PMAA COMPLIANCE BULLETIN
February 12, 2020

ANNUAL EPCRA TIER II REPORTS DUE MARCH 1st

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EPA EPCRA Tier 2 reports must be filed for by March 1, 2020 for the 2019 reporting year. Facilities that store over 10,000 pounds of hazardous chemicals onsite at any point during the previous calendar year must file an EPCRA tier II report. This means any amount of petroleum product stored on site, in bulk plants (above ground and underground), marinas, wholesale fleet fueling facilities, skid tanks and heating oil tanks used to heat facility buildings must be counted towards the 10,000-pound reporting threshold. Also, retail gasoline facilities with 75,000 gallons or less of gasoline storage capacity and 100,000 gallons or less of diesel fuel storage capacity are exempt from EPCRA reporting requirements. Retail gasoline facilities with storage capacities greater than the 75,000/100,000-gallon reporting threshold do not qualify for this exemption. Instead, these facilities must apply the 10,000-pound threshold to determine whether an EPCRA Tier II report must be filed.

I. EPCRA Tier 2 Filing Deadline:

Tier 2 reports for calendar year 2019 must be filed with state emergency response authorities by March 1, 2020.

II. Minimum Threshold Reporting Trigger:

Storage facilities (other than retail gasoline and diesel fuel facilities) with more than 10,000 pounds of hazardous chemicals present onsite on any single day during 2019 must file an EPCRA Tier II report. Use the following conversion chart to determine the 10,000-pound reporting trigger.

<table>
<thead>
<tr>
<th>Energy</th>
<th>Grade</th>
<th>EPA EPCRA Weight in lbs. Threshold</th>
<th>lbs./gal @60°F @ 1 Atmosphere</th>
<th>Minimum Reportable Amounts Gallons</th>
<th>CAS # (Chemical Abstracts Service)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Propane</td>
<td>HD5 (C3H8)</td>
<td>10,000</td>
<td>4.2400</td>
<td>2,358</td>
<td>74-98-6</td>
</tr>
<tr>
<td>Butane</td>
<td>(C4H10)</td>
<td>10,000</td>
<td>4.8100</td>
<td>2,079</td>
<td>106-97-8</td>
</tr>
<tr>
<td>Kerosene</td>
<td>ULSK</td>
<td>10,000</td>
<td>6.7542</td>
<td>1,481</td>
<td>8008-20-6</td>
</tr>
<tr>
<td>Kerosene</td>
<td>Jet A: K1</td>
<td>10,000</td>
<td>6.7542</td>
<td>1,481</td>
<td>8008-20-6</td>
</tr>
<tr>
<td>Kerosene</td>
<td>JP-8</td>
<td>10,000</td>
<td>6.8000</td>
<td>1,471</td>
<td>CAS Mixture</td>
</tr>
<tr>
<td>Diesel</td>
<td>blends vary</td>
<td>10,000</td>
<td>7.0340</td>
<td>1,422</td>
<td>68334-30-5</td>
</tr>
<tr>
<td>Energy</td>
<td>Grade</td>
<td>EPA EPCRA Weight in Lbs. Threshold</td>
<td>lbs./gal @60°F @1 Atmosphere</td>
<td>Minimum Reportable Amounts Gallons</td>
<td>CAS # (Chemical Abstracts Service)</td>
</tr>
<tr>
<td>----------------</td>
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</tr>
<tr>
<td>Fuel Oil</td>
<td>**</td>
<td>10,000</td>
<td>7.1630</td>
<td>1,396</td>
<td>68476-30-2</td>
</tr>
<tr>
<td>Biofuel B100</td>
<td>ASTM D6751</td>
<td>10,000</td>
<td>7.3500</td>
<td>1,361</td>
<td>CAS Mixture</td>
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<td>#4 Fuel Oil</td>
<td>Fuel Oil No. 4</td>
<td>10,000</td>
<td>7.8538</td>
<td>1,273</td>
<td>68476-33-5</td>
</tr>
<tr>
<td>#6 Fuel Oil</td>
<td>Fuel Oil No. 6 (Bunker C)</td>
<td>10,000</td>
<td>8.0571</td>
<td>1,241</td>
<td>68476-33-5</td>
</tr>
<tr>
<td>Gasoline</td>
<td>87 Octane</td>
<td>10,000</td>
<td>6.2000</td>
<td>1,613</td>
<td>8006-61-9</td>
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<tr>
<td>Gasoline</td>
<td>89 Octane</td>
<td>10,000</td>
<td>6.2100</td>
<td>1,610</td>
<td>8006-61-9</td>
</tr>
<tr>
<td>Gasoline</td>
<td>92 Octane</td>
<td>10,000</td>
<td>6.4130</td>
<td>1,559</td>
<td>8006-61-9</td>
</tr>
<tr>
<td>Gasoline</td>
<td>Octane Aviation Gas 100LL (blue) 100</td>
<td>10,000</td>
<td>6.4130</td>
<td>1,559</td>
<td>CAS Mixture</td>
</tr>
</tbody>
</table>

### III. New EPCRA Tier 2 Form Information Required:

Major changes have been made over the past few years to the EPCRA Tier 2 form. EPCRA forms now require information on the “physical hazards” and “health hazards” of each product stored on site where the minimum reporting threshold is triggered (10,000 lbs.). Physical hazards and health hazards information must be obtained from the product Safety Data Sheet (SDS) provided by your supplier. Use only product information sheets labelled “Safety Data Sheet” at the top for this information. Do not use product information sheets labelled “Material Safety Data Sheet”. Material Safety Data Sheets are no longer in use. They were replaced by the new format Safety data Sheets. Suppliers are required to provide a copy of the most recent SDS for each product sold to downstream petroleum marketers. Suppliers often post SDS sheets on their websites.

The physical hazards and health hazards categories appear as two separate columns on the new EPCRA Tier 2 Form. Under each column, a series of hazards are listed next to check off boxes. Petroleum products including gasoline, diesel fuel, heating oil, kerosene, etc. generally share common physical hazards and health hazards. Check off the following boxes under each column on the lower half of the form used for reporting “mixture or Product Name” (check corresponding product SDS for any variation):

#### IV. Physical Hazards:

Under the “physical hazard” column on Tier 2 form check off the boxes marked:

- “explosive” and
- “flammable”

#### V. Health Hazard Information:

On the EPCRA Tier 2 form, under the “health hazard” column, check off the boxes marked:

- “skin corrosion or irritation”
- “serious eye damage or irritation”
• “respiratory or skin sensitization”
• “carcinogenicity”
• “reproduction toxicity” and
• “aspiration hazard”

* For propane, check all the boxes above and check “simple asphyxiant” as well. Also check the box “gas under pressure for propane

VI. EPCRA Paper Forms and Electronic Submission Software:

• EPCRA Tier 2 forms for paper filing may be downloaded here: EPCRA Forms.

• Most states require EPCRA reports be filed electronically and have adopted the EPA’s Tier2 Submit electronic filing portal. Tier2 Submit electronic filing for Windows and Macintosh applications may be downloaded here: EPCRA Electronic Filing.

• An electronic filing tutorial may be downloaded here: Electronic Filing Tutorial.

• Some state EPCRA Tier II requirements may vary from the federal reporting requirements. However, most states follow the federal model. A complete list of state EPCRA Tier 2 requirements and procedures can be downloaded here: State EPCRA Requirements.

VII. EPCRA NAICS Codes:

North American Industrial Classification System (NAICS) codes must be used. Applicable NAICS codes for the petroleum marketing industry include:

• **Petroleum Bulk plants** - NAICS 424710
• **Retail Gasoline Stations with Convenience Stores** - NAICS 447110
• **Retail Gasoline Stations without Convenience Stores** - NAICS 447190
• **Cardlock Sites** – NAICS 447190
• **Heating Oil Dealers** - NAICS 454310
• **Propane Dealers** - 454310

VIII. Dun and Bradstreet Number:

• To find your Dun and Bradstreet number go to: My Dun and Bradstreet Number.

IX. Penalty for Failure to File:

• The EPA fine for violating EPCRA Tier 2 reporting is up to $57,317 per day, per violation. EPA checks for filing of EPCA Tier 2 reports during routine compliance audits or after a release.

X. Other Recent additions to Tier 2 Form:

• Bulk plant facilities below the terminal rack are not subject to EPA’s Toxic Release Inventory (TRI) reporting requirement or Risk Management Plan (RMP) requirement. Check the appropriate boxes on the Tier II form indicating no coverage.