



Tier II Chemical Reporting

TCEQ Trade Fair 2022

TIER II REPORTING IN TEXAS

Hoyt Henry

Office of Compliance and Enforcement

Critical Infrastructure Division

Tier II Reporting Program

- 800-452-2791 (in Texas only)
- 512-239-5060
- Tier2Help@tceq.texas.gov – general questions or assistance
- www.TexasTier2.org – help request form

TIER II REPORTING IN TEXAS

- Federal Emergency Planning and Community Right-to-Know Act (EPCRA)
- Texas Health & Safety Code 505 Manufacturers
- Texas Health & Safety Code 506 Public Employers
- Texas Health & Safety Code 507 Non-Manufacturers
- 30 Texas Administrative Code 325.1-4 (updated)

WHAT IS A TIER II REPORT

- Hazardous chemical/substance inventory report
- Used by emergency planning and response agencies to determine risk in their communities
- Required by State and Federal law

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, food additive, color additive, drug, or cosmetic regulated by US Food and Drug Administration
- Hazardous Consumer Products – as defined by 15 USC 2051
- In Transit – pipeline, highway, railway

WHAT IS NOT REPORTABLE

- Sealed and not in facility longer than 5 days (does not apply to EHS)
- Radioactive material or waste
- Used in a research laboratory or hospital under the direct supervision of a technically qualified individual – physician, nurse, etc.
- Routine agricultural operations
- Fertilizer held for sale by a retailer to the ultimate consumer in finished form
- Does not meet threshold reporting amount

WHAT IS REPORTABLE

- Extremely Hazardous Substance (EHS) list – 40 CFR 355, Appendix A & B
- Threshold Planning Quantity (TPQ)
- 500 lbs or TPQ, whichever is less
- Sulfuric Acid – TPQ = 1,000 lbs – reportable at 500 lbs
- Chlorine – TPQ = 100 lbs

WHAT IS REPORTABLE

- Hazardous Chemical – 29 CFR 1910.1200(c), any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified
- No specific list of chemicals
- 10,000 lbs reporting threshold
- Diesel, gasoline, propane, sodium hypochlorite, oxygen, nitrogen – 10,000 lbs
- Includes substances stored for recycling

WHAT IS REPORTABLE

- Gasoline in underground storage vessels located at retail fuel stations, in compliance with 40 CFR 280, is reportable at 75,000 gallons
- Diesel in underground storage vessels located at retail fuel stations, in compliance with 40 CFR 280, is reportable at 100,000 gallons

WHAT TO REPORT

- Facility Name
- Facility Address (includes city, county, zip code)
- Facility Lat/Long
- Manned/Unmanned
- North American Industrial Classification System (NAICS)
- Dun&Bradstreet

WHAT TO REPORT

- Customer Number (CN) – assigned to the operator of the facility
 - Each CN can only be affiliated with one TXT2
- Regulated Entity Number (RN) – assigned to the facility
 - All buildings, equipment, structures located on a single site or on contiguous or adjacent sites
- TXT2 Number – assigned to the operator of the facility
 - Each TXT2 can only be affiliated with one CN

WHAT TO REPORT

- 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? – EHS amount at its TPQ

Chlorine TPQ = 100lbs

WHAT TO REPORT

- Chemical name
- Chemical Abstract Service (CAS) number
- Chemical physical properties
 - Solid, liquid or gas
 - Mixture or pure
- Health Effects & Hazards
- Chemical amount range, maximum & average
- EHS?
- Provide brief descriptions of the precise locations of hazardous chemicals within the facility
 - Acceptable information: written description, site plan with coordinating description, lat/long in some cases

WHAT TO REPORT

- Emergency Contact – 2 phone numbers, 1 has to be a 24hr number
 - Cannot be 911, must be a local individual
- Tier II Information Contact
- Owner/Operator Contact
- Facility Emergency Coordinator
 - If an EHS is present at its TPQ (subject to EPCRA 302)
- Billing Contact
- Phone, address, email for each contact

REPORT TYPES

- Annual – provides information for all reportable hazardous chemicals and EHS's present at any time during the previous calendar year, due between Jan 1 – March 1
- Initial* – provides information for reportable hazardous chemicals or EHS's but were not reported previously, due 90 days from the date a reportable amount is stored
- Update* – provides new information on any required data element which was previously reported, due 90 days from the date of change

*If you are a fertilizer grade ammonium nitrate storage facility, Initial and Update reports are due within 72 hrs

WHERE TO REPORT

- State Emergency Response Commission (SERC) - in Texas the SERC is the Emergency Management Council of Texas. TCEQ is the agency within the SERC that collects and maintains Tier II reports. Must be submitted electronically through STEERS.
- Local Emergency Planning Committee (LEPC) – list available on website
- Local Fire Department – list available on website

TIER II REPORTING PROGRAM

- Assist with determining if you are required to submit a report
- Assist with submitting reports
- Provide training classes



QUESTIONS?