

Summary of Requirements for EPCRA and s. 323.60, Wis. Stats.

Emergency Planning Notification - SECTION 302 and s. 323.60 Wis. Stats., requires the owner or operator of a facility that has present any extremely hazardous substances (EHS), in amounts that equal or exceed the chemical-specific threshold planning quantity (TPQ), to notify WEM and the LEPC that the facility is subject to the planning provisions of the Act. This requirement must be met within 60 days of the EHS being present at the facility at or above the TPQ. In Wisconsin the facility would report using the Wisconsin Hazmat Online Planning and Reporting System (WHOPRS) at <https://whoprs.wisconsin.gov> or Form DMA 1003, Emergency Planning Notification.

There is a one-time \$1,080 planning fee also due within 60 days of the EHS being present at or above the TPQ. A 20% late payment surcharge is due if the fee is paid after the due date. A facility is exempt from fee payment if the operator has less than 10 full time equivalent (FTE) employees (less than 20,800 paid hours annually) in the state.

Providing Emergency Planning Information - SECTION 303 and s. 323.60, Wis. Stats., requires an owner/operator subject to Section 302 to provide the LEPC with the name, address, and telephone number of a facility representative “who will participate in the emergency planning process as the facility emergency coordinator.” Correspondence on business letterhead outlining responsibilities is acceptable. The county LEPC will then develop the off-site plan in cooperation with the facility. The facility must provide the LEPC with any information that is requested and necessary to develop the plan.

Emergency Release Notification - SECTION 304 and s. 323.60, Wis. Stats., requires the owner or operator of a facility to immediately provide verbal notification to the appropriate governmental entities (National Response Center at 800-424-8802, WEM at 800-943-0003, menu option #1, and appropriate LEPCs), that a release of a Comprehensive environmental Response Compensation and Liability Act (CERCLA) hazardous substance or EPCRA extremely hazardous substance (EHS) has occurred which meets or exceeds the listed reportable quantity (RQ), when the release goes off-site. This is commonly referred to as the federal substance release reporting law.

Wisconsin also has its own release reporting law under s. 292.11, Wis. Stats.

The Wisconsin Department of Natural Resources (DNR) has authority over the law and it is commonly referred to as the DNR spill law. The law requires that the person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted by law. In addition, those same persons must take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state. [Chapter NR706](#), is the administrative rule that further defines notification requirements and spill reporting exemptions. To provide notification, call the state hotline at 1-800-943-0003, use menu option #1 for substance release reporting.

LINKS:

NR706 - <http://www.legis.state.wi.us/rsb/code/nr/nr706.pdf>

292.11 - <http://www.legis.state.wi.us/statutes/Stat0292.pdf>

Safety Data Sheet (SDS) or SDS Chemical List Submission - SECTION 311 and s. 323.60, Wis. Stats., states that the owner or operator of a facility, required under the Occupational Safety and Health Act (OSHA) to prepare or have available a Safety Data Sheet (SDS) for a hazardous chemical, must submit to WEM, LEPC, and the local fire department, an SDS for each hazardous chemical OR an SDS Chemical List, listing hazardous chemical grouped by hazard category, for each hazardous chemical present at a facility in quantities that equals or exceeds 10,000 pounds and for EHS that are present at a facility in quantities that equal or exceed 500 pounds or the TPQ, whichever is less.

Section 311 is not an annual reporting requirement. However, revised SDSs or SDS chemical lists must be provided to WEM, LEPC, and the local fire department within three months after the discovery of significant new information concerning the hazardous chemical or when a new hazardous chemical becomes present at the facility above the established levels.

Annual Hazardous Chemical Inventory Reporting - SECTION 312 and s. 323.60, Wis. Stats., and Wisconsin Administrative Rule WEM 1, states that the owner/operator of a facility, required to prepare or have available a SDS for a hazardous chemical under OSHA, shall submit by March 1st annually to WEM, LEPC, and the local fire department with jurisdiction over the facility a completed emergency and hazardous chemical inventory form (Form DMA 1005 TIER TWO) for the facility. Any hazardous chemicals present the preceding calendar year that equaled or exceeded the 10,000 pound threshold reporting quantity and any EHS present that equaled or exceeded 500 pounds or the TPQ, whichever is less, must be reported on the Tier Two Report unless a reporting exemption applies.

The annual Inventory Fee is due on or before March 1st annually. It based on the number and quantity of chemicals that are listed on the annual Tier Two Report, unless a substance specific fee exemption applies. A 20% late payment surcharge is due if the fee is paid late. A facility is exempt from fee payment if the operator has less than 10 full time equivalent (FTE) employees (less than 20,800 paid hours annually) in the state.

# of Chemicals	Fee amount (under 100,000 lbs., cumulative)	Fee amount (100,000 lbs., or more, cumulative)
0	0	0
1	\$205	\$245
2-10	\$405	\$485
11-100	\$610	\$730
101-200	\$745	\$890
201-300	\$880	\$1055
301-400	\$1015	\$1215
401-500	\$1150	\$1375
500 and over	\$1285	\$1540

Toxic Chemical Release Reporting - SECTION 313 and s. 323.60(5)(d), Wis. Stats., and Wisconsin Administrative Rule WEM 3 requires reports to be filed by the owner/operator of a facility who meet the following requirements:

1. The facility has 10 or more full-time employees (equivalent of 20,000 hours per year). **AND**
2. The facility's primary North American Industry Classification System (NAICS) code is included on the EPCRA section 313 list of covered codes, **OR** the facility is a federal facility, **AND**
3. The facility manufactures, or processes, or otherwise uses any EPCRA section 313 chemicals, in excess of established thresholds during the course of the calendar year.

For additional requirements, resources, information and contacts on this section, please see the EPCRA Information Guide at: https://dma.wi.gov/DMA/divisions/wem/about/epcra/EPCRA_Booklet_Full_Page.pdf