

## What is emergency planning and community right-to-know?

The Emergency Planning and Community Right-To-Know Act was passed by Congress as Title III of the Superfund Amendments and Reauthorization Act of 1986. It establishes requirements for a unique public/private partnership of federal, state and local governments and industry for planning and reporting on hazardous and toxic chemicals. On July 6, 1988, the Governor signed into law the "Florida Hazardous Materials Emergency Response and Community Right-to-Know Act", which implements the federal legislation.

## What is the purpose of the federal and state legislation?

The purpose of the federal law is two-fold:

- To develop plans to respond quickly in the event of a spill or release of hazardous materials; and,
- To increase the public's knowledge and access to information on the presence of hazardous chemicals in their communities and releases of these chemicals into the environment.

The purpose of the state law is to establish a fee system for facilities that are required to file the federal reports to support the costs of emergency planning and public access to chemical information.

## What are the major provisions of the federal legislation?

### Section 302: Emergency Planning Notification

Facilities that have present an extremely hazardous substance at or in excess of an established threshold planning quantity must notify the State Emergency Response Commission and their Local Emergency Planning Committee that they are subject to Section 302. This written notification is required within sixty days after a facility acquires an extremely hazardous substance at or above threshold planning quantity and includes the following information: the name of a facility representative who will assist emergency planners in developing emergency response plans; the mailing address and the physical address of each subject facility; and, the facility representative's telephone number. This is a one-time notice; however, this information must be kept current as inventories and other information changes.

### Section 304: Emergency Release Notification

Facilities that have an off-site release of an extremely hazardous substance or any of the chemicals listed in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in excess of the reportable quantity for that substance must immediately notify the State Emergency Response Commission and the Local Emergency Planning Committee by calling the State Warning Point at 850-413-9911. If the spill involves a Comprehensive

Environmental Response, Compensation, and Liability Act chemical, the National Response Center must also be notified at 800-424-8802. A follow-up written notice must be sent to the State Emergency Response Commission and the appropriate Local Emergency Planning Committee after the release.

### Section 311-312: Community Right-To-Know Reporting Requirements

Section 311 concerns facilities which must prepare or have available material safety data sheets under the Occupational Safety and Health Administration's regulations. It requires those facilities which have hazardous substances in certain threshold amounts to submit copies of the material safety data sheets. Over 500,000 chemicals and mixtures are covered under this section. A list of those chemicals grouped by the Environmental Protection Agency's five hazard categories can be submitted in lieu of the actual material safety data sheets. In addition, any extremely hazardous substance at or in excess of a threshold planning quantity or 500 pounds, whichever is less, must be reported. This information must be sent to the State Emergency Response Commission, appropriate Local Emergency Planning Committee, and local fire department. This is a one-time reporting requirement; however, within ninety days of discovering significant new information on a chemical, or upon acquiring a new chemical that is covered, a facility must submit a material safety data sheet or a list if those chemicals.

Section 312 requires facilities to submit hazardous chemical inventory forms on the same chemicals covered in Section 311. These forms must also be sent to the State Emergency Response Commission, appropriate Local Emergency Planning Committee, and local fire department by March 1 of every year.

The Florida Hazardous Materials Emergency Response and Community Right-to-Know Act requires the public sector to comply with Sections 311 and 312.

### Section 313: Toxic Chemical Release Reporting

Manufacturing facilities in Standard Industrial Classification Codes 10, 12, 20 through 30, 4911, 4953, 5169, 5171 and 7389 that have ten or more full-time employees and use, manufacture, or process a toxic chemical in a quantity exceeding a threshold amount, must provide a summary of toxic chemical releases by July 1 each year. This summary reports releases from the previous calendar year. It is submitted to the State Emergency Response Commission and the U. S. Environmental Protection Agency.

## Who must comply with the federal and state legislation?

Any facility, regardless of the type of operation, that has present hazardous materials is potentially subject to the Emergency Planning and Community Right-To-Know Act. Types of facilities commonly affected by these laws include the chemical industry, cold storage facilities, water/wastewater treatment plants, golf courses, hospitals, agricultural operations, wholesale distributors, as well as state and local governments.

## What is the cost for filing?

SECTION	FEE AMOUNT	DUE DATE
302	\$50 PER FACILITY (public and private)	One-time filing
302 (agricultural facilities subject to the "routine agriculture use" exemption)	\$10 per employee \$25 minimum \$1,000 maximum	March 1, each year
302 or 312 (private only)	\$10 per employee \$25 minimum \$2,000 maximum	March 1, each year
312 (Certain regulated industries covered by Ch. 368.527 or S. 376.303, Florida Statutes)	\$2.50 per employee \$25 minimum, \$500 maximum	March 1, each year
313	\$150 per Form R Report \$75 per chemical listed on Form A Report	July 1 each year

Under the state law, private sector facilities required to file a report under Section 302 or Section 312 of the federal law must pay an annual registration fee of \$10 per employee, with a minimum of \$25 and a maximum of \$2,000. Under the state law, agricultural facilities as defined by Rule Ch. 9G-14.002(2), *Florida Administrative Code* are required to file under Section 302 of the federal law must pay an annual registration fee of \$10 per employee, with a minimum of \$25 and a maximum of \$1,000.

A reduced fee of \$2.50 per employee with a minimum of \$25 and a maximum of \$500, applies to companies regulated under Chapters 368 (gas transmission/distribution) and 527 (liquid petroleum gas), or Section 376.303 (storage tanks), *Florida Statutes*. Companies are eligible for the reduced fee only if they fall under one or more of these statutes and do not have extremely hazardous substances at or above established threshold planning quantities.

There is a one-time filing fee of \$50 per facility for those public and private facilities required to report under Section 302 of the federal law. This fee is to be submitted with the Emergency Planning notification under Section 302. Facilities reporting under Section 313 of the federal law must pay a fee of \$150 per Form R report and \$75 per chemical on a Form A report. This fee is due July 1 of each year.

## What are the penalties for non-compliance?

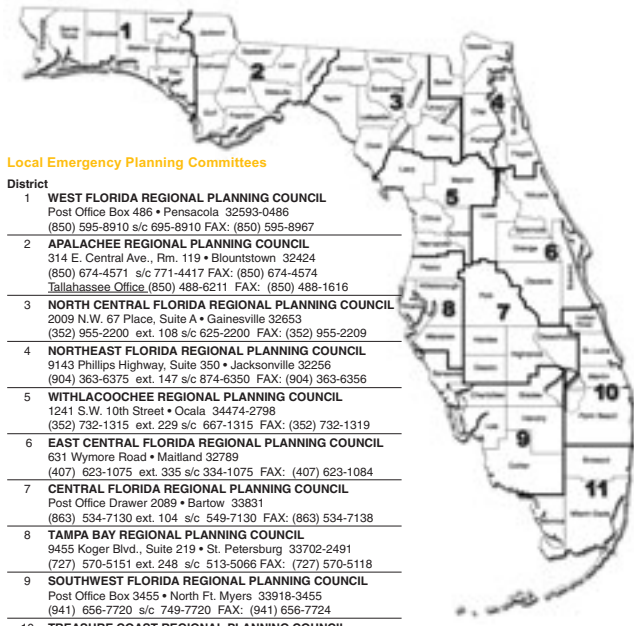
The federal law provides for civil penalties of up to \$75,000 for each day a violation continues, and both civil and criminal penalties for willful violations. The state law provides for civil penalties of up to \$5,000 for submitting false information, and criminal penalties for willfully providing false information. The state law also specifies the assessment of late fees for submitting late reports or delinquent fees.

## What are the addresses for the State Emergency Response Commission and Local Emergency Planning Committees?

State Emergency Response Commission for Hazardous Materials  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
850-413-9970

For further information or assistance, please call the Department of Community Affairs' Hazardous Materials Planning Section at: 850-413-9970 or 1-800-635-7179 (Florida only)

Or visit our web site:  
<http://www.dca.state.fl.us/cps/SERC/serc.htm>



### Local Emergency Planning Committees

District	Committee Name	Address	Contact Information
1	WEST FLORIDA REGIONAL PLANNING COUNCIL	Post Office Box 486 • Pensacola	32593-0486 (850) 595-8910 s/c 695-8910 FAX: (850) 595-8967
2	APALACHEE REGIONAL PLANNING COUNCIL	314 E. Central Ave., Rm. 119 • Blountstown	32424 (850) 674-4571 s/c 771-4417 FAX: (850) 674-4574 Tallahassee Office (850) 488-6211 FAX: (850) 488-1616
3	NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL	2009 N.W. 67 Place, Suite A • Gainesville	32653 (352) 955-2200 ext. 108 s/c 625-2200 FAX: (352) 955-2209
4	NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL	9143 Phillips Highway, Suite 350 • Jacksonville	32256 (904) 363-6375 ext. 147 s/c 874-6350 FAX: (904) 363-6356
5	WITHLACOOCHEE REGIONAL PLANNING COUNCIL	1241 S.W. 10th Street • Ocala	34474-2798 (352) 732-1315 ext. 229 s/c 667-1315 FAX: (352) 732-1319
6	EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL	631 Wymore Road • Matland	32789 (407) 623-1075 ext. 335 s/c 334-1075 FAX: (407) 623-1084
7	CENTRAL FLORIDA REGIONAL PLANNING COUNCIL	Post Office Drawer 2089 • Bartow	33831 (863) 534-7130 ext. 104 s/c 549-7130 FAX: (863) 534-7138
8	TAMPA BAY REGIONAL PLANNING COUNCIL	9455 Koger Blvd., Suite 219 • St. Petersburg	33702-2491 (727) 570-5151 ext. 248 s/c 513-5066 FAX: (727) 570-5118
9	SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL	Post Office Box 3455 • North Ft. Myers	33918-3455 (941) 656-7720 s/c 749-7720 FAX: (941) 656-7724
10	TREASURE COAST REGIONAL PLANNING COUNCIL	301 East Ocean Blvd., Suite 300 • Stuart	34994 (561) 221-4060 s/c 269-4060 FAX: (561) 221-4067
11	SOUTH FLORIDA REGIONAL PLANNING COUNCIL	3440 Hollywood Blvd., Suite 140 • Hollywood	33021 (954) 985-4416 s/c 473-4416 FAX: (954) 985-4417



industry  
hospitals  
government  
agriculture  
business

**Emergency Planning and  
Community Right-To Know**

a public private partnership

BUSINESS AND INDUSTRY GUIDE

Florida Department of Community Affairs  
State Emergency Response Commission  
2555 Stunard Oak Boulevard  
Tallahassee, FL 32399-2149

