

REGULATORY COMPLIANCE BULLETIN

February 13, 2017

ANNUAL EPCRA TIER II REPORTS DUE BY MARCH 1, 2017

EPA EPCRA Tier II reports must be filed for bulk plants, marinas and fleet fueling facilities and select retail gasoline facilities that stored more than **10,000 pounds (minimum 1,626 gallons)** of hazardous chemicals (petroleum fuels) at any single time during the 2016 calendar year. EPCRA 2016 reports must be filed with state emergency response authorities no later than **March 1, 2017**. Retail gasoline facilities with a storage capacity greater than 75,000 gallons of gasoline and/or 100,000 gallons or more of diesel fuel must also file EPCRA reports. Federal regulations exempt retail fueling facilities at or below these product capacity thresholds from the annual Tier II inventory reporting. Some states have set lower reporting thresholds, use unique Tier II reporting forms or require electronic filing. Petroleum marketers should contact their state EPCRA office to verify any state variances in Tier II reporting requirements (see contact information below).

EPCRA PAPER FORMS AND ELECTRONIC SUBMISSION SOFTWARE:

- EPCRA Tier II forms for paper filing may be downloaded here: [EPCRA Forms](#).
- **IMPORTANT!** Many states now require EPCRA reports be filed electronically and have adopted the EPA's Tier2 Submit electronic filing portal. Tier2 Submit electronic filing for Windows and Macintosh applications may be downloaded here: [EPCRA Electronic Filing](#)
- An electronic filing tutorial may be downloaded here: [Electronic Filing Tutorial](#).
- A complete list of state EPCRA Tier II requirements and procedures can be downloaded here: [State EPCRA Requirements](#).

EPCRA CAS NUMBERS:

- The following CAS designations (from material safety data sheets) must also be included on EPCRA Tier II reports;
 - **Gasoline** (CAS 8006-61-9);
 - **Diesel Fuel** (CAS 68476-34-6);
 - **Kerosene** (CAS 8008-20-6);
 - **Fuel Oil** (CAS 68476-30-2);
 - **Aviation Gasoline** (CAS Mixture);
 - **Jet A** (CAS Mixture);
 - **JP 8** (CAS Mixture).

EPCRA NAICS CODE:

- Standard Industrial Classification (SIC) codes can no longer be used to describe facilities on EPCRA Tier II reports. Instead, North American Industrial Classification System (NAICS) codes must be used. Applicable NAICS codes for the petroleum marketing industry include:
 - **Petroleum Bulk plants** - NAICS 424710
 - **Heating Oil Dealers** - NAICS 454311
 - **Retail Gasoline Stations with Convenience Stores** - NAICS 447110
 - **Retail Gasoline Stations without Convenience Stores** - NAICS 447190
 - **Cardlock Sites** – NAICS 447190

PENALTY FOR FAILURE TO FILE EPCRA TIER II:

- The EPA fine for violating EPCRA Tier II reporting is \$37,500 per day, per violation. EPA checks for filing of EPCA Tier II reports during routine compliance audits or after a release has occurred.

RECENT ADDITIONS TO TIER II FORM:

- EPCRA Tier II forms now ask whether the facility is subject to emergency planning under Section 302 of EPCRA (Toxic Release Inventory or TRI) or the chemical accident prevention requirements under 112r of the Clean Air Act (Risk Management Program or RMP). For small bulk plant operators the answer to these questions is almost always “NO”. Typically, small petroleum bulk plants operated by petroleum marketers located downstream of the terminal rack are NOT subject to TRI or RMP. While these small bulk plants must comply with Spill prevention Control and Countermeasure (SPCC) this is not the same as TRI or RMP.

Got Questions? Contact Mark S. Morgan, PMAA Regulatory Counsel at mmorgan@pmaa.org