

§ 370.21

40 CFR Ch. I (7-1-08 Edition)

(c) *MSDS reporting.* The owner or operator of a facility subject to this subpart shall submit an MSDS on or before October 17, 1990 (or within three months after the facility first becomes subject to this subpart), for all hazardous chemicals present at the facility at any one time in amounts equal to or greater than their thresholds.

(d) *Inventory reporting.* The owner or operator of a facility subject to this subpart shall submit the Tier I form (or Tier II form) on or before March 1, 1991 (or March 1 of the first year after the facility first becomes subject to this subpart), and annually thereafter, covering all hazardous chemicals present at a facility at any one time during the preceding calendar year in amounts equal to or greater than their thresholds.

[64 FR 7047, Feb. 11, 1999]

§ 370.21 MSDS reporting.

(a) *Basic requirement.* The owner or operator of a facility subject to this subpart shall submit an MSDS for each hazardous chemical present at the facility according to the minimum threshold schedule provided in paragraph (b) of § 370.20 to the committee, the commission, and the fire department with jurisdiction over the facility.

(b) *Alternative reporting.* In lieu of the submission of an MSDS for each hazardous chemical under paragraph (a) of this section, the owner or operator may submit the following:

(1) A list of the hazardous chemicals for which the MSDS is required, grouped by hazard category as defined under § 370.2 of this part;

(2) The chemical or common name of each hazardous chemical as provided on the MSDS; and

(3) Except for reporting of mixtures under § 370.28(a)(2), any hazardous component of each hazardous chemical as provided on the MSDS.

(c) *Supplemental reporting.* (1) The owner or operator of a facility that has submitted an MSDS under this section shall provide a revised MSDS to the committee, the commission, and the fire department with jurisdiction over the facility within three months after discovery of significant new information concerning the hazardous chem-

ical for which the MSDS was submitted.

(2) After October 17, 1987, the owner or operator of a facility subject to this section shall submit an MSDS for a hazardous chemical pursuant to paragraph (a) of this section or a list pursuant to paragraph (b) of this section within three months after the owner or operator is first required to prepare or have available the MSDS or after a hazardous chemical requiring an MSDS becomes present in an amount exceeding the threshold established in § 370.20(b).

(d) *Submission of MSDS upon request.* The owner or operator of a facility that has not submitted the MSDS for a hazardous chemical present at the facility shall submit the MSDS for any such hazardous chemical to the committee upon its request. The MSDS shall be submitted within 30 days of the receipt of such request.

§ 370.25 Inventory reporting.

(a) *Basic requirement.* The owner or operator of a facility subject to this subpart shall submit an inventory form to the commission, the committee, and the fire department with jurisdiction over the facility. The inventory form containing Tier I information on hazardous chemicals present at the facility during the preceding calendar year above the threshold levels established in § 370.20(b) shall be submitted on or before March 1 of each year, beginning in 1988.

(b) *Alternative reporting.* With respect to any specific hazardous chemical at the facility, the owner or operator may submit a Tier II form in lieu of the Tier I information.

(c) *Submission of Tier II information.* The owner or operator of a facility subject to this section shall submit the Tier II form to the commission, committee, or the fire department having jurisdiction over the facility upon request of such persons. The Tier II form shall be submitted within 30 days of the receipt of each request.

(d) *Fire department inspection.* The owner or operator of a facility that has submitted an inventory form under

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this section shall allow on-site inspection by the fire department having jurisdiction over the facility upon request of the department, and shall provide to the department specific location information on hazardous chemicals at the facility.

§ 370.28 Mixtures.

(a) *Basic reporting.* The owner or operator of a facility may meet the reporting requirements of §§ 370.21 (MSDS reporting) and 370.25 (inventory form reporting) of this subpart for a hazardous chemical that is a mixture of hazardous chemicals by:

(1) Providing the required information on each component in the mixture which is a hazardous chemical; or

(2) Providing the required information on the mixture itself, so long as the reporting of mixtures by a facility under § 370.25 is in the same manner as under § 370.21, where practicable.

(b) *Calculation of the quantity.* (1) If the reporting is on each component of the mixture which is a hazardous chemical, then the concentration of the hazardous chemical, in weight percent (greater than 1% or 0.1% if carcinogenic) shall be multiplied by the mass (in pounds) of the mixture to determine the quantity of the hazardous chemical in the mixture.

(2) If the reporting is on the mixture itself, the total quantity of the mixture shall be reported.

(c) *Aggregation of extremely hazardous substances.* (1) To determine whether the reporting threshold for an extremely hazardous substance has been equaled or exceeded, the owner or operator of a facility shall aggregate the following:

(i) The quantity of the extremely hazardous substance present as a component in all mixtures at the facility, and

(ii) All other quantities of the extremely hazardous substance present at the facility.

If the aggregate quantity of an extremely hazardous substance equals or exceeds the reporting threshold, the substance shall be reported.

(2) If extremely hazardous substances are being reported and are components of a mixture at a facility, the owner or

operator of a facility may report either:

(i) The mixture, as a whole, even if the total quantity of the mixture is below its reporting threshold; or

(ii) The extremely hazardous substance component(s) of the mixture.

[55 FR 30646, July 26, 1990]

Subpart C—Public Access and Availability of Information

§ 370.30 Requests for information.

(a) *Request for MSDS information.* (1) Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the committee.

(2) If the committee does not have in its possession the MSDS requested in paragraph (a)(1) of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request.

(b) *Requests for Tier II information.* (1) Any person may request Tier II information with respect to a specific facility by submitting a written request to the commission or committee in accordance with the requirements of this section.

(2) If the committee or commission does not have in its possession the Tier II information requested in paragraph (b)(1) of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a State or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of 10,000 pounds.

(3) If the request under paragraph (b)(1) of this section does not meet the requirements of paragraph (b)(2) of this section, the committee or commission may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under paragraph (b)(1) of this section includes a general statement of need.