

**Kansas Commission on Emergency Planning & Response
Kansas Department of Health and Environment
KANSAS TIER II INSTRUCTIONS**

GENERAL INFORMATION

Submission of a Tier II form is required by the Kansas Commission on Emergency Planning & Response under the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and Kansas EPCRA. The Tier II form provides state and local officials and the public with information on extremely hazardous and hazardous chemical substances present at your facility.

WHO MUST SUBMIT THIS FORM?

The owner or operator of a facility where extremely hazardous or hazardous chemical substances are used, produced or stored must submit Tier II information either by hard copy or via the web if the quantity of hazardous chemicals on hand exceeds specific thresholds (see below). If you wish to use the web and have not previously requested a user ID and password, contact the Right-to-Know Program as directed on page four (4) of these instructions.

WHAT CHEMICALS MUST BE REPORTED?

Hazardous chemical substances that must be reported include any substances for which your facility must prepare or have available material safety data sheets under OSHA's Hazard Communication Standard 1910.1200. If your facility has more than 10,000 lbs of a hazardous chemical on hand at any one time during the calendar year, the chemical must be reported on the Tier II.

Extremely hazardous substances as specified in 40 CFR Part 355 must also be reported on the Tier II form if a facility has more than 500 pounds or the threshold planning quantity, whichever is lower, on hand at any one time during the calendar year. Email kdhe.rtk@ks.gov to obtain a list of extremely hazardous substances and their respective thresholds, or go to <http://www.epa.gov/epcra/consolidated-list-lists> for a pdf version.

WHAT CHEMICALS ARE EXCLUDED?

Section 311(e) of EPCRA excludes the following substances from reporting requirements. These exclusions do not apply to the reporting of extremely hazardous substances under Section 302 of EPCRA.

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in a manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer. Fertilizers being held for custom blending are not exempt.

This information does not have to be submitted if all the chemicals located at your facility are exempt from reporting. OSHA regulations, Section 1910.1200(b), stipulate exemptions from the requirement to prepare or have available MSDS.

WHEN TO SUBMIT THIS FORM

Owners or operators of facilities that have chemical substances on hand in quantities that are subject to reporting under Section 312 of EPCRA must submit Kansas Tier II forms by March 1 of each year. If new chemical substances that require reporting are brought on site, then an update is required within 2 months for Section 302 extremely hazardous substance reporting and within 3 months for Section 311 inventory reporting. The Kansas Tier II hard copy form can be used to update, by marking the appropriate box(s) in section 5 of the form (312, 311, 302; annual or revision).

WHERE TO SEND YOUR COMPLETED TIER II

Send a completed Tier II form to each of the following organizations:

- (1) Kansas Department of Health & Environment
Right-to-Know Program
1000 SW Jackson, Suite 330
Topeka KS 66612-1365
- (2) Local Emergency Planning Committee (LEPC). To obtain the address either call KDHE at (785) 296-1688 or find at <http://kansastag.gov/KDEM.asp?PageID=158>.
- (3) The fire protection service which covers your facility. Contact your LEPC for this information.

PENALTIES

Any owner or operator who violates Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$25,000 per day for each such violation.

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How to Fill Out the Tier II Form

1. REPORTING PERIOD & PAGES

Enter the year for which the report applies. Section 312 Tier II is for the previous year's inventories. Enter the page number and the total number of pages. The second page can be used as many times as needed.

2a. NEW FACILITY

Indicate whether or not the facility is new (or filing for the first time).

2. FACILITY IDENTIFICATION

Enter name of the facility & use company identification where appropriate. Enter the full street address or state route. If a street address is not available, enter other information that describes the physical location of the facility. Latitude & longitude are required. Section, township, and range are used exclusively for oil & gas locations. Include city, zip code, and facility phone, if applicable. County is required. Indicate if the facility is manned or unmanned, & enter the maximum # of occupants at any given time. If submitting an aggregate reporting form, then write "see Attached Aggregate Report" in lieu of the name and location information.

3a. OWNER/OPERATOR IDENTIFICATION

Enter the Owner or Operator's full business name, address, phone number, submitter name, & email address. The submitter is the person completing the Tier II form or a contact in the company familiar with the form.

3b. MAILING ADDRESS

If mailing address is different from Owner/Operator address, then enter the business name, address, and to whose attention mailings should be addressed.

4a. TIER II CONTACTS

Enter the name, title, phone numbers, and email address of the person knowledgeable of the information contained on the Tier II form.

4b. EMERGENCY CONTACTS

Enter the name, title, phone numbers, and email address of at least one local person who can be called if emergency responders need assistance in responding to an incident at the facility. Provide an emergency phone number where such emergency information will be available 24 hours a day. This emergency phone requirement is mandatory. The facility must make an arrangement to ensure that 24-hour contacts are available. The first person listed under "Emergency Contacts," is the facility coordinator as described in 40 CFR Part 355.

5. SECTION REPORTING

Specify under what section the information is being submitted. Check more than one, if applicable.

Indicate if this submission is the annual Section 312 Tier II report, or a revision to the annual report. Also check the box if submitting the same information this year as last year.

6. OPTIONAL ATTACHMENTS

If you choose to attach one of the following, check the appropriate attachments box at the bottom of the Tier II form.

- (1) A site plan with site coordinates indicated for buildings, lots and areas throughout your facility.
- (2) A list of site coordinate(s) abbreviations that correspond to buildings, lots and areas throughout your facility.
- (3) A description of dikes for storage locations throughout your facility.
- (4) Other safeguard measures not described elsewhere.

7. CERTIFICATION

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate and complete. Enter your full name and official title. Sign your name and enter the current date. An original signature is required on at least the first page of the submission. Submissions to the Kansas State Emergency Response Commission designee (which is KDHE) must contain at least one original signature.

8a. CHEMICAL DESCRIPTION

Enter the chemical name, product name, or trade name as provided on the Material Safety Data Sheet. Enter the Chemical Abstract Service (CAS) registry number, if available. For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, leave this item blank.

If you are withholding the name of a chemical, as a trade secret, in accordance with criteria specified in EPCRA Section 322, enter the generic class or category that is structurally descriptive of the chemical and check the box marked "Trade Secret". Trade secret information should be submitted to EPA and must include substantiation. Please refer to EPA's final regulation on trade secrecy (40 CFR Part 350) for details.

CHEMICAL FORM

Check all boxes that apply to the chemical reported. If the chemical contains an extremely hazardous substance, check the "EHS" and "Mix" boxes. Unless the EHS is pure, you must list the name and CAS number of each EHS in section 8b. If a non-EHS chemical is a mixture, you may list the mixture components in section 8b.

CHEMICAL HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

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HAZARD CATEGORY COMPARISON FOR REPORTING UNDER SECTIONS 311-312	
EPA Hazard Categories	OSHA Hazard Categories
Fire Hazard	Flammable Combustion Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute)	Highly Toxic Toxic Irritant Sensitizer Corrosive Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens Other chemicals with an adverse effect with long term exposure

Fiber Drum
Bag
Box
Cylinder
Glass Bottles or Jugs
Plastic Bottles or Jugs
Tote Bin
Tank Wagon
Rail Car
Battery

PRESSURE CONDITIONS	TEMPERATURE CONDITIONS
Ambient Pressure	Ambient Temperature
> Ambient	> Ambient
< Ambient	< Ambient
	Cryogenic

8b. MIXTURE COMPONENT INFORMATION

If the chemical reported in 8a is a mixture, then you may list each component of that mixture, the percentage in the mix (if known), and the Chemical Abstract Service (CAS) number, if available for the component. This information can be found on the Material Safety Data Sheets.

8c. STORAGE TYPES AND CONDITIONS

List all chemical locations in this column, along with storage containers and the conditions of storage associated with each location. Please note that a particular chemical may be located in several places around the facility. Indicate if you'd like any of these locations to remain confidential. Each row of boxes followed by a line represents a unique location for the same chemical. You must use the following storage container types and pressure/temperature conditions.

STORAGE CONTAINER TYPES
Above Ground Tank
Below Ground Tank
Tank Inside Building
Steel Drum
Plastic/Non-Metal Drum
Can
Carboy
Silo

Provide a brief description of the precise location of the hazardous chemical substances reported in 8a, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates. For each chemical, indicate at a minimum the building or lot. Where practical, the room or area may be indicated.

If the chemical is present in more than one building, lot, or area, continue down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report the chemical is ubiquitous.

INVENTORY AMOUNTS

For each chemical, estimate the greatest amount present at your facility at any one time during the calendar year. Enter the amount in pounds.

For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year. Enter this estimated amount.

Enter the estimated number of days the hazardous chemical was on-site during the year.

Calculate all amounts as weight in pounds. To convert gas or liquid volume to weight in pounds, multiply by the appropriate density factor. (For liquids multiply gallons x specific gravity from the MSDS x 8.33 = weight in pounds).

If a chemical is part of a mixture, you have the option of reporting either by the chemical component or the entire mixture. However, as stated in 40 CFR 370.14(b), the reporting option used must be consistent for both MSDS and inventory reporting, unless it is not possible to do so. This means, if a facility reports on a specific mixture as a whole for MSDS reporting, then it must report on that mixture as a whole for Tier II inventory reporting.

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For extremely hazardous substances (EHS) the amount of an EHS at a facility (both in pure EHS substances and EHSs in mixtures) must be combined for purposes of threshold determination.

If you are reporting this chemical even though it is present in quantities below the reporting threshold, you may mark the "Optional Report" box. These materials will not be included in the fee calculations.

AGGREGATE REPORTING

If own or operate several facilities that have the same chemicals at each location in similar quantities* you can complete one Kansas Tier II report and the aggregate reporting form for all these facilities. "Similar quantities" is defined in the chart below. All facilities must also have the same NAICS Code, maximum # of occupants, manned/unmanned status, and not be subject to RMP, TRI, 302, or 112r regulations. The Kansas Tier II is completed as per the instructions, except in section 2 you will indicate "see attached Aggregate Reporting Form" in lieu of facility name and location. The Aggregate Reporting Form is completed by listing each facility name, location (latitude/longitude is required), and the county in which it is located. If a particular facility is new and has not been previously reported by you, indicate this by placing a check mark in the appropriate box under the column marked "New Facility".

Attach the Aggregate Reporting Form to the Kansas Tier II.

*Similar quantities are defined as quantities that fall within the same range codes of the federal Tier II reporting ranges. This table has been reproduced for your reference.

Range Code	Weight in Pound	
	From	To
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

An example of a similar quantity would be gasoline reported at two locations, the first at 12,000 pounds the second at 40,000 pounds. Both quantities fall in the 04 range above and are therefore considered similar in quantities. If the same chemical substance at two locations falls within two different range codes they are not considered similar in quantity and must be reported as separate facilities.

SPECIAL REPORTING CONSIDERATIONS

1. Facilities storing threshold quantities of petroleum fuels (gasoline, gasohol, aviation fuel, diesel #1 and #2) shall be exempt from fee requirements provided: the petroleum fuel storage tank is registered with KDHE's Storage Tank Program, the petroleum fuels have been reported on the special storage tank form provided by the department to comply with Section

312 Tier II reporting, and the facility owner/operator has paid the storage tank program annual fee in compliance with K.A.R. 4-17 or 28-44-28.

2. Each owner/operator of an oil or gas well required to report under Section 312 (Tier II) of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25 regardless of the number of wells (as defined under K.S.A. 55-150) reporting under an individual owner or operator business name.
3. Sand, gravel, clay, salt, or brine are reportable under Section 312; however, no fees are associated with these "hazardous" substances.

WEB BASED REPORTING

Section 312 Tier II reports can now be submitted via the web. The website is located at <http://kansas.tier2online.com>. To gain access, facilities will need a User ID and password. A written request must be sent to Marla Oestreich at marla.oestreich@ks.gov or kdhe.rtk@ks.gov to obtain this information. Please remember to include a contact name, phone number, email address, and mailing address.