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and

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Dated: June 30, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

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Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 7, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740, please refer to EPA ICR #1352.03.

Office of Solid Waste and Emergency Response

Title: Community Right-to-Know Reporting Requirement (EPCRA sections 311 and 312)—EPA #1352; OMB #2050-0072.

Abstract: Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA) allows the public to have access to the same Material Safety Data Sheets (MSDSs) as facilities provide for their employees. In order to have to report, a facility must be required to have or maintain MSDSs for hazardous chemicals under the Hazard Communication Standard of the Occupational Safety and Health Administration (OSHA). The owner and/or operator of the facility would need to submit the MSDS (or a list of subject chemicals) to their state emergency response commission (SERC), their local emergency planning committee (LEPC) and their local fire

department for all hazardous chemicals it has over the reporting thresholds. The current reporting thresholds are 10,000 pounds unless the chemical is specifically listed as an extremely hazardous substance under EPCRA section 302, whereby the reporting threshold becomes 500 pounds or the threshold planning quantity (TPQ), whichever is less.

This one-time requirement was due October 17, 1987. However, facilities need to submit updates to the list or MSDSs, within three months, when a hazardous chemical comes on-site above the reporting threshold. If significant new information arises concerning a previously submitted MSDS, a facility must submit the revised MSDS. Additionally, if the SERC or LEPC receives a request, the facility needs to provide the MSDS even if the hazardous chemical is stored below the reporting threshold.

Section 312 of EPCRA requires EPA to publish two Emergency and Hazardous Chemical Inventory Forms known as "Tier I" and "Tier II." A facility that needs to submit the MSDSs or list in section 311, needs to submit a Tier I Form annually on March 1, incorporating the chemicals reported under section 311. These Tier I Forms are submitted to the SERC, LEPC and local fire department.

The Tier I form includes the following information as required by the statute:

- An estimate in ranges of the maximum amount of hazardous chemicals in each hazard category present at the facility at any time during the previous year;
- An estimate in ranges of the average daily amount of hazardous chemicals in each hazard category.

EPA has added the following information by regulation:

- Primary SIC code and Dunn and Bradstreet Number (added to facilitate entering and sorting the information on a computer).
- Two emergency contacts (added to give SERCs, LEPCs and fire departments a contact at the facility who could clarify information at any time, particularly in the event of an emergency).
- Number of days on-site produces a more accurate figure for average daily amount, particularly for those chemicals that are on-site for only a short period of time each year.

The Tier II Form requires facilities to provide chemical specific inventory information. It only needs to be submitted if it requested by the SERC or LEPC.

Section 311 allows emergency responders to know the hazards

associated with the facility's chemicals before they come on-site.

Local planners can use their information to supplement the emergency planning requirements under section 303 of EPCRA. The community is allowed to have this information under "community right-to-know," in a way to allow the community to understand the hazards of chemicals in their community.

The annual inventory under section 312 of EPCRA is used in conjunction with the information provided under section 311 to link the quantity and location of chemicals with the hazards associated with the chemicals.

Burden Statement: The average reporting burden for regulated facilities is estimated to be 2,952,764 hours. This estimate includes determination of reporting obligation, submission of MSDSs (or list), and the development and submission of Tier I and Tier II forms.

The average burden on states and local communities (SERCs and LEPCs) is estimated to be 2,987 hours. This estimate includes providing MSDSs and Tier I/Tier II forms upon request.

Respondents: All states are required to create state emergency response commissions (SERCs) and local emergency planning committees (LEPCs). Both the manufacturing and non-manufacturing sectors are subject to these requirements.

Estimated No. of Respondents: 869,809 (866,285 facilities, 3,524 state/local communities).

Estimated Number of Responses Per Respondent: 1.

Frequency of Collection: Annual.

Estimated Total Annual Burden Costs: 2,955,751 hours.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, (please refer to EPA ICR #1352.03) to:

Sandy Farmer, EPA ICR #1352.03, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M Street SW., Washington, DC 20460.

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20530.

Dated: June 29, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

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