



# ***EMA COMPLIANCE BULLETIN***

*February 2, 2024*

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## ***ANNUAL EPCRA TIER II REPORTS DUE MARCH 1st***

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### **I. Background:**

The Emergency Preparedness and Community Right to Know Act (EPCRA) of 1986 was created to help communities plan for chemical emergencies. EPCRA requires facilities to report each year on the storage, use and release of hazardous chemicals (including petroleum products) during the previous calendar year. Typically, Tier II reports are filed with the state or local Fire Marshall (see state compliance section below). The information on the EPCRA Tier II report is used by state and local governments for emergency response to risks associated with stored hazardous chemicals.

**Threshold Trigger** - Facilities that store over **10,000 pounds** of hazardous chemicals (petroleum products) onsite at any point during the previous calendar year must file an EPCRA Tier II. The 10,000 pounds compliance trigger is calculated by combining the volume of all petroleum on site in every storage container including; above ground and underground bulk storage tanks, portable skid tanks, and heating fuel or propane tanks used to heat facility buildings (see gallon to pound conversion chart below).

**Exemptions** - Retail gasoline facilities with 75,000 gallons or less of gasoline storage capacity and 100,000 gallons or less of diesel fuel storage capacity **are exempt** from EPCRA reporting requirements. Card lock fueling facilities are also subject to the retail fueling facilities exemption, with the same storage capacity limits above.

### **II. EPCRA TIER II FILING DEADLINE**

Tier II reports for 2023 must be filed with state emergency response authorities by March 1, 2024.

### **III. MINIMUM THRESHOLD REPORTING TRIGGER**

Storage facilities (other than retail gasoline and diesel fuel stations) with more than **10,000 pounds** of hazardous chemicals present onsite on any single day during calendar year 2024 must file an EPCRA Tier II report. Use the following conversion chart to determine the 10,000-pound reporting trigger.

| Energy Type  | Grade                                | EPA EPCRA<br>Weight in<br>lbs.<br>Threshold | lbs./gal<br>@60°F @ 1<br>Atmosphere | Minimum<br>Reportable<br>Amounts<br>Gallons | CAS #<br>(Chemical<br>Abstracts<br>Service) |
|--------------|--------------------------------------|---------------------------------------------|-------------------------------------|---------------------------------------------|---------------------------------------------|
| Gasoline     | 87 Octane                            | 10,000                                      | 6.2000                              | 1,613                                       | 8006-61-9                                   |
| Gasoline     | 89 Octane                            | 10,000                                      | 6.2100                              | 1,610                                       | 8006-61-9                                   |
| Gasoline     | 92 Octane                            | 10,000                                      | 6.4130                              | 1,559                                       | 8006-61-9                                   |
| Av. Gasoline | 100LL (blue)                         | 10,000                                      | 6.4130                              | 1,559                                       | CAS Mixture                                 |
| Diesel Fuel  | Various Cetane Ratings               | 10,000                                      | 7.0340                              | 1,422                                       | 68334-30-5                                  |
| Kerosene     | ULSK                                 | 10,000                                      | 6.7542                              | 1,481                                       | 8008-20-6                                   |
| Kerosene     | JP-8                                 | 10,000                                      | 6.8000                              | 1,471                                       | CAS Mixture                                 |
| Heating Oil  | **                                   | 10,000                                      | 7.1630                              | 1,396                                       | 68476-30-2                                  |
| #4 Fuel Oil  | Fuel Oil No. 4                       | 10,000                                      | 7.8538                              | 1,273                                       | 68476-31-3                                  |
| #6 Fuel Oil  | Fuel Oil No. 6 (Bunker C)            | 10,000                                      | 8.0571                              | 1,241                                       | 68476-33-5                                  |
| Propane      | HD5 (C <sub>3</sub> H <sub>8</sub> ) | 10,000                                      | 4.2400                              | 2,358                                       | 74-98-6                                     |
| Butane       | (C <sub>4</sub> H <sub>10</sub> )    | 10,000                                      | 4.8100                              | 2,079                                       | 106-97-8                                    |

#### IV. PHYSICAL AND HEALTH HAZARDS REPORTING

EPCRA Tier II forms require information on the “physical hazards” and “health hazards” of each product stored on site where the minimum reporting threshold is triggered (10,000 lbs.). Physical hazards and health hazards information must be obtained from the product **Safety Data Sheet (SDS)**. Suppliers are required to provide a copy of the most recent SDS for each product sold to downstream petroleum marketers. Suppliers often post SDS sheets on their websites as well.

The physical hazards and health hazards categories appear as two separate columns on the EPCRA Tier II Form. Under each column, a series of hazards are listed next to check off boxes. Petroleum products including gasoline, diesel fuel, heating oil, kerosene, etc. generally share common physical hazards and health hazards. Check off the following boxes under each column on the lower half of the form used for reporting “mixture or Product Name” (check corresponding product SDS for any variation):

**Physical Hazards** - Under the “physical hazard” column on Tier II form, check off the boxes marked:

- “explosive” and “flammable”

**Health Hazards** – Under the “health hazard” column on Tier II form, check off the boxes marked:

- skin corrosion or irritation” “serious eye damage or irritation”; “respiratory or skin sensitization”; “carcinogenicity”; “reproduction toxicity” and “aspiration hazard”

- For propane, check all the boxes above plus “simple asphyxiant” and “gas under pressure.”

#### **V. NAICS INDUSTRY CODES REPORTING:**

North American Industrial Classification System (NAICS) codes must be used on EPCRA Tier II reports. Applicable NAICS codes for the petroleum marketing industry include.

- **Petroleum Bulk plants** - NAICS 424710
- **Retail Gasoline Stations with Convenience Stores** - NAICS 447110
- **Retail Gasoline Stations without Convenience Stores** - NAICS 447190
- **Cardlock Sites** – NAICS 447190
- **Heating Oil Dealers** - NAICS 454310
- **Propane Dealers** – NAICS 454310

#### **VI. DUN AND BRADSTREET NUMBER**

- To find your Dun and Bradstreet number go to: [My Dun and Bradstreet Number](#).

#### **VII. FILING EPCRA TIER II REPORT**

- **Paper Forms** - EPCRA Tier II forms for paper filing may be downloaded here: [EPCRA Forms](#).
- **Electronic Forms** - Most states require EPCRA reports be filed electronically and have adopted the EPA’s Tier II Submit electronic filing portal. Tier II Submit electronic filing for Windows and Macintosh applications may be downloaded here: [EPCRA Electronic Filing](#). An electronic filing tutorial may be downloaded here: [Electronic Filing Tutorial](#).

#### **VIII. WHERE TO FILE EPCRA TIER II FORMS**

Most states follow the reporting procedures described above. However, some states may vary. A complete list of state EPCRA Tier II requirements and where to file can be downloaded here: [State EPCRA Requirements](#).

#### **IX. PENALTY FOR FAILING TO FILE**

The EPA fine for violating EPCRA Tier II reporting range between \$25,000 to \$175,000 per day, per violation. EPA checks for filing of EPCRA Tier II reports during routine compliance audits or after a release.