

State Emergency Response Commission (SERC)

Policy Position

Updated December 17, 1998 *While still in effect, these are currently in review by the SERC

POLICY # 1: DATA MANAGEMENT - EPCRA SECTION 311-Passed 2/26/98

In order to comply with Hazardous Chemical reporting requirements under EPCRA Section 311, facilities must prepare a one-time report of all hazardous chemicals located on-site in quantities above established thresholds. Previously, filers could satisfy this requirement by filing any one of three options:

- Copies of the actual MSDSs
- A list of MSDS chemicals - grouped by hazard category or
- A completed Tier II form.

Effective with the adoption of the policy, the SERC will only accept Tier II forms to satisfy the Section 311 requirement. Material Safety Data Sheets (MSDS) will no longer be maintained by the SERC and submissions of MSDSs will be made only if requested by the local fire department or LEPC.

Tier II reports submitted in response to Section 311 do not satisfy the requirement for annual reporting under Section 312.

POLICY # 2: DATA MANAGEMENT - EPCRA SECTION 313-Passed 2/26/98

Toxic Chemical Release Reports filed under EPCRA Section 313 will be maintained by the Massachusetts Toxic Use Reduction Act (TURA) Program within the Massachusetts Department of Environmental Protection (DEP). Data from the reports are converted into an annual Toxic Release Inventory (TRI) database by the U.S. Environmental Protection Agency (EPA). This data is available to the public and communities upon request to U.S. EPA, Mass. DEP and via the Internet at the [DEP homepage](#).

POLICY # 3: DATA MANAGEMENT - EPCRA SECTION 304-Passed 2/26/98

The Massachusetts Contingency Plan, (310 CMR 40.0) establishes requirements for reporting the release of a hazardous material that are more stringent than those contained in EPCRA Section 304. Information submitted to Mass. DEP in compliance of the Massachusetts obligation shall therefore be considered adequate for satisfying EPCRA requirements for SERC Emergency Release Notification under Section 304.

Although written and/or verbal notifications received by the SERC will be forwarded to Mass. DEP Bureau of Waste Site Cleanup, notifications made to the SERC, does not satisfy a responsible party's reporting obligations to Mass. DEP under MGL Chapter 21E and 310 CMR

40.0. Under EPCRA Section 304, separate notifications to the National Response Center and to local officials are also required.

Accidental release information is available to the public upon request to Mass. DEP, Bureau of Waste Site Cleanup (BWSC). A database version of release information is available via the Internet at the [DEP homepage](#).

POLICY # 4: FACILITY HAZMAT CONTINGENCY PLANS-Passed 2/26/98

Although there is no legal obligation to submit facility hazardous material contingency plans under EPCRA, the information contained in such plans can be useful in emergency planning efforts. Plans received from industry by the SERC will therefore be forwarded to the appropriate Massachusetts Emergency Management Agency (MEMA) Area Offices. The Area Office staff will notify the LEPCs of the plan and make it available to local emergency management officials.

POLICY # 5: DATA MANAGEMENT - EPCRA SECTION 312-Passed 2/26/98

Effective with the 1997 reporting cycle, annual Tier II reports submitted to the Massachusetts SERC under EPCRA Section 312, will be accepted and maintained by the SERC at 400 Worcester Road, Framingham, MA 01702-5399. Separate filings must still be made to local fire departments and LEPCs.

The required format for filing Tier II information is on floppy disk using the Tier II electronic filing software. Reports filed in this manner must be accompanied by a signed statement from an official of the reporting facility that the submission is accurate and complete. The filing of paper reports is limited to Tier II forms (Tier I forms are not acceptable) and should be made only when submission by disk is not possible. Tier II reports will be processed and maintained in accordance with a yet-to-be established document maintenance and destruction schedule.

The use of electronic filing via the Internet is being examined, however it is not available for the 1997 (March 98) reporting cycle.

POLICY # 6: LEPC ORGANIZATION - STATEWIDE NON-ALIGNED LEPC(s)-Passed 12/17/98

In order to comply with the Emergency Planning and Community Right-to-Know Act (EPCRA), the Massachusetts SERC has created an LEPC Certification Process. This process requires communities to apply for an LEPC Certification level, (as outlined in the Certification Process), either as a single community or as part of a multi-community LEPC; or a community can choose not to apply for certification. If communities do not apply for LEPC certification, either by directly notifying the SERC or by no contact, the SERC will place those communities into a statewide non-aligned LEPC(s).

The statewide non-aligned LEPC(s) will be required to meet the minimum requirements for an

LEPC under the LEPC Certification Process. This will include: posting of agendas; naming a Right-to-Know Coordinator and establishing a system for data management of information filed by industry (including hours information is available to public, location of records and method of record storage); developing an emergency plan to be used by all communities covered by the LEPC; receiving a letter of acceptance for the plan and appointing of the Emergency Response Coordinator by the Chief Elected Official; providing a legal notice in a newspaper announcing the plan and industry information is available for review; ensuring training for emergency responders is taking place and exercising the emergency plan once a year.

Article 1 - Bylaws: The statewide non-aligned LEPC(s) will create and be governed by a set of bylaws which will include: Purpose and Authorization, Name, Membership, Duties of Office, Meetings, Voting, Employees, Committees and Amendments.

Article 2 - Right-to-Know Coordinator: The Massachusetts Emergency Management Agency (MEMA) will act as the LEPC(s) Right-to-Know Coordinator for information filed by industry under EPCRA, as it already does for the SERC. Information will still be filed with local fire departments as established under EPCRA.

Article 3 - Emergency Plan: All communities covered by this LEPC(s) will be required to use the Massachusetts Model Hazardous Materials Emergency Plan to meet the requirement for the emergency plan. The local Emergency Management Director, with support from other local departments and organizations, is responsible for providing and maintaining community specific information in the plan.

Article 4 - Acceptance of Emergency Plan by Chief Elected Official: The Model Hazardous Materials Emergency Plan needs to be accepted by written notice from the Governor.