

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 300 and 355

[FRL-3173-8]

Extremely Hazardous Substances List and Threshold Planning Quantities; Emergency Planning and Release Notification Requirements

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Section 302 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), signed into law on October 17, 1986, required the Administrator of EPA to publish a list of extremely hazardous substances within 30 days. The Administrator was also required to simultaneously publish an interim final regulation establishing a threshold planning quantity for each substance on the list and initiate a rulemaking to finalize these regulations. The list and planning quantities trigger emergency planning in States and local communities under SARA. On November 17, 1986, EPA published an interim final rule codifying the statutorily prescribed list of extremely hazardous substances, the corresponding threshold planning quantities for those substances, and the local and State reporting requirements for facilities at which extremely hazardous substances or other "hazardous substances" are present. On November 17, EPA also proposed revisions to the list of extremely hazardous substances. Today's rulemaking revises the list of extremely hazardous substances, the threshold planning quantities, and the emergency planning and release reporting requirements based on public comments received on the interim final rule and proposed revisions.

EFFECTIVE DATES: This rule becomes effective on May 17, 1987 for purposes of facility planning notification under section 302 and May 22, 1987 for purposes of emergency release notification under section 304. Other dates relevant to this rule include the following:

1. State emergency response commissions are to be established by April 17, 1987.
2. Facility notifications for emergency planning are required by May 17, 1987.
3. State commissions are to establish emergency planning districts by July 17, 1987.
4. State commissions are to establish local emergency planning committees by August 17, 1987.

5. Facility emergency release notifications to the local emergency planning committee begin on August 17, 1987 or on the date on which the committee is formed if prior to that date.

6. Facility notifications to local committees concerning facility representatives are due by September 17, 1987.

7. Emergency response plans should be completed by the local emergency planning committees by October 17, 1988.

ADDRESS: The record supporting this rulemaking is contained in the Superfund Docket located in Room Lower Garage at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The docket is available for inspection by appointment only between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding federal holidays. The docket phone number is (202) 382-3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Richard A. Horner, Chemical Engineer, Preparedness Staff, Office of Solid Waste and Emergency Response, WH-552A, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The Chemical Emergency Preparedness Hotline, at 1-800/535-0202, in Washington, DC at 1-202/479-2449 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

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I. Introduction

A. Statutory Authority

This regulation is issued under Title III of the Superfund Amendments and Reauthorization Act of 1986, (Pub. L. 99-499), ("SARA" or "the Act"). Title III of SARA is known as the Emergency Planning and Community Right-to-know Act of 1986.

B. Background

1. Superfund Amendments and Reauthorization Act of 1986 (SARA)

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 ("SARA") which revises and extends the authorities established under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"). Commonly known as "Superfund," CERCLA provides authority for federal cleanup of uncontrolled hazardous waste sites and response to releases of hazardous substances. Title III of SARA establishes new authorities for emergency planning and preparedness, emergency release notification, community right-to-know reporting, and toxic chemical release reporting.

2. Title III

Title III of SARA, also known as the "Emergency Planning and Community Right-to-Know Act of 1986", is intended to encourage and support emergency planning efforts at the State and local levels and provide the public and local governments with information concerning potential chemical hazards present in their communities. The emergency planning requirements of this Act recognize the need to establish and maintain contingency plans for responding to chemical accidents which can inflict health and environmental damage as well as cause significant disruption within a community.

Title III is organized into three subtitles. Subtitle A, which establishes the framework for local emergency planning, will be described in more detail in the following section. Subtitle B provides the mechanism for community awareness with respect to hazardous chemicals present in the locality. This information is critical for effective local contingency planning. Subtitle B includes requirements for the submission of material safety data sheets and emergency and hazardous chemical inventory forms to State and local governments, and the submission