

Fees

PA Act 165, Hazardous Materials Emergency Planning and Response Act, is the authority for assessing chemical reporting and planning fees to non-exempt facilities. Under Lancaster County Ordinance 27, a \$75 per chemical fee is assessed for each reported chemical on a Tier II Chemical Inventory Report. A \$100 facility planning fee is assessed if an EHS is at or above the TPQ. These are annual fees for non-exempt facilities.

The fees are deposited into a county Hazardous Materials Response Fund which supports the planning costs as well as support to the hazardous materials response capability for Lancaster County. For exempt reporting facilities that still meet the planning criteria, no fees are assessed.

Enforcement

Under EPCRA, facilities failing to comply with SARA Title III are subject to fines up to \$32,500 per day, per violation. Every day of non-compliance is deemed a separate violation.

Off-Site Plans (Section 303)

The off-site emergency plans are distributed to the local emergency service entities and other supporting agencies to enable them to prepare for potential emergencies.

DISCLAIMER—CAUTION

Your facility may be subject to other EPCRA requirements not mentioned herein. This brochure was developed to address the EPCRA elements administered by the Lancaster County Emergency Management Agency and the Local Emergency Planning Committee of Lancaster County.

Other Resources

For more information on chemical reporting and planning requirements, visit:

Chemical Emergency Preparedness and Prevention Information

www.epa.gov/emergencies/content/epcra/

Compliance Assistance

www.epa.gov/compliance/incentives/

REPORTING CHEMICAL EMERGENCIES

National Response Center (NRC)

www.nrc.uscg.mil/

**Lancaster County
Emergency Management Agency
P O Box 219
Manheim Pa 17545
Phone: 800-808-5236—Fax 717-664-1235
www.co.lancaster.pa.us**

LEAD ACID BATTERIES Reporting AND Planning

-BATTERIES and the LAW-



Presented By:

**Lancaster County Emergency Management
&
Local Emergency Planning Committee (LEPC) of
Lancaster County**

“Emergency Preparedness Every Ones Job!”

Background

The federal Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III, was enacted in 1986. This law provides a mechanism to enhance community preparedness for chemical emergencies by identifying facilities with hazardous chemicals and developing emergency response plans. Facilities that use, store, or manufacture certain chemicals may be subject to various reporting and planning requirements. Facilities should be familiar with EPCRA for all specific and applicable chemical reporting and planning criteria.

There are some misconceptions of what chemicals are reportable under EPCRA. One of those is Sulfuric Acid commonly found in lead acid batteries. Regardless of how the Sulfuric Acid is packaged, EPCRA requirements are based on total on-site quantities. This includes cumulative inventories of acid in batteries in back-up power systems, as well as forklift or power unit batteries.

OSHA Ruling

OSHA regards lead acid batteries as hazardous chemicals because of potential chemical exposure risks and physical hazards. Batteries can leak, spill, or break. An employer, regulated under OSHA 29 CFR 1910.1200, is required to prepare or have available an MSDS / SDS for lead acid batteries that are onsite.

Common EPCRA Sections

The most common applicable EPCRA reporting and planning requirement sections are:

Section 302—Emergency Planning Notification. This requires written notification to the State Emergency Response Commission that the emergency planning threshold has been met.

Section 303 -Off-Site Emergency Planning. This section requires a facility to participate in the off-site emergency planning process. The plan identifies community vulnerability and provides guidance on public notification of a release. Development of the plan is the responsibility of the Lancaster County Emergency Management Agency and the LEPC.

Sections 311 and 312—Hazardous Chemical Inventory Reporting. These sections dictate the applicable chemicals, inventories, exemptions and methods of reporting. It identifies when a new hazardous chemical must be reported as well as establishes an annual reporting cycle and deadline.

Reporting Thresholds

Sulfuric Acid is one of 366 chemicals considered an Extremely Hazardous Substance (EHS). Each EHS has its own reportable quantity. For Sulfuric Acid, if the aggregated amount in all batteries and other sources on-site equals or exceeds 500 pounds, it is reportable. Some facilities are exempt from chemical reporting such as farms, retail gas stations, state and local government entities. Other exemptions apply to facilities that sell products packaged for public distribution.

Planning Thresholds

While some facilities may be exempt from the reporting requirements, **NO FACILITY** is exempt from the planning requirements. When the quantity of an EHS on-site, such as Sulfuric Acid, meets or exceeds the Threshold Planning Quantity (TPQ), an off-site plan must be developed. The TPQ for Sulfuric Acid is 1,000 pounds.

Therefore, a facility that has at least 500 pounds of Sulfuric Acid, except if exempt, is subject to hazardous chemical reporting. If the quantity is 1,000 lbs or more, the facility is also subject to the planning requirement.

A facility exempted from reporting is still subject to the off-site planning requirements when the quantity of Sulfuric Acid meets or exceeds 1,000 lbs.

Local Emergency Planning Committee (LEPC)

SARA Title III also required the establishment of emergency planning districts to engage in community preparedness. In Pennsylvania, each county represents a planning district. Each county has a Local Emergency Planning Committee (LEPC) to administer emergency planning preparedness efforts. It is the LEPC's responsibility to develop the off-site emergency response plan. Lancaster County's LEPC is facilitated through the Lancaster County Emergency Management Agency.