



## Local Emergency Planning Committee

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### POLICY SECTIONS 311 AND 312

A policy on Community Right-to-Know Reporting requirements pursuant to SARA/Title

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#### I. Introduction

Section 311 and WI Stat. 166.20 states that the owner or operator of a facility, required under the occupational Safety and Health Act (OSHA) to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous substance, must submit within 90 days to the SERB, LEPC, and the local fire department with jurisdiction over the facility, an MSDS for each hazardous chemical present at a facility in quantities that equal or exceed 10,000 lbs. and for EHS's that are present at a facility in quantities that equal or exceed 500 lbs. or the Threshold Planning Quantity (TPQ), whichever is less.

Section 312 and WI Stat. 166.20 states that the owner or operator of a facility, required to prepare or have available an MSDS for a hazardous chemical under OSHA or a public or private agency, shall submit by March 1 annually to the SERB, 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 lb. Threshold reporting quantity and any EHS present that equaled or exceeded 500 lbs. or the TPQ, whichever is less, must be reported; unless the substance is exempt under one of the five 311 (e) or eight OSHA exemptions.

#### II. Furnishing Information.

WI Stat. 20 (5m) furnishing information, if the SERB or an LEPC requests information in writing, a facility shall furnish the information in the manner requested.

#### III. Receiving of MSDS and Tier Two Information.

When the LEPC receives MSDS's for a facility, the MSDS material will be placed in a file designated for the submitting facility. All information on the MSDS, from a facility, will be available to emergency responders. Public requests to see the MSDS will follow Section 324 policy set by the LEPC.

Receipt of Tier Two information from a facility will be placed in a file designated for the submitting facility. Tier Two information will be available to emergency responders. Public requests to view or copy the Tier Two will be made available pursuant to Section 324 Policy, set by the LEPC.

IV. Identification of Reporting/Non-reporting Facilities.

- A. Copies of Tier II forms are to be submitted to the County on or before March 1<sup>st</sup> of each year. These forms identify the hazardous materials that a facility had present during the previous year, 10,000 lbs. or more of a hazardous chemical or the TPQ or 500 lbs., whichever is the lesser, of an extremely hazardous substance.
- B. Tier II information will be updated to the list of reporting and planning facilities that the County has developed. If this is the first time a facility has reported its hazardous materials, it will be added to the list of facilities. If a facility has discontinued the use of or reduced the quantity of hazardous materials on site below the reporting quantities, it would no longer be required to report, and would be removed from the list of facilities.
- C. Facilities that have not reported to the County by March 31<sup>st</sup> will be sent a letter requested that they submit a copy of their Tier II form to the County, or they must submit a letter addressing why they have not reported this information within 15 days.
- D. Facilities that have not complied with the reporting requirements or that have failed to provide in writing why they are not required to report by the April 15<sup>th</sup> due date addressed in paragraph C above, will be identified in a letter to the State Compliance Officer for possible compliance action against the facility.
- E. A facility responding to the County's letter advising that it did not receive the necessary reporting forms will be supplied with copies of the current forms and any assistance that the facility needs in helping it come into compliance with the responding requirements of the law.