

## **11 CSR 10-11.240 Reporting Procedures Under The State And Federal Emergency Planning And Community Right-To-Know Act (EPCRA)**

*PURPOSE: This rule establishes reporting procedures for persons and businesses in Missouri to comply with the state and federal Emergency Planning and Community Right-to-Know Acts.*

(1) The format for routine reporting under sections 302, 303, 311 and 312 of the federal Emergency Planning and Community Right-to-Know Acts (EPCRA) and sections 292.605 and 292.617, RSMo of the state EPCRA is the Missouri Tier Two form. This form can be accessed on the Internet at [www.sema.state.mo.us/mercc.htm](http://www.sema.state.mo.us/mercc.htm). These reports are due to the department or postmarked by March 1 annually for the previous calendar year. The state EPCRA requires the names, current addresses and phone numbers of at least two (2) individuals familiar with the kind, location, nature and approximate quantities present in the facility, who may be contacted in the event of an emergency. The federal regulations for reporting under sections 302 and 303 of the EPCRA are in [40 CFR part 355](#). Federal regulations for reporting under sections 311 and 312 of the EPCRA are in [40 CFR part 370](#).

(1)(A) Section 302 of the federal EPCRA requires anyone in Missouri having an extremely hazardous substance at or above the threshold planning quantity at a facility to provide that information to the Missouri Emergency Response Commission (MERC).

(1)(B) Section 303 of the federal EPCRA requires that anyone having an extremely hazardous substance at a facility at or above the threshold planning quantity provide the Local Emergency Planning Committee (LEPC) with the name of a facility coordinator to work with LEPC to plan for hazardous chemical emergencies at the facility. The first person listed in the Emergency Contact section of the Tier Two form shall be the facility coordinator for any facility with an extremely hazardous substance at or above the threshold planning quantity.

(1)(C) The information required in subsections [\(1\)\(A\)](#) and (B) of this rule must be updated within sixty (60) days of a new extremely hazardous substance being present at the facility at or above the threshold planning quantity. Also, the owner or operator of a facility subject to subsection [\(1\)\(B\)](#) shall inform LEPC of any changes occurring at the facility which may be relevant to emergency planning.

(1)(D) Any person engaged in business in Missouri having ten thousand pounds (10,000 lbs.) or more of a hazardous chemical at a facility or five hundred pounds (500 lbs.) or more (or the threshold planning quantity, whichever is less) of an extremely hazardous substance shall complete the Missouri Tier Two form for all such hazardous chemicals and extremely hazardous substances.

(1)(D)1. The Missouri Tier Two form is due each March 1 for the previous calendar year.

(1)(D)2. If any new hazardous chemical or extremely hazardous substance comes onto the site in a quantity sufficient to require reporting under this subsection, an updated Tier Two form must be provided within three (3) months.

**(1)(D)**3. The Tier Two form shall be provided to the local fire department, LEPC and MERC under this subsection.

**(1)(E)** Owners and operators of facilities where one hundred pounds (100 lbs.) or more of explosives or blasting agents are present shall notify the fire department within twenty-four (24) hours of those materials being on-site. If the explosives or blasting agents are on-site for fifteen (15) days or more, a Tier Two form shall be provided to the fire department, LEPC and MERC.

(2) Upon a request from the local fire department, LEPC or the department, any person required to report under section [\(1\)](#) of this rule shall provide, as requested, a Missouri Tier Two form, Material Safety Data Sheet (MSDS), written description or diagram and other information regarding the kind, location, approximate quantities, hazardous nature and method of containment of hazardous chemicals which are stored, used or produced at the facility. Upon a request for information from the fire department, LEPC or department, the threshold for reporting under this section is anything over zero pounds (0 lbs.).

(3) Toxic Chemical Release Inventory (Form R) Reporting.

**(3)(A)** Anyone required to report under Section 313 of the federal EPCRA shall file a copy of each Toxic Release Inventory with Department of Natural Resources at PO Box 176, Jefferson City, MO 65102. These forms are due by July 1 of each year for the previous calendar year.

**(3)(B)** Submittal of the Toxic Release Inventory shall be on Form R as developed by the United States Environmental Protection Agency for each reporting year. Electronic or magnetic media submittals will not be accepted unless specifically authorized and in a format approved by the Missouri Department of Natural Resources. Federal regulations for submittal of Toxic Release Inventory forms (Form R) are contained in [40 CFR part 372](#).