

MASS. EA20.2:T53

**Title III of S.A.R.A.**

**SUPERFUND**  
**AMENDMENTS AND**  
**REAUTHORIZATION**  
**ACT**

A guide for  
Massachusetts municipalities  
and their local emergency  
planning committees



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## INTRODUCTION

The original Superfund Act was first passed by Congress in 1980 to clean-up the nation's hazardous waste sites. In response to continuing community concern regarding hazardous waste and the chemical release tragedy that occurred in Bhopal, India, a reauthorization and expansion of Superfund was signed into law on October 17, 1986. It is called the Superfund Amendments and Reauthorization Act (SARA). This brochure will focus on a major area of expansion of SARA over the original law which is Title III—Emergency Planning and Community Right-to-Know (RTK).

Contact the EPA to get a copy of the law. (See Resource List)

## WHAT DOES TITLE III OF SARA COVER?

There are four major sections to Title III. They are:

- Emergency Planning, §301-303
- Emergency Notification, §304 (regarding chemical releases)
- Community RTK Reporting, §311-312
- Toxic Chemical Release Reporting, §313

## I. WHAT IS EMERGENCY PLANNING UNDER SARA, §301-303?

Under Title III each state and local district must establish an emergency planning body. The Governor of each state must appoint a State Emergency Response Commission (SERC). The SERC is responsible for coordinating all emergency planning and right to know activities under the Act statewide. In Massachusetts the SERC is comprised of representatives from many state agencies including the departments of Public Health, Labor and Industries, Public Safety and Environmental Quality Engineering.

By July 17, 1987 the SERC must have designated local emergency planning districts, and one month later should have appointed members to all of the local emergency planning committees (LEPC).

### What Are Local Emergency Planning Committees (LEPC)?

In Massachusetts each town and city has been designated as a separate district. A few towns together may choose to form a single district, and should contact Civil Defense (see Resource List). Membership on the LEPC's should include:

- elected state and local officials;
- local emergency response personnel (law enforcement, civil defense, fire fighting, health, environmental, and transportation personnel);
- broadcast and print media;
- community groups; and
- owners and operators of facilities subject to these regulations.

All municipalities should have designated committee members and notified the SERC by August 17, 1987.

### What Responsibilities Does My City or Town Have?

Initial duties of the local emergency planning committee include:

- appointing a chairperson;
- establishing the committee's rules of procedure;
- establishing procedures for responding to information requests from the public; and
- designating a community information coordinator.

Under SARA the principal responsibility of the local committee is to develop a comprehensive emergency response plan for its district. The plan must include:

- (1) Identification of facilities subject to SARA and transportation routes of extremely hazardous substances (see below);
- (2) Procedures and identification of equipment and personnel for responding to a chemical emergency;
- (3) Designation of community and facility emergency coordinators.

The LEPC must complete the plan by October 17, 1988 and submit it to the State commission for review. The local committee may obtain assistance in writing the plan from several sources. (See Resource List.)

### Which Facilities Are Covered by This Section?

Facilities that manufacture, use or store any chemicals on the EPA List of Extremely Hazardous Substances (over 400 chemicals) in amounts above the planning quantities are covered by Title III.

Employers whose facilities are covered by these sections of the law must assist the committee by:

- (1) Notifying the committee that they are covered by the law (by September 17, 1987);
- (2) Designating a facility coordinator (by September 17, 1987) to participate in the local planning process; and
- (3) Providing any information to the local committee necessary for developing and implementing the plan.

## **II. IN CASE OF A CHEMICAL RELEASE WHAT ARE THE EMERGENCY NOTIFICATION REQUIREMENTS? §304**

There are two chemical lists that apply to this section. One is the same list of extremely hazardous substances that is used for emergency planning. The second list is mandated under Section 103(a) of CERCLA (see the *Federal Register*, Vol. 51, p. 34535, Sept. 29, 1986). The two lists combined cover almost 1,000 substances.

Both the SERC and the local emergency planning committee must receive immediate notification if a facility releases chemicals:

- that are on either of the two lists, in regulated quantities,
- and*
- the release has the potential for exposure off-site.

The facility must provide the names, amounts and duration of release of the chemicals and associated health risks, etc. The initial notification can be by phone, radio or in person. The telephone numbers for reporting such releases to the SERC are the DEQE regional offices during working hours (see back) and the State Police, (617) 566-4500, after working hours. The local committee should designate a community emergency coordinator who will receive emergency notification of chemical releases.

The facility must also provide written follow-up information that includes:

- Actual response actions taken
- Any known or anticipated health risks associated with the release
- Advice on medical attention for the exposed individuals

**Note:** These actions do not fulfill other federal and state requirements for chemical releases. More information on these other requirements is available from DEQE at (617) 292-5938.

## **III. WHAT ARE THE COMMUNITY RISK REPORTING REQUIREMENTS? §311-312**

The Community RTK sections of SARA provide public access to information on many of the chemicals manufactured, used or stored in the community.

If a company is covered by the OSHA Hazard Communication Standard and it has OSHA-regulated chemicals above EPA established thresholds, that company is covered by these sections. For the first two years the threshold for hazardous substances is 10,000 lbs.; and for an extremely hazardous substance it is 500 lbs., or the threshold planning quantity, whichever is lower.

The Hazard Communication Standard has a floor list of chemicals and guidelines that must be used by the chemical manufacturer to determine if other chemicals pose a health or physical hazard.

### **What Must Be Filed with the Local Emergency Planning Committee?**

Companies have a choice of submitting either Material Safety Data Sheets (MSDSs) or a list of regulated chemicals to the LEPC. (Companies must also send them to the SERC, c/o DEQE regional offices.) Manufacturers should have done this by 10/17/87. Non-manufacturers will have to submit information in August 1988.

### **Is There Any Annual Filing Requirement?**

Yes. Starting March, 1988 for manufacturers and March, 1989 for non-manufacturers, employers must also submit additional information called Tier I. Tier I information includes the aggregate amounts of chemicals listed in 5 health/physical hazard categories and their general location in the facility.

### **Can The Local Planning Committee Request Additional Information?**

In addition, the local committee and the SERC can request, at any time, "Tier II Information" on chemicals. Tier II information includes:

- An estimate of the amounts of the individual chemicals present in the past calendar year.
- Description of its storage and location in the facility, etc.
- Chemical Abstract Service (CAS) numbers.

**FOR EMPLOYER FILING OF MSDSs  
OR EMERGENCY NOTIFICATION**

**DEQE Regional Offices**

**Metro Boston/Northeast Region:**

SERC, c/o DEQE  
5 Commonwealth Avenue  
Woburn, MA 01801  
Right to Know (617) 935-2160  
Emergency (617) 935-2160

**Southeast Region:**

SERC, c/o DEQE  
Lakeville Hospital  
Main Street  
Lakeville, MA 02347  
Right to Know (617) 947-1231  
Emergency (617) 947-1231 ext. 680

**Western Region:**

SERC, c/o DEQE  
State House West, 4th Floor  
436 Dwight Street  
Springfield, MA 01103  
Right to Know (413) 784-1100  
Emergency (413) 784-1100

**Central Region:**

SERC, c/o DEQE  
75 Grove Street  
Worcester, MA 01605  
Right to Know (617) 792-7690  
Emergency (617) 792-7653

**What About Local Fire Departments?**

Fire departments will receive MSDSs or lists of chemicals and may request Tier II information. In addition, they may conduct on-site inspections of any facility subject to the reporting requirements of this section, and may obtain specific location information on hazardous chemicals at these facilities. The Division of Occupational Hygiene of the Department of Labor and Industries can provide assistance in this activity to fire departments (see Resource List). The information obtained under this section can be extremely helpful in emergency planning.

The public can also request this information through their local committee or the SERC.

**IV. TOXIC CHEMICAL RELEASES,  
§313**

Manufacturing facilities with ten or more employees, that use any chemical on the "N.J./Maryland List of Chemicals" above threshold amounts, must submit a form annually starting July 1, 1988. The threshold amounts in 1987 are 10,000 lbs. for usage and 75,000 lbs. for manufacturing and/or processing. (See the *Federal Register*, Vol. 52, p. 3479, February 4, 1987.)

The information submitted must include the name, amount, and waste treatment method for the chemical(s). This information is submitted to the EPA and the State.

**TRADE SECRETS**

Under the law, a chemical manufacturer may petition the EPA for trade secret status for any particular chemical. Portions of the documentation must also be sent to the SERC c/o the Department of Public Health. The names of specific substances that are considered trade secrets may be withheld on the MSDS. However, health care personnel and local boards of health may obtain the names of specific substances during medical emergencies and for other medical purposes.

**SARA DATES TO REMEMBER**

**May 17, 1987** Facilities that are subject to emergency planning section 302 must notify the State Emergency Response Commission (SERC) c/o DEQE (see Resource List).

**September 17, 1987** Employers must notify the local planning committees of their facility representative if they are covered under emergency planning. [§303(d)(1)]

**October 17, 1987** MSDSs or a list of MSDSs chemicals must be submitted to DEQE, the local committees and fire departments if your company is in the manufacturing sector. [§311(d)]

**March 1, 1988** (annually, same time) Manufacturing facilities that are covered by the OSHA Hazard Communication Standard must submit Tier I (emergency information) to the State Emergency Response Committee (SERC) c/o DEQE, local committees and fire departments. [§312(a)(2)]

**July 1, 1988** (annually, same time) Manufacturing facilities that are covered under the toxic chemical release section must submit initial forms to the EPA and DEQE. [§313(a)]

**August 23, 1988** Non-manufacturing facilities which become regulated by the OSHA Hazard Communication Standard in May, 1988, must submit MSDSs or a list of MSDS chemicals to the SERC c/o DEQE, local committees and fire departments.

**October 17, 1988** Local emergency planning committees must complete their local emergency response plan and submit it to the State Emergency Response Committee.

**RESOURCE LIST  
For Questions About Title III  
of SARA call:**

<b>State Agencies</b>	<b>Subject</b>
DEPARTMENT OF PUBLIC SAFETY/ Civil Defense Robert Boulay (617) 875-1381	- Emergency notification - Local Emergency Planning Committees
DEQE/RTK Office Arnold Sapenter (617) 292-5810	- Title III and Mass. RTK MSDS filing requirements
DPH/RTK Office MaryBeth Smuts (617) 727-7035	- Title III and Mass. RTK sections on: - trade secrets - research labs - hazard categories and substances - toxicological data
DEPARTMENT OF LABOR AND INDUSTRIES	
RTK Office Joseph Belloli (617) 727-8519	- Mass. RTK requirements - Title III planning
RTK Program Philip Korman (617) 969-7177	- Employer assistance on the Mass. RTK Law - Title III training - MSDS requirements - Workplace chemical information
<b>Federal Agencies</b>	<b>Subjects</b>
EPA	- Title III requirements
Ray DiNardo (617) 860-4300	- Trade secrets - Exempt facilities
OSHA	- OSHA Hazard Communication Standard
Fred Malaby (617) 565-7164	- Transportation chemical releases
Hazardous Materials Information Exchange 800-752-6367	

**EMERGENCY PHONE NUMBER FOR  
REPORTING CHEMICAL RELEASES:**  
Working hours: See Regional DEQE Offices  
After working hours: State Police  
(617) 566-4500