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MISSISSIPPI EMERGENCY RESPONSE COMMISSION
EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW
REPORTING GUIDELINES

I. These guidelines have been prepared for the use of facilities that are subject to the provisions of the Emergency Planning and Community Right to Know Act of 1986, to provide information about hazardous chemicals in a facility which must be made available to the Commission, the local emergency planning committee, the local fire department, and to the public through the local planning committee. These guidelines shall be revised following publication of the final federal regulations in 40 CFR Parts 370 and 372.

II. Minimum Threshold Levels

a. Except as provided in paragraph a) 2) of this section, the minimum threshold level for reporting shall be in accordance with the following schedule:

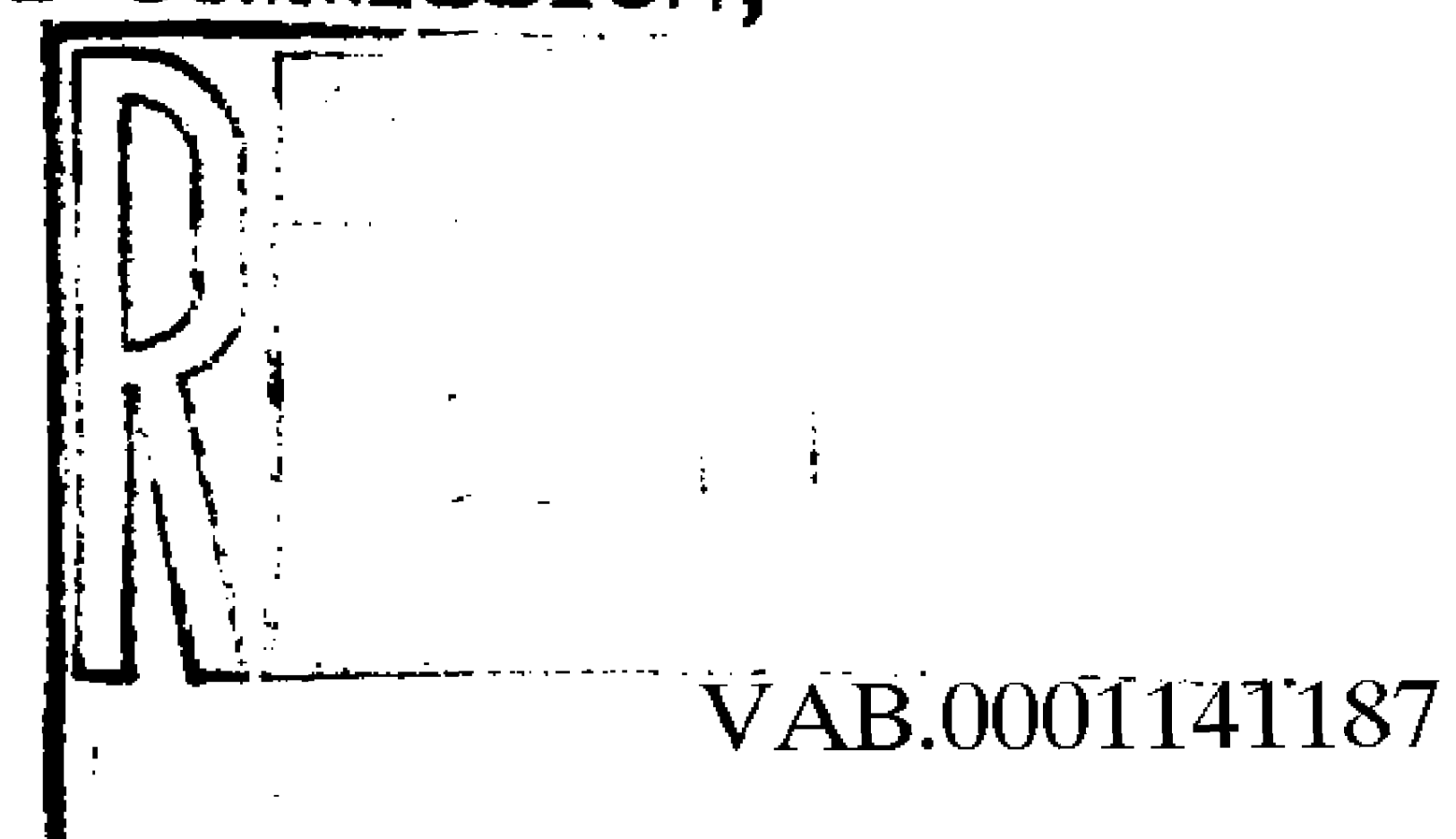
1. On or before October 17, 1987, for all hazardous chemicals present at the facility in amounts greater than 10,000 pounds at any time during the preceding year or which are on the list of extremely hazardous substances;
2. On or before October 17, 1988, for all hazardous chemicals present at the facility between 10,000 pounds and 500 pounds (or 55 gallons) at any time during the preceding year;
3. On or before October 17, 1989, for all hazardous chemicals present at the facility for which an MSDS has not yet been submitted.

b. The minimum threshold in response to requests for an MSDS or a Tier II form pursuant to paragraph III d) and IV c) of this guidance shall be zero.

III. Submission of Material Safety Data Sheets or Hazardous Chemical Lists.

a. The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupation Safety and Health Act of 1970 and 29 CFR 1910.1200(g), shall submit a material safety data sheet for each chemical or a hazardous chemical list in accordance with Section 311 of the Act to each of the following:

1. The Chairman, Mississippi Emergency Response Commission,



P.O. Box 4501, Jackson, Ms. 39216-0501.

2. The appropriate local emergency planning committee.
 3. The fire department with jurisdiction over the facility.
- b. If a Hazardous Chemical List is submitted, it shall include the following information for each substance:
1. Common Name;
 2. Chemical name (s) of hazardous components;
 3. Chemical Abstract Service (CAS) number (s), if available;
 4. Volume typically stored at the facility;
 5. Description of storage container (55 gallon drum, 5000 gallon underground tank, 100 pound bags);
 6. How material is transported to and from the facility (truck, rail, pipeline, etc);
 7. Hazard associated with the substance (flammable, reactive, eye or skin irritant, toxic, etc);

c. Due Date

The material safety data sheet or hazardous chemical list must be submitted on or before October 17, 1987, or 3 months after the facility is re-required to have available an MSDS under the Occupational Safety and Health Act of 1970 and 29 CFR 1900.1200 (g).

d. MSDS From Facility on Request

The owner or operator of a facility which submits a list of chemicals under paragraph III b) shall submit a MSDS to a local emergency planning committee upon its request. The MSDS must be submitted within thirty (30) days following receipt of the request.

e. Submission of Revised MSDS

Within three months following the discovery by a facility owner or operator of significant new information concerning an aspect of a hazardous chemical for which an MSDS was previously submitted, a revised MSDS must be provided to each of the following:

1. The Chairman, Mississippi Emergency Response Commission, P.O. Box 4501, Jackson Ms. 39216-0501;.
2. Appropriate local emergency planning committee; and
3. The fire department with jurisdiction over the facility.

IV. Emergency and Hazardous Chemical Inventory Form

a. Tier I Information

The owner or operator of any facility who is required to prepare or have available a material safety data sheet for a hazardous chemical under paragraph III a) shall prepare and submit a Tier I emergency and hazardous chemical inventory form (hereinafter referred to as "inventory form") to each of the following:

1. The Chairman, Mississippi Emergency Response Commission, P.O. Box 4501, Jackson,, Ms. 39216-0501;
2. The appropriate local emergency planning committee; and
3. The fire department with jurisdiction over the facility.

The facility owner or operator shall submit the inventory form on or before March 1, 1988 and annually thereafter on March 1. The form shall contain data with respect to the preceding year. The inventory form shall contain the information required by the final rule published as 40 CFR 370.

b. Alternate Reporting

The owner or operator of any facility required to submit a Tier I inventory form may submit a Tier II inventory form in lieu of the Tier I information.

c. Tier II Information

1. On request by the Commission, the local emergency planning committee or fire department, a facility shall provide specific Tier II information. Any such request shall be in writing and in reference to a specific facility. The facility has 30 days in which to respond to such request.
2. A state or local official acting in an official capacity may have access to Tier II information by submitting a request in writing, to the commission or local planning committee. The Commission or local committee shall provide the information, if available, or request that the facility furnish the information for transmittal to the requesting official.
3. Any person may request Tier II information by submitting a request, in writing, to the Commission or local planning committee. The Commission or local planning committee shall provide the information, if available, or request that the facility furnish the information for transmittal to the

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requestor. If the amount of hazardous chemical present should exceed 10,000 pounds during the preceding year, the provision of information is automatic. If the amount of chemical present should be less than 10,000 pounds, the person making the request must include a statement of general need for the information. The provision of information is discretionary on the part of the Commission and the local planning committee.

4. The commission or local emergency planning committee shall respond to a request for Tier II information no later than forty-five days after receipt of the request.

d. Reporting Forms

Facilities shall provide Tier I and Tier II information on the inventory forms appended to the final rule published as 40 CFR 370.

V. Toxic Substance Release Report

a. General

The owner or operator of a covered facility shall submit a toxic chemical release report to the USEPA and the Chairman, Mississippi Emergency Response Commission, P.O. Box 4501, Jackson, Ms. 39216-0501 on or before July 1, 1988, and annually thereafter on July 1. The report shall be submitted in accordance with the final rule published as 40 CFR 372 and contain data reflecting releases during the preceding year.

b. Covered Facilities

A facility that meets all the following criteria is a covered facility for that calendar year:

1. Has ten (10) or more full-time employees;
2. Is in Standard Industrial Classification Codes (SIC) 20 through 39 on January 1, 1987; and
3. Manufactured (including imported), processed or otherwise used a toxic chemical in excess of an applicable threshold planning quantity set forth in paragraph IV c) and 40 CFR 372.

c. Thresholds for Reporting

1. With respect to a toxic chemical manufactured (including

imported) or processed during the following calendar years, thresholds for reporting are:

1987-75,000 pounds of the chemical for the year;

1988-50,000 pounds of the chemical for the year; and

1989 and thereafter-25,000 pounds of the chemical for the year.

2. With respect to a chemical otherwise used, 10,000 pounds of the chemical for the applicable year.