can they be reported simply as "gasoline or diesel fuel?"**

**A.** It has been determined by the EPA and PEMC that multi-grade fuel such as gasoline and/or diesel fuel can be reported as one chemical. This would also mean that a fee of \$10 rather than \$30 would be due.

**Q. Can I list multiple facility locations in the chemical storage location area of the Tier II form?**

**A.** No. A separate Tier II form must be completed for each facility location that has hazardous chemicals on site in quantities equal to or greater than the threshold planning quantities.

Extremely Hazardous Substances (EHSs), as identified under Section 302, in quantities at or above the Threshold Planning Quantities (TPQs), or 500 pounds (whichever is less); and/or

Hazardous chemicals, regulated by the federal OSHA Hazard Communication Standard, which are present at your facility at or above 10,000 pounds at any one time during the calendar year.

**Q. How are mixtures handled for Sections 311 and 312 reporting?**

**A.** The owner or operator of a facility may meet the requirements of Sections 311 and 312 by choosing one of two options:

1. Provide the required information on each component that is a hazardous chemical within the mixture. In this case, the concentration of the hazardous chemical in weight percent must be multiplied by the mass (in pounds) of the mixture to determine the quantity of the hazardous chemical in the mixture. No MSDS has to be submitted for hazardous components in a mixture with quantities in concentrations under 1% for carcinogens and 1% for all other hazardous components of the total weight of the mixture.

## ANSWERS TO COMMONLY ASKED QUESTIONS, cont.

2. Provide the required information on the mixture as a whole, using the total quantity of the mixture.

When the composition of a mixture is unknown, facilities should report on the mixture as a whole, using the total quantity of the mixture. Whichever option the owner or operator decides to use, the reporting of mixtures must be consistent for Sections 311 and 312.

**Q. Are hospitals exempt from Tier II reporting?**

- A.** The exemption status does not apply to the hospital itself but to any substances, to the extent that they are used in a research laboratory, hospital or other medical facility under the direct supervision of a technically qualified person. Examples of hazardous substances not excluded are chlorine, heating fuel, gasoline and cleaning products.

**Q. Is generic reporting of other chemicals permissible?**

- A.** Generic reporting of other chemicals is permitted with certain important qualifications. First and most importantly, the physical and health hazards posed by the generic class of chemicals must be the same for all of the chemicals. For example, in a group of flammables, some may be explosive and some may not be explosive. In this example, generic reporting would not be permitted. If however, for example, there are a group of solvents in the same family and they all pose the same hazard such as reactivity, then these could be grouped together and reported generically.

**Q. Must I report a hazardous chemical that is on-site for less than 24 hours?**

- A.** Yes. You need to report hazardous chemicals on-site if they are at or above the established reporting threshold (and are not exempt from SARA Title III).

Section 205 of Act 165 has been amended by the addition of subsection (d) relating to facility duties. This amendment has great impact on facilities' reporting requirements. Facilities are now required to report the presence of hazardous material within 5 business days after the hazardous material is first present at the facility. Accordingly, facilities will now have to submit a Tier II reporting form and site plan to Labor & Industry (as well as to their LEPC and local fire department) if they bring on any new hazardous material meeting the established threshold requirements that had not been reported during the previous calendar year. Hazardous materials reported under this requirement must be reported again at the time of the annual filing and fee payment required on or before March 1st.

**Q. Is household heating fuel exempt from Sections 311 and 312 requirements?**

- A.** Heating oil is exempt under SARA Title III reporting under two conditions. First, if the facility in question is exempt from maintaining a Material Safety Data Sheet under OSHA Hazard Communication Standard. Secondly, if the fuel oil is stored in quantities below the reporting threshold.

**Q. Would a farm supplier or retail distributor be excluded from Sections 311 and 312 reporting based on the agricultural exemptions?**

- A.** Under Section 311(e)(5), retailers are exempted from the reporting requirements for fertilizers only. Therefore, substances sold as fertilizers would not need to be reported under Sections 311 and 312 by retail sellers. However, other agricultural chemicals, such as pesticides, would have to be reported by retailers and suppliers of such chemicals.

# APPENDIX

Local Emergency Planning Committees

Tier II Reporting Software (EDES)

Tier II Chemical Inventory Invoice

**Do Not Use This Form Per Reproduction Within This Booklet.**

**PENNSYLVANIA HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT  
TIER II CHEMICAL INVENTORY INVOICE**

Owner ID	Facility ID

Billing Date	Due Date	Invoice Number

**Facility:**

**Billed to:**

(1)

Number of Chemicals	Multiply By	Fee Due
		Credit
		Past Due
		Total Amount Due

(2)

Less

(3)

(4)

-PLEASE COMPLETE ITEMS 1, 2, AND 4 ABOVE  
 -REMIT BY CHECK OR MONEY ORDER PAYABLE TO "PENNSYLVANIA  
 HAZARDOUS MATERIAL RESPONSE FUND"  
 -TO ENSURE PROPER CREDIT TO YOUR ACCOUNT, PLEASE RETURN  
 THIS PORTION WITH YOUR PAYMENT.

Owner ID	Facility ID	Invoice Number	Number of Chemicals	Date Paid	Check Number	Total Amount Paid

**Facility:**

**Billed to:**

Section 207(c) of PA law (P.L. 1990-165) requires each owner or operator of a facility to pay a fee to the Commonwealth of \$10 for each hazardous chemical reported on the Tier II Chemical Inventory Form, as required by Section 312 of SARA, Title III. A decision flow sheet is printed on the reverse side of this invoice to help you determine if you are required to file Tier II reports and pay the applicable fees.

Please indicate the number of chemicals reported on the Tier II form due for the report period indicated above, in the block above entitled "Number of Chemicals." This number multiplied by \$10 is the hazardous chemical fee which should be remitted in the manner described above. **The Tier II report and hazardous chemical fee is due annually by March 1st.**

A person who fails to pay these fees may be subject to civil penalty of not less than \$1,000 and not more than \$27,500.

Any questions should be directed to the Bureau of PENNSAFE, Room 1623, Labor & Industry Building, Harrisburg, PA 17120, telephone 717 783 2071. Internet <http://www.dli.state.pa.us>



# Do Not Use This Form Per Reproduction Within This Booklet.

- ? Have you entered your remittance in the Total Amount Due box?
- ? Have you completed boxes 1, 2, & 4 on the reverse side?
- ? Does the number of chemicals in box 1 equal the number of chemicals reported on the Tier II form?
- ? Have you included your CHECK or MONEY ORDER made payable to the Pennsylvania Hazardous Material Response Fund?
- ? **Return to:**

General Mailing Address:

Commonwealth of Pennsylvania  
 Department of Labor & Industry  
 Bureau of PENNSAFE  
 PO Box 68571  
 Harrisburg, PA 17106-8571

Certified Mailing Address:

PA Department of Labor & Industry  
 Bureau of PENNSAFE  
 Room 1623 Labor & Industry Building  
 7th & Forster Sts.  
 Harrisburg, PA 17120

Detach and Retain for Your Records

## DECISION FLOW SHEET FOR HAZARDOUS CHEMICAL REPORTING/FEEES

Reporting Requirements under federal Superfund Amendments Reauthorization Act, Title III  
 Fee Submission under Pennsylvania Act 165

SARA REPORTING REQUIREMENTS: TIER II	PENNSYLVANIA FEE SUBMISSIONS: HAZARDOUS CHEMICAL FEE
<div style="text-align: center; margin-bottom: 20px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Is your facility covered by the OSHA Hazard Communication Standard? *</div> <div style="margin-left: 10px;">No ?</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">No Report Required</div> </div> <div style="text-align: center; margin-bottom: 20px;"> <div style="margin-left: 100px;">Yes ?</div> </div> <div style="text-align: center; margin-bottom: 20px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Does your facility have 500 lbs. or the TPQ (whichever is less) of an Extremely Hazardous Substance and/or Does your facility have 10,000 lbs. or more of any OSHA Hazardous Chemical? (1)</div> <div style="margin-left: 10px;">No ?</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">No Report Required</div> </div> <div style="display: flex; justify-content: space-around; margin-bottom: 20px;"> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Is this the first time that your facility is in receipt of this substance?</div> <div style="margin-left: 10px;">Yes ?</div> <div style="margin-left: 10px;">No ?</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">File a Tier II Report within 5 business days</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">File a Tier II Report annually by March 1st</div> </div> </div> <p>(1) Excludes:</p> <ul style="list-style-type: none"> <li>(a) FDA regulated products</li> <li>(b) articles</li> <li>(c) household packaged products</li> <li>(d) substances used in Research and Development labs, hospitals or other medical facilities</li> <li>(e) substances used in routine agricultural operations</li> <li>(f) fertilizers held for sale by a retailer</li> <li>(g) retail service stations (Gas 75,000)(Diesel 100,000)</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p>* Federal agencies were directed by Executive Order No. 12856 signed by President Clinton August 3, 1993, to comply with all provisions of EPCRA and the Pollution Prevention Act (PPA).</p> </div>	<div style="text-align: center; margin-bottom: 20px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Is your facility required to file a Tier II Report?</div> <div style="margin-left: 10px;">No ?</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">No Fee Required</div> </div> <div style="text-align: center; margin-bottom: 20px;"> <div style="margin-left: 100px;">Yes ?</div> </div> <div style="text-align: center; margin-bottom: 20px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">Is your facility a family farm, service station, State, Federal or Local government agency and thus exempted by state law?</div> <div style="margin-left: 10px;">Yes ?</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">No Fee Required</div> </div> <div style="text-align: center; margin-bottom: 20px;"> <div style="margin-left: 100px;">No ?</div> </div> <div style="border: 1px solid black; padding: 5px;"> <p>Pay \$10 to the Commonwealth for each chemical reported on the Tier II form. Form and fee due annually by March 1st.</p> </div>

# *FOR MORE INFORMATION*



Department of Labor & Industry  
**Bureau of PENNSAFE**  
Labor & Industry Building  
P. O. Box 68571  
Harrisburg, PA 17106-8571

Voice: (717) 783-2071

Fax: (717) 783-5099

[www.dli.state.pa.us](http://www.dli.state.pa.us)