

# TIER II REPORTING



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TIER II REPORTING PROGRAM

512-239-5062

[www.texastier2.org](http://www.texastier2.org)

[tier2help@tceq.texas.gov](mailto:tier2help@tceq.texas.gov)

# TIER II REPORTING IN TEXAS

Texas Commission on Environmental Quality

Office of Compliance and Enforcement

Critical Infrastructure Division

Homeland Security Section

Tier II Reporting Program

- **800-452-2791** (in Texas only)
- **512-239-5060**
- [Tier2Help@tceq.texas.gov](mailto:Tier2Help@tceq.texas.gov) – general questions or data requests
- [T2Sdatafiles@tceq.texas.gov](mailto:T2Sdatafiles@tceq.texas.gov) – report submissions
- [www.TexasTier2.org](http://www.TexasTier2.org)

# What is a Tier II Report?

- Information on hazardous chemicals stored at a facility that meet or exceed threshold quantities
- Required by federal and state law
- Environmental and safety hazards posed by the storage of hazardous chemicals
- Information used for emergency planning and response
- Electronic report completed using EPA software **Tier2Submit**

# TIER II REPORTING IN TEXAS

## **Federal Law:**

- Federal Emergency Planning and Community Right-to-Know Act (EPCRA)
- Also known as the Superfund Amendments & Reauthorization Act (SARA), Title III
- Laws designed to help each community prepare for and respond to emergencies involving hazardous substances

# TIER II REPORTING IN TEXAS

## State Laws:

- Texas Health & Safety Codes
  - Health and Safety Code 505 Manufacturers
  - Health and Safety Code 506 Public Employers
  - Health and Safety Code 507 Non-Manufacturers
- 25 Texas Administrative Code 295.181-183
  - Rules that provide criteria for compliance

# Manufacturer, Non-manufacturer, and Public Employers

- Manufacturer (§505) = North American Industrial Classification System (NAICS) code beginning with 31-33
- Public Employer (§506) = Facilities operated by the state or political subdivisions of the state (e.g., state agencies, public schools, publically-owned utilities etc.)
- Non-manufacturer (§507) = NAICS code with 11-23 or 42-92 and those not considered public employers

# TIER II REPORTING IN TEXAS

House Bill 942 - 84<sup>th</sup> Texas Legislature

- Effective September 1, 2015
- Transferred the Tier II Reporting Program from the Texas Department of State Health Services (DSHS) to the Texas Commission on Environmental Quality (TCEQ)
- Ammonium Nitrate – changed from 90 days to 72 hours to report

# Tier II Reporting for 2017

- Tier II Online Reporting System is postponed until April of 2018
- Using the Tier2 Submit software for annual 2017 Tier II Reports
  - Reports must include a customer number (CN), regulated entity number (RN), and TXT2 number
    - Online method to obtain numbers is through STEERS
  - Chemical hazards – new list
  - NAICS codes updated
- Updated website

# WHAT IS NOT REPORTABLE

- Hazardous Waste – as defined by 42 USC 6901 (RCRA)
- Tobacco
- Wood or Wood Products
- Articles – item that does not result in exposure
- Food, Drugs, Cosmetics, or Alcoholic Beverages in retail
- Hazardous Consumer Products
- In Transit
- Sealed and not in facility longer than 5 days (does not apply if EHS)
- Radioactive Waste
- Does not meet threshold amount

# WHAT IS REPORTABLE?

- Extremely Hazardous Substances (EHS) as defined by 40 CFR 355
  - Appendix A – alphabetical order
  - Appendix B – CAS Number order
  - Threshold Planning Quantity (TPQ) or 500 lbs – whichever is less
  - [http://www.ecfr.gov/cgi-bin/text-idx?node=ap40.28.355\\_161.a&rgn=div9](http://www.ecfr.gov/cgi-bin/text-idx?node=ap40.28.355_161.a&rgn=div9)

# WHAT IS REPORTABLE

- Hazardous Chemicals as defined by OSHA (29 CFR 1910.1200 (c))
  - Physical or health hazard, asphyxiant, combustible dust, pyrophoric gas etc.
  - Required to keep an SDS on file
  - Reporting threshold: 10,000 lbs or greater

# Do you need to submit a Tier II report?

**Hazardous Chemical**

- Required to have an SDS under OSHA HCS
- 10,000 lbs. or greater at any one time at facility for each particular Hazardous Chemical (HC)

If Yes

**Extremely Hazardous Substance**

- 40 CFR Appendix A & B to Part 355—the List of Extremely Hazardous Substances and Their Threshold Planning Quantities
- TPQ or 500 lbs. whichever is less, for which the Extremely Hazardous Substance (EHS) is equal to or greater at any one time at the facility

If Yes

**Tier II Report required**

**Diesel or Gasoline**

- Retail fuel stations only
- Approved Underground storage tank
- 100,000 gallons or greater of Diesel
- 75,000 gallons or greater of Gasoline

If Yes

# WHEN TO REPORT

- Annual Reporting Period = Jan 1 – March 1, for previous calendar year
- New chemical onsite = within 90 days
- Change in current chemical amount range = 90 days
- Fertilizer grade ammonium nitrate = 72 hrs

# HOW TO REPORT



## Download EPA Software

- New version needs to be downloaded each year
- Software location
- EPA: <https://www.epa.gov/epcra/tier2-submit-software>
- TCEQ link:  
<https://www.tceq.texas.gov/permitting/tier2/how-to-use-tier2-submit.html>

# WHAT TO REPORT-Location

- Facility Name
- Facility Address
- Facility Lat/Long

# WHAT TO REPORT-ID and Regs

- Manned/Unmanned
- North American Industrial Classification System (NAICS)
- Dun & Bradstreet
- Subject to Risk Management Program (RMP) Section 112(r) Clean Air Act?
  - RMP list – Chlorine = 2,500lbs threshold
- Subject to Emergency Planning under EPCRA 302?
  - Yes if have EHS chemical at its TPQ

# NAICS Codes

- North American Industrial Classification System (NAICS):
  - <http://www.census.gov/eos/www/naics/index.html>
- 6-digit number required
- NAICS codes are **self-identified** codes selected for each facility
- Codes are updated every 5 yrs

**North American Industry Classification System**

[Main](#) [History](#) [Development Partners](#) [Federal Register Notices](#) [NAPCS](#) [FAQs](#)

**NAICS Search:**  
Enter keyword or 2-6 digit code  
  
2017 NAICS Search  
Enter keyword or 2-6 digit code  
  
2012 NAICS Search  
Enter keyword or 2-6 digit code  
  
2007 NAICS Search

**Reference Files**

- 2017 NAICS
- 2012 NAICS
- 2007 NAICS
- 2002 NAICS
- 1997 NAICS
- Concordances
- Downloadable Files

**Introduction to NAICS**

The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the [Standard Industrial Classification \(SIC\) system](#). It was developed jointly by the [U.S. Economic Classification Policy Committee \(ECPC\)](#), [Statistics Canada](#), and Mexico's [Instituto Nacional de Estadística y Geografía](#), to allow for a high level of comparability in business statistics among the North American countries.

This official U.S. Government Web site provides the latest information on plans for NAICS revisions, as well as access to various NAICS reference files and tools. Additional information on the background and development of NAICS is available in the [History](#) section of this Web site.

**2017 NAICS Manual**

[View or download this publication](#)

**Announcements**

**The 2017 NAICS Manual is now available here to view or download**

**NAICS 2017 Revision is final**  
[August 08, 2016](#) [PDF, 290KB]  
North American Industry Classification System—Revision for 2017, Notice, Vol. 81, No. 152

**2017 NAICS Structure** [XLSX, 94KB]

**2017 NAICS to 2012 NAICS** [XLSX, 59KB]

**2012 NAICS to 2017 NAICS** [XLSX, 56KB]

[August 04, 2015](#) [PDF, 325KB]  
North American Industry Classification System (NAICS) - Updates for NAICS 2017, Notice, Vol. 80, No. 149

[August 08, 2014](#) [PDF, 292KB]

# 2017 Update to NAICS Codes

- North American Industrial Classification System (NAICS):
  - <http://www.census.gov/eos/www/naics/index.html>
  - Tier II Reports are required to have the 2017 NAICS code

2012 NAICS Code	2012 NAICS U.S. Description	2017 NAICS Code	2017 NAICS U.S. Description
211111	Crude Petroleum and Natural Gas Extraction		Crude Petroleum and Natural Gas Extraction
	crude petroleum extraction	211120	crude petroleum extraction
	natural gas extraction	211130	natural gas extraction
211112	Natural Gas Liquid Extraction	211130	Natural Gas Liquid Extraction
325510	Paint and Coat Manufacturing	325510	Paint and Coat Manufacturing
485410	School and Employee Bus Transportation	485410	School and Employee Bus Transportation

# WHAT TO REPORT-Contacts

- Phone, address, email for each contact
- Emergency Contact
  - 2 phone numbers, 1 has to be a 24 hr number (cannot be 9-1-1), and must be local
- Tier II Information Contact
- Owner/Operator Contact
- Facility Emergency Coordinator
  - If an EHS is present at its TPQ (subject to EPCRA 302)

# WHAT TO REPORT-State Fields

- **TXT2 Number:** Tier II program specific number (Program Area ID)
- **Customer Number (CN):** TCEQ agency-wide used number for the customer
- **Regulated Entity Number (RN):** TCEQ agency-wide used number for the specific site
- Some CN and RN numbers can be verified using Central Registry:  
<http://www15.tceq.texas.gov/crpub/>

# WHAT TO REPORT-State Fields

- Need to apply for TXT2, CN, and RN if you do not have them:
  - Online: STEERS  
<https://www3.tceq.texas.gov/steers/>
  - Website has detailed instructions

# WHAT TO REPORT-Chemicals

For each chemical:

- Chemical Name
- Chemical Abstract Service (CAS) Number
- Physical State
- Amount Range, Max & Avg
- Physical/Health Hazards – expanding
- EHS? –yes or no
- Precise Chemical Location Within Facility
- Confidential Location Within Facility? yes or no

# 2017 Change in Hazards

The image shows a screenshot of a chemical hazard form with two versions. The top version is the old form, and the bottom version is the new form. A red arrow points to the 'Physical State' section of the old form.

**Old Form (Top):**

- Physical State & Quantity:**
  - Physical State\***
    - ☐ Pure
    - ☒ Mixture
    - ☐ Solid
    - ☒ Liquid
    - ☐ Gas
- Hazards\***
  - ☒ Fire
  - ☐ Sudden Release of Pressure
  - ☐ Reactive
- Health Effects\***
  - ☒ Acute
  - ☒ Chronic

Check all that apply

**New Form (Bottom):**

Chem Name\*

**Physical State, Quantity, and Hazards**

**Physical State & Quantity**

**Hazards**

Check all that apply\*

**Physical Hazards**

- ☐ Explosive
- ☐ Flammable (gases, aerosols, liquids, or solids)
- ☐ Oxidizer (liquid, solid or gas)
- ☐ Self-reactive
- ☐ Pyrophoric (liquid or solid)
- ☐ Pyrophoric Gas
- ☐ Self-heating
- ☐ Organic peroxide
- ☐ Corrosive to metal
- ☐ Gas under pressure (compressed gas)
- ☐ In contact with water emits flammable gas
- ☐ Combustible Dust

☒ Hazard Not Otherwise Classified

**Health Hazards**

- ☐ Acute toxicity (any route of exposure)
- ☐ Skin corrosion or irritation
- ☐ Serious eye damage or eye irritation
- ☐ Respiratory or skin sensitization
- ☐ Germ cell mutagenicity
- ☐ Carcinogenicity
- ☐ Reproductive toxicity
- ☐ Specific target organ toxicity (single or repeated exposure)
- ☐ Aspiration hazard
- ☐ Simple Asphyxiant

# WHERE TO SEND COMPLETED REPORT

Send Reports to **all** of the following:

1. **TCEQ** is now the agency within the State Emergency Response Commission that collects and maintains Tier II reports. **Electronic format required.**

- Email to: [t2sdatafiles@tceq.texas.gov](mailto:t2sdatafiles@tceq.texas.gov)

2. **Local Emergency Planning Committee (LEPC)**- list on Tier II website

- <https://www.tceq.texas.gov/assets/public/permitting/tier2/LEPC-contact-list.pdf>

3. **Local Fire Department** – list on website

- <http://tfsfrp.tamu.edu/fdd/directory/>

# Paying Fees

## What is the fee?

### i. Fees are based on:

#### i. Type of facility:

- i. manufacturer,
- ii. non-manufacturer,
- iii. Public employer

#### ii. Number of chemicals

#### iii. Number of facilities

### ii. Fee calculator on the website:

- i. <https://www.tceq.texas.gov/permitting/tier2/calculating-fees.html>

# Paying Fees

## Manufacturing Fee Calculator: Tier II Chemical Reporting

Calculate fees for manufacturing facilities.

Please fill in the answers to the following questions and then press the "Calculate Fee" button. If the answer is "0", it is not necessary to fill in the box.

1. How many facilities have fewer than 25 chemicals?
2. How many facilities have exactly 25 chemicals?
3. How many facilities have 26-50 chemicals?
4. How many facilities have 51-75 chemicals?
5. How many facilities have 76-100 chemicals?
6. How many facilities have greater than 100 chemicals?


Your Fee is: \$

# Paying Fees

Pay online using ePay

1. Go to our [ePay](#) site.
  2. Under Option 3, View List of Fees by Media, choose Other.
  3. Input your Program Area ID, which is your TXT2 number that you used in your report.
  4. Get receipt!
- \*Required items have an \*

**Enter :**

**Your Name:**

**E-mail:**

**Confirm E-mail:**

# Paying Fees

- Mail in form
- If you need to pay by check or money order, fill out the payment form and send it with your payment to the Cashier's Office address.



## Tier II Chemical Reporting Program

### Fee Payment Form and Instructions

#### Instructions:

You must electronically submit your Texas Tier II Chemical Inventory Report between Jan. 1 and March 1 to the Texas Commission on Environmental Quality.

Create your Tier II Report using the Tier2 Submit software and e-mail the electronic .T2S file to:

[T2Sdatafiles@tceq.texas.gov](mailto:T2Sdatafiles@tceq.texas.gov)

After you have submitted your report, fill out this form and mail it with your fee payment to:

Cashiers Office, MC 214  
Tier II Program  
TCEQ  
PO Box 13088  
Austin, Texas 78711-3088

Make your check or money order payable to the **Texas Commission on Environmental Quality**. Include your TXT2 number on the memo line.

#### Complete the following and mail with your payment:

TXT2 number		Owner/operator	
CN number		Type of Report	<input type="checkbox"/> Annual <input type="checkbox"/> Initial
Total Payment		Check number	
Number of facilities		Check which Health & Safety Code you are filing under	<input type="checkbox"/> Chapter 505 (Manufacturing)* <input type="checkbox"/> Chapter 506 (Public Employer) <input type="checkbox"/> Chapter 507 (Non- manufacturing)

\* NAICS code beginning with "31-33"

#### Contacts for more information

E-mail: [Tier2Help@tceq.texas.gov](mailto:Tier2Help@tceq.texas.gov)

Web: [www.TexasTier2.org](http://www.TexasTier2.org)

Phone: 512-239-5060

Toll-free in Texas: 800-452-2791

#### Mailing address change?

Please update your information in STEERS or email [Tier2Help@tceq.texas.gov](mailto:Tier2Help@tceq.texas.gov)

TCEQ-20732 (6/29/2017)



# QUESTIONS?

