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# Change to Section 311-312 of EPCRA / Hazard Categories



2016

# Current Categories under 311/312

- Based on OSHA Hazard Communication Standard (29 CFR 1910.1200) when regulation finalized in 1987

## Physical Hazards

Combustible liquid  
Compressed Gas  
Explosive  
Flammable  
Pyrophoric  
Oxidizer  
Organic Peroxide  
Unstable (Reactive)  
Water-Reactive

## Health Hazards

Carcinogens  
Toxic or highly toxic agents  
Reproductive toxins  
Irritants; Corrosives  
Sensitizers  
Agents which damage the lungs, skin, eyes, or mucous membranes  
Hepatotoxins  
Nephrotoxins  
Neurotoxins  
Agents which act on the hematopoietic system

## EPA Categories under 311/312

Sudden (Acute) Health Hazard  
Delayed (Chronic) Health Hazard  
Flammable  
Sudden Loss of Pressure  
Reactivity

# OSHA Adopts GHS in 2012

## Physical and Health Hazards (effective January 1<sup>st</sup>, 2018)

### Physical Hazard

Flammable (gases, aerosols, liquids, solids)  
Gas under pressure  
Explosive  
Self-heating  
Pyrophoric (liquid or solid)  
Pyrophoric Gas  
Oxidizer (liquid, solid or gas)  
Organic peroxide  
Self-reactive  
Contact with water emits flammable gas  
Combustible Dust  
Hazard Not Otherwise Classified (HNOC)  
Corrosive to metal

### Health Hazard

Carcinogenicity  
Acute toxicity (any route of exposure)  
Reproductive toxicity  
Skin Corrosion or Irritation  
Respiratory or Skin Sensitization  
Serious eye damage or eye irritation  
Specific target organ toxicity  
Aspiration Hazard  
Germ cell mutagenicity  
Simple Asphyxiant  
Hazard Not Otherwise Classified

# Effective Date of Rule

**January 1<sup>st</sup>, 2018**

**March 1<sup>st</sup>, 2018**

**Tier II Submit will support this  
revision**



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**LEPC**

*...safety in knowledge®*

# EPA Proposed Change to Hazardous Waste Generator Regulations



2016

# History of the Regulation

Public Feedback for  
Rulemaking #3894



Any questions?  
/ Time's up!



- Most generator rules under RCRA promulgated in 1980s and are over 30 years old
- EPA did extensive surveys and meetings of facilities, communities, regulators, and officials from 2004 to 2015 on how to streamline and improve regulation
- EPA published Proposed rule on September 25, 2015, which affects large and small quantity generators

## **... and what is a Large or Small Quantity Generator**

- **Conditionally Exempt Small Quantity Generators (CESQGs) generate 100 kg or less per month of hazardous waste or one kg or less per month of acutely hazardous waste.**
- **Small Quantity Generators (SQGs) generate more than 100 kg, but less than 1,000 kg, of hazardous waste per month.**
- **Large Quantity Generators (LQGs) generate 1,000 kg per month or more of hazardous waste or more than one kg per month of acutely hazardous waste.**

# The Universe of Generators

Category	Nationally	Region 6
CESQGs	293,000 - 470,000	15,228
SQGs	46,000 - 60,000	6,624
LQGs	14,300	2,914
Total	353,300 – 544,300	24,766



# Goals of the Proposed Rule



STINGER

“You forgot the product label.”

- Reorganize rules to make them more user-friendly and thus enable improved compliance by facilities
- Provide greater flexibility for hazardous waste generators to manage waste in a cost-effective manner
- Strengthen environmental protection by addressing identified gaps in regulations
- Clarify components of the generator program to address ambiguities and foster improved compliance

# Major Rule Revisions

- Reorganization
- Consolidation of CESQG Waste at LQGs
- Episodic Generation
- Emergency Planning and Preparedness
- Hazardous Waste Determinations
- Labeling
- Reporting
- Satellite Accumulation Areas
- Waiver to 50-foot Requirement
- Closure
- Additional Clarifications



# Preparedness and Planning

- Length of Contingency Plans
  - Executive Summary
- Documenting Arrangements with local officials
  - Better Documentation of coordination with local officials



# Status of Rule:



- EPA received numerous comments from emergency response community clarifying role of LEPC
- Asked for flexibility on arrangement with emergency response organizations
- EPA is evaluating thousands of comments received for entire proposed rule
- EPA is hoping to finalize rule and publish it by October, 2016

# RCRA Generator Proposed Rule

- Proposed rule published September 25, 2015 at <https://www.gpo.gov/fdsys/pkg/FR-2015-09-25/pdf/2015-23166.pdf>
- Comment period closed on December 24, 2015
- Frequent questions and answers can be found at: <https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-generator-improvements-proposed-rule>

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# EPA Proposed Revisions to the RMP Regulations



2016

# Background

- August 1, 2013: Executive Order [\(EO\) 13650: Improving Chemical Facility Safety and Security](#) issued
  - Focus to reduce risks associated with hazardous chemicals to facilities and communities by enhancing safety and security of chemical facilities
- The keys areas of emphasis under the EO are:
  - Strengthening community planning and preparedness,
  - Enhancing federal operational coordination,
  - Improving data management, and
  - *Modernizing policies and regulations*



# Risk Management Program Rule

- Promulgated in 1996 under Section 112(r) of the CAA
- Applies to stationary sources with processes contain more than threshold quantity of 140 substances (approx. 12,500 sources)
- Requires source to develop **Risk Management Plan (RMP)**
  - Addresses elements aimed at preventing accidental releases and reducing severity of releases that occur
  - Prepare and submit RMP at least every 5 years
- Processes fall within one of 3 prevention program levels based on:
  - Potential for offsite consequences from worst-case accidental release;
  - Accident history; and
  - Regulation under OSHA PSM Standard

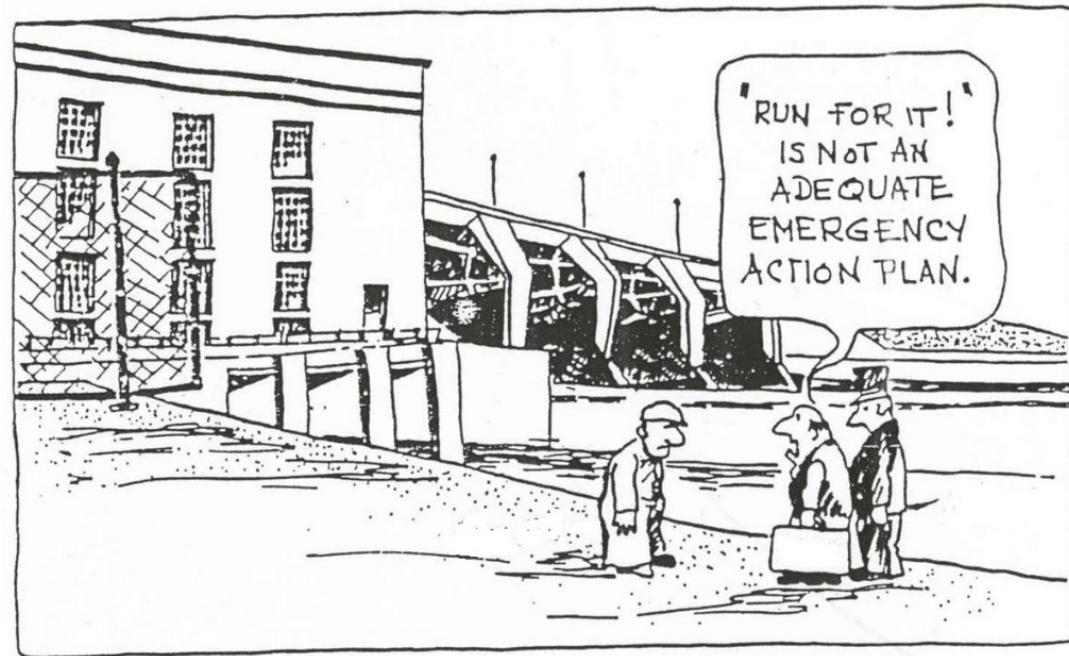


# Overview of RMP Proposed Revisions

	P1	P2	P3
Third-party audits (applies to the next scheduled audit after an accident) [Estimated 150 accidents/year]		√	√
Incident Root Cause Analysis (only for facilities with accidents/near misses) [Estimated 300 incidents/year]		√	√
Safer Alternatives Analysis (applies to a subset of P3 in certain NAICS codes*) [Estimated 1,692 Facilities/4,308 Processes]			√
Coordinating Emergency Response Program Requirements with Local Responders		√	√
Emergency Response Exercises		√	√
Information Sharing	√	√	√

*\*Applies to paper manufacturing, petroleum and coal products manufacturing, and chemical manufacturing facilities*

- **Local Emergency Response Coordination**
  - Document Coordination with local officials
  - Outcomes of “coordination”
- **Emergency Response Exercises**
  - Notification
  - Table-top
  - Full Field
- **Information Sharing**



# Risk Management Program (RMP) Proposed Rule

- Proposed rule published March 14, 2016 at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-14/pdf/2016-05191.pdf>
- Comment period closed on May 13, 2016 at
- Proposed Changes to RMP Rule Q&As <https://www.epa.gov/rmp/frequent-questions-proposed-changes-risk-managment-program-rmp-rule>

# SPCC for Hazardous Substances ?

## Letter of intent indicating EPA's intention to initiate rulemaking pursuant to CWA section 311(j)(1)(C)

February, 2016

[https://www.epa.gov/sites/production/files/2016-04/documents/2016-02-11\\_letter\\_of\\_intent.pdf](https://www.epa.gov/sites/production/files/2016-04/documents/2016-02-11_letter_of_intent.pdf)



# SPCC for Hazardous Substances ?

**EPA will initiate rulemaking to establish "procedures, methods, and equipment and other requirements for equipment to prevent discharges of... hazardous substances from... onshore... facilities and to contain such discharges."**



**Plan on holding stakeholder meetings this year to discuss the issue**



# Contacts for Workshops

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# Resources for LEPCs

- EPCRA / LEPC On-Line Training  
<https://www.epa.gov/epcra/epcra-training-states-tribes-lepcs-local-planners-and-responders-non-section-313>
- HAZWOPER Awareness On-Line Free Training  
<http://rrt6.org/TrainingRepository.aspx>
- CAMEO / ALOHA / MARPLOT Software  
<https://www.epa.gov/cameo>
- Download Presentations from LEPC workshops  
[www.epaossc.org/lepcworkshops](http://www.epaossc.org/lepcworkshops)



# LEPC Contact Lists

- **Arkansas**

<http://www.adem.arkansas.gov/aem/response/local-emergency-managers/>

- **Louisiana**

<http://www.lsp.org/pdf/Local%20Emergency%20Planning%20Committees%2009-09-15.pdf>

- **New Mexico**

<http://www.nmdhsem.org/LEPCs.aspx>

- **Oklahoma**

<http://www.deq.state.ok.us/lpdnew/saratitleiii/ohmerc.htm>

- **Texas**

<http://www.tceq.state.tx.us/assets/public/permitting/tier2/LEPC-contact-list.pdf>