

(h) The health professional receiving the trade secret information may disclose it to EPA only under the following circumstances: The health professional must believe that such disclosure is necessary in order to learn from the Agency additional information about the chemical necessary to assist him in carrying out the responsibilities set forth in paragraphs (c), (d), and (e) of this section. Such information comprises facts regarding adverse health and environmental effects.

PART 355—EMERGENCY PLANNING AND NOTIFICATION

Subpart A—General Information

Sec.

- 355.1 What is the purpose of this part?
 355.2 Who do “you,” “I,” and “your” refer to in this part?
 355.3 Which section contains the definitions of the keywords used in this part?

Subpart B—Emergency Planning

WHO MUST COMPLY

- 355.10 Must my facility comply with the emergency planning requirements of this subpart?
 355.11 To what substances do the emergency planning requirements of this subpart apply?
 355.12 What quantities of extremely hazardous substances trigger emergency planning requirements?
 355.13 How do I calculate the quantity of an extremely hazardous substance present in mixtures?
 355.14 Do I have to aggregate extremely hazardous substances to determine the total quantity present?
 355.15 Which threshold planning quantity do I use for an extremely hazardous substance present at my facility in solid form?
 355.16 How do I determine the quantity of extremely hazardous substances present for certain forms of solids?

HOW TO COMPLY

- 355.20 If this subpart applies to my facility, what information must I provide, who must I submit it to, and when is it due?
 355.21 In what format should the information be submitted?

Subpart C—Emergency Release Notification

WHO MUST COMPLY

- 355.30 What facilities must comply with the emergency release notification requirements of this subpart?
 355.31 What types of releases are exempt from the emergency release notification requirements of this subpart?
 355.32 Which emergency release notification requirements apply to continuous releases?
 355.33 What release quantities of EHSs and CERCLA hazardous substances trigger the emergency release notification requirements of this subpart?

HOW TO COMPLY

- 355.40 What information must I provide?
 355.41 In what format should the information be submitted?
 355.42 To whom must I submit the information?
 355.43 When must I submit the information?

Subpart D—Additional Provisions

- 355.60 What is the relationship between the emergency release notification requirements of this part and the release notification requirements of CERCLA?
 355.61 How are keywords in this part defined?

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (ALPHABETICAL ORDER)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES (CAS NUMBER ORDER)

AUTHORITY: Sections 302, 303, 304, 325, 327, 328, and 329 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11002, 11003, 11004, 11045, 11047, 11048, and 11049).

SOURCE: 73 FR 65462, Nov. 3, 2008, unless otherwise noted.

Subpart A—General Information

§ 355.1 What is the purpose of this part?

(a) This part (40 CFR part 355) establishes requirements for a facility to provide information necessary for developing and implementing State and local chemical emergency response plans, and requirements for emergency notification of chemical releases. This part also lists Extremely Hazardous

Environmental Protection Agency

§ 355.13

Substances (EHSs) and Threshold Planning Quantities (TPQs) in Appendices A and B, which are used in determining if you are subject to these requirements.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word “note” and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 355.2 Who do “you,” “I,” and “your” refer to in this part?

Throughout this part, “you,” “I,” and “your” refer to the owner or operator of a facility.

§ 355.3 Which section contains the definitions of the key words used in this part?

The definitions of key words used in this part are in § 355.61. It is important to read the definitions for these key words because the definition explains the word’s specific meaning associated with the regulations in this part.

Subpart B—Emergency Planning

WHO MUST COMPLY

§ 355.10 Must my facility comply with the emergency planning requirements of this subpart?

You must comply with the emergency planning requirements in this subpart if your facility meets either of the following two conditions:

(a) Any extremely hazardous substance (EHS) is present at your facility in an amount equal to or greater than its threshold planning quantity (TPQ), or

(b) Your facility has been designated for emergency planning purposes, after public notice and opportunity for comment, by one of the following three entities:

(1) The State Emergency Response Commission (SERC).

(2) The Governor of the State in which your facility is located.

(3) The Chief Executive Officer of the Tribe for the Indian Tribe under whose jurisdiction your facility is located.

§ 355.11 To what substances do the emergency planning requirements of this subpart apply?

The emergency planning requirements of this subpart apply to any EHS listed in Appendices A and B of this part. Additionally, if a facility is designated for emergency planning purposes, as provided in § 355.10(b), substances that are not EHSs at this facility may become subject to the emergency planning requirements.

§ 355.12 What quantities of extremely hazardous substances trigger emergency planning requirements?

Any EHS present at your facility in an amount equal to or greater than its TPQ triggers the emergency planning requirements of this subpart. The TPQs are listed in Appendices A and B of this part in the column labeled “threshold planning quantity.”

§ 355.13 How do I calculate the quantity of an extremely hazardous substance present in mixtures?

If an EHS is present in a mixture in a particular container, determine the quantity (in pounds) of the EHS in that container by multiplying the concentration of the EHS (in weight percent) by the weight (in pounds) of the mixture in the container. If the concentration of an EHS is less than or equal to one percent in the mixture, you do not have to count that EHS. Here is an example calculation:

Example: You have 150 pounds of a mixture that contains 20 weight percent of a certain EHS. The quantity of EHS present in the mixture is:

$$\begin{aligned} \text{EHS (in pounds)} &= (\text{weight percent of EHS}) \times (\text{weight of mixture}) \\ &= (20 \text{ percent}) \times (150 \text{ pound mixture}) \\ &= (0.20) \times (150) \\ \text{EHS (in pounds)} &= 30 \text{ pounds} \end{aligned}$$