

P.L. 99 499

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT

TITLE III EMERGENCY PLANNING AND COMMUNITY  
RIGHT TO KNOW ACT OF 1986

42 USC 11001  
KRS CHAPTER 39E

**"HOW TO COMPLY" PACKET**

March 2010

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## BACKGROUND

The Federal Emergency Planning and Community Right to Know Act (EPCRA) was passed by Congress in 1986 and required annual inventory reporting from facilities having above a threshold quantity of hazardous material. EPCRA was included as Title III of the Superfund Amendments and Reauthorization Act (SARA) and is sometimes referred to as SARA Title III. EPCRA provides for the collection and availability of information regarding the use, storage, production, and release of hazardous chemicals to the public and emergency responders in your communities. The law promotes a working relationship among government at all levels, business and community leaders, environmental and other public interest organizations, and individual citizens to improve hazard communication and emergency planning.

Kentucky has adopted EPCRA into law through Kentucky Revised Statutes 39 A-F and through regulations found in 106 KAR Chapter 1. The administrative body for implementation of EPCRA is the Kentucky Emergency Response Commission (KYERC). The KYERC may have up to 25 members each appointed by the Governor. The Director of Kentucky Emergency Management serves as the Chairperson for the KYERC. Other members include, but aren't limited to, the executive director of the Commission on Fire Protection Personnel Standards and Education or the executive director's designee, representatives of the Environmental and Public Protection Cabinet, the Office of the State Fire Marshal, the Kentucky State Police, the Office of the Attorney General, affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate. Members of the KYERC are appointed by the Governor for a term of two (2) years. Members serve until their successors are appointed and qualified. Members are eligible for reappointment.

SARA Title III also required each state SERC to establish local emergency planning districts. In Kentucky these districts correspond to the counties. Under KRS 39E 0.100 Local Emergency Planning Committees (LEPCs) were created. Although Kentucky has 120 counties, there are 118 LEPCs because the Northern Kentucky Counties of Boone, Campbell and Kenton have combined to form a joint LEPC. SARA Title III requires LEPC members come from the following groups: 1) elected state and local officials; 2) law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; 3) broadcast and print media; 4) community groups; 5) owners and operators of facilities with Extremely Hazardous Substances. LEPCs use your Tier II Hazardous Material Inventory information to develop and exercise their local planning district's emergency response plan(s).

## WHY IS HAZARDOUS MATERIAL INVENTORY REPORTING REQUIRED?

Knowing what chemicals are present in your community and how to respond to their release can help safeguard you, your family and the emergency personnel whose job it is to respond to these releases. EPCRA provides the citizens in your community with a "right to-know" regarding what chemical(s) are being utilized or stored at a "regulated facility". Under this program, citizens may request access to inventory reports and emergency plans developed under this law. There are disclosure protections for trade secret chemical names and confidential locations.

In Kentucky the plans developed under EPCRA are comprehensive facility emergency response plans and are commonly known as TAB Q-7. These Plans are required for all facilities storing or using "extremely hazardous substances (EHS) above the Threshold Planning Quantity. LEPCs use the chemical information provided on Tier II Hazardous Material Inventory Forms and working in conjunction with facilities develop TAB Q Plans that provide specific chemical inventory data including: chemical name(s), volume, storage method, health hazards, etc. The LEPC and facility representatives use modeling to perform hazard analysis studies that identify a potential area of impact in the event of a release of these chemicals. Special facilities such as schools, day cares, nursing homes, and hospitals within the radius of concern are identified as are the training and exercising requirements for personnel at the facility and for the community responders.

## WHO MUST COMPLY?

The owner or operator of a facility must submit a report when all of the following conditions are met:

1. Facility is subject to the OSHA Hazard Communication Standard; and
2. Facility uses, produces, and/or stores a Hazardous Chemical and/or an "Extremely Hazardous Substance" (EHS); and
3. The quantity of one of these Hazardous Chemicals or Extremely Hazardous Substances is in excess of the "**Threshold Quantity**" (TQ).

### **The TQ for Hazardous Chemicals is 10,000 pounds.**

If your facility stores or uses more than 10,000 pounds of any one hazardous chemical or mixture containing the TQ of a hazardous chemical at your facility, at any one point in time, on any one given day (24 hours), as defined by the OSHA Hazard Communication Standard.

Hazardous Chemicals can not be found on any single list. The term "Hazardous Chemical" refers to any chemical, element, chemical compound(s), or mixture(s) of elements and/or compounds with "hazardous" characteristics. The five hazardous characteristics are: acute toxicity, chronic toxicity, flammability, reactivity, and sudden release of pressure. If a chemical exhibits one or more of these characteristics it is considered to be a Hazardous Chemical. Similarly, if a formulation of several chemicals exhibits one or more of these characteristics, the formulation is a hazardous chemical. If you have any chemicals covered by the OSHA Hazard Communications Standard, those chemicals are also regulated under EPCRA. The characteristics of a chemical or compound and its reporting requirements can be identified from its **OSHA Material Safety Data Sheet (MSDS)**.

**The TQ for Extremely Hazardous Substances (EHS) is 500 pounds or the listed Threshold Planning Quantity (TPQ), whichever is less. Examples include, but are not limited to, chlorine, ammonia, sulfuric acid, hydrofluoric acid, nitric acid.**

An Extremely Hazardous Substance (EHS) is one of a group of specifically listed chemicals. A searchable EHS list appears on the EPA List of Lists at <http://web-services.gov/lo/> . The EHS list is reproduced in this document on pages .

The list contains the name of the chemical, the Chemical Abstracts Service (CAS) number, and TPQ. If a chemical does not appear on this list it is not an EHS chemical. There are NO trade names on this list, only specific chemical names. The specific chemical names may appear in the list of active ingredients on the label of a

trade-named product/material, or are stated on the Material Safety Data Sheet.

## EXEMPTIONS UNDER THIS PROGRAM

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

## QUANTITY EXCEPTION FOR RETAIL PETROLEUM FACILITIES

On February 11, 1999, the EPA issued a final rule raising thresholds that trigger MSDS Section 311 reporting and Section 312 annual chemical inventory reporting (Tier II) under EPCRA for gasoline and diesel stored entirely in underground storage tanks at retail petroleum facilities that are in compliance with requirements for Underground Storage Tanks (UST). The final rule promulgated threshold levels of 75,000 gallons or 475,250 lbs for gasoline and 100,000 or 730,000 lbs for diesel fuel.

## CALCULATION OF QUANTITY IN STORAGE

### Step 1

In order to determine if you have a TQ (the amount that triggers inventory reporting) of a Hazardous Chemical or Extremely Hazardous Substance **you must first inventory your chemicals**. If you are in compliance with the OSHA Hazard Communication Standard, you already have your **Material Safety Data Sheets (MSDS)** gathered and know what chemicals you have. If you have not done this, you need to collect this information. **NOTE:** MSDSs without a date were published prior to 1985. Facilities which have old MSDSs, or no MSDS for a chemical, should call their supplier and request a new one. Suppliers are required by law to provide updated copies on request.

### Step 2

Determine how much (ie. amount in pounds) of the Hazardous Chemical(s) or Extremely Hazardous Substance(s) your facility has on site. You may wish to create a spreadsheet that lists each trade name or pure substance you have in one column and the ingredients (composition) shown on the MSDS in another column. In another column list the percent concentration for each ingredient on the MSDS. For substances having a range of concentration use the maximum percentage shown. When two or more trade names or mixtures contain the same ingredient, list the amount of the ingredient in the same column to facilitate adding the quantities together. When your inventory is done, **figure the ingredient weight in pounds** and add the columns to give the total weight of each *individual* ingredient. Any hazardous ingredient present in amounts of one percent or more in a mixture must be listed. If the chemical is a carcinogen (this should be listed on an MSDS) it must be listed if present in excess of 0.1 percent. These percentages are known as the *de minimis* concentrations. Hazardous ingredients must be listed whether they are active or inert. Examples of inert hazardous ingredients include flammable or toxic solvents used as a carrier, compressed gas as a propellant and contaminants.

**All Amounts must be calculated in pounds.** To convert gas or liquid volume to weight in pounds, multiply the volume amount by the specific gravity factor. For pure substances the total weight is determined by adding together the weight of each container of the substance. There are two options to use when calculating your chemical inventory for mixtures.

1. Report the weight of the entire mixture as a whole or
2. Only report the portions of the mixture that is a hazardous material. This is done by multiplying the weight of the chemical by the percent concentration of the chemical.

For example: A forklift battery with an electrolyte containing 70% sulfuric acid may have a total weight of 1000 pounds. The sulfuric acid may be reported either as 1000 pounds or as  $0.70 \times 1000$  pounds = 700 pounds. Either number would still need to be multiplied by the total number of forklift batteries at the facility to report the total amount of sulfuric acid for the facility.

## TIER II ONLINE REPORTING PROCEDURES (NEW)

To aid in the collection of Tier 2 data, the KYERC now requests the electronic submission from all facilities through the online submission process. Facilities may use the EPA Tier 2 Submit program, which may be downloaded from the following web address:  
<http://www.epa.gov/oem/content/epcra/statetier2.htm#kentucky>

**NOTE:** Facilities must complete the Tier 2 Submit program before it may be electronically submitted.

Instructions for online submission:

1. Complete the Tier 2 Submit program, noting the file location upon completion.
2. **Please Note:** Although the website indicates the site is not secure, it is due to Microsoft's certificate policies. The site is secure, and the payment will be made securely. (For further information regarding this issue, please contact Kentucky.gov at <http://kentucky.gov/Pages/contact.aspx>)
3. Follow the following link to access the online submission application:  
<https://secure.kentucky.gov/dma/tier2submission/>
4. If a security certificate issue appears, please click "Continue to this website."
5. Users will need a free account with Kentucky.gov. New users will follow the link to sign up for an account. Once registered, return to the link in step 3 to continue the process.
6. Returning users will log in with previously established username and password.
7. Once logged in, either update or enter in the following information:
  - a. First Name
  - b. Last Name
  - c. Address
  - d. City
  - e. State
  - f. Zip Code
  - g. Company Name
  - h. Contact Person
  - i. Contact Email
8. Once your information is entered/updated, click "Next" to go to the Tier II Submission Upload page.
9. Tier II Submission Upload page: browse files for Tier II report file.
10. Select "Add a new Facility" and complete the following information (\* indicates required):
  - a. \*Facility
  - b. \*Facility Category (Please refer to the Fee Schedule)
  - c. \*Address Line 1
  - d. Address Line 2
  - e. \*City
  - f. \*State
  - g. \*Zip
  - h. \*Contact Person
  - i. \*Contact Phone (please enter as 000-000-0000)
  - j. Emergency Phone
  - k. Latitude (please enter as decimal e.g. 0.000)
  - l. Longitude (please enter as decimal e.g. 0.000)
  - m. \*County (select from drop down menu)
  - n. Short Description
11. Select "Add," then repeat for any additional facilities. When finished, select "Pay Now."

12. Answer yes or no if the transaction is an International ACH Transaction. (The answer is yes only if the financial agency's office is located outside the territorial jurisdiction of the United States). It will automatically move you to the next page once a selection is made.
13. Payment page: Verify that the fee is correct (plus the \$2 processing fee), complete the following checking information, and then select "Pay." Please note, the service may take a few moments to process. Avoid clicking the "Pay" button multiple times to avoid duplication of payment.
  - a. Name on the Account
  - b. Bank Routing Number
  - c. Account Number
14. User will receive a transaction number once payment has been submitted successfully. Please note this number for further reference. Once the user has received the transaction number, the process is complete. The user may exit the application or return to the KYEM Homepage.

If you choose to opt out of the online submission and payment process, please follow the steps below.

1. All fees and forms must be filed **SIMULTANEOUSLY** to the KYERC.
2. Make check payable to: Kentucky State Treasurer
3. Mark all checks: "For KyERC Account"
4. Mail to:

Kentucky Emergency Response Commission  
EOC, Boone Center  
100 Minutemen Parkway  
Frankfort, KY 40601 6168

\*NOTE: Failure to indicate "For KyERC Account" may result in the check being incorrectly deposited. Please be sure to mark "For KyERC Account."

**ALL TIER 2 SUBMIT SOFTWARE ASSISTANCE AND/OR QUESTIONS ARE DIRECTED TO THE USEPA RMP REPORTING CENTER AT (301) 429-5018 OR VIA E-MAIL AT [userrmp.usersupport@csc.com](mailto:userrmp.usersupport@csc.com)**

Submitters without access to a computer may use the Kentucky Tier Two Emergency and Hazardous Chemical Inventory Form provided in this document for their submission to the KYERC. The form may be printed out, manually completed, and mailed along with the applicable fee to the KYERC at:

KYERC  
EOC, Boone National Guard Center  
100 Minuteman Parkway  
Frankfort, KY 40601

The directions for completion of this form are provided in the next section of this "How to Comply" packet.

Regardless of type: **ALL TIER 2 FORMS AND FEES MUST BE SUBMITTED TO THE KYERC BY MARCH 1 OF EACH YEAR** for the previous calendar year. There may be a late fee implemented for payments received past March 1.

In addition to submission to the KYERC, all completed Tier 2 forms must be submitted by **MARCH 1** to the LEPC for the County where the facility is located and to the Fire Department having jurisdiction for response to the facility. The LEPCs and Fire Departments do not require fee payment. Most LEPCs and Fire Departments are equipped to receive hardcopy submission. However, Louisville-Jefferson County LEPC and Lexington-Fayette LEPC require electronic submission using Tier 2 Submit. A list of LEPC contacts is provided with this packet.

Failure to comply with Tier 2 regulations may result in referral to Region IV of the EPA and assessment of penalties by that Agency.

## **DIRECTIONS FOR COMPLETING THE KENTUCKY TIER TWO EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORM**

For those not using Tier 2 Submit Program, the standard Kentucky Tier II form is available on our webpage at <http://www.kyem.ky.gov>

### **FACILITY IDENTIFICATION**

Enter the full name of your facility (and company identifier where appropriate).

Enter the full street address or state road. If a street address is not available, enter other appropriate identifiers that describe the physical location of your facility (e.g., longitude and latitude). Include city, county, state and zip code.

Enter the primary Standard Industrial Classification (SIC) code and the Dun & Bradstreet number for your facility. The financial officer of your facility should be able to provide the Dun & Bradstreet number. If your firm does not have this information, contact the State or regional office of Dun & Bradstreet to obtain your facility number or have one assigned. **Note:** On December 3, 2008, the EPA finalized changes to the Emergency Planning Notification, Emergency Release Notification and Hazardous Chemical Reporting regulations that were proposed on June 8, 1998. These regulations included requiring facilities to report the North American Industry Classification System (NAICS) code for their facility on their forms instead of the Standard Industrial Classification (SIC) code. Due to the late finalization date for this requirement, Kentucky has not had an opportunity to revise our Tier 2 Report Form to accommodate this revision.

### **REPORTING PERIOD**

Enter the appropriate calendar year, beginning January 1 and ending December 31. Remember that the reporting year is always the year previous to the current calendar year.

### **OWNER/OPERATOR**

Enter the owner or operator's full name, mailing address, and phone number.

### **EMERGENCY CONTACT**

Enter the name, title, and work phone number of at least one local person or office who can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility.

Provide an emergency phone number where such emergency information will be available 24 hours a day, everyday. The requirement is mandatory. The facility must make some arrangement to ensure that a 24-hour contact is available.

### **IDENTICAL INFORMATION**

Check the box indicating identical information, located below the emergency contacts on the Tier Two form, if the current chemical information being reported is identical to that submitted last year. Chemical descriptions, hazards, amounts, and locations must be provided in this year's form, even if the information is identical to that submitted last year.

### **CHEMICAL INFORMATION**

The main section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communication Standard.

### **CHEMICAL DESCRIPTION**

1. Enter the Chemical Abstract Service registry number (CAS). For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, leave this item blank or report the CAS numbers of the majority hazardous component. If one of the components is an EHS and is above the TPQ use this CAS number. If you

are withholding the name of the chemical as a Trade Secret enter the generic class of the chemical (eg. organic isocyanate, petroleum hydrocarbon) and check the line labeled Trade Secret. In order to use this designation you must have received approval from the EPA in conformance with their regulation regarding trade secrecy (53 FR 28772, July 9, 1988). You must present substantiation of this designation from the EPA.

2. Enter the chemical name or common name of each hazardous chemical.
3. Check the boxes for *ALL* applicable descriptors for the identified chemical as it is stored or used at the facility: pure and/or mixture; *and* solid, liquid, gas or any combination thereof; and whether the chemical is or contains an EHS.
4. If the chemical is a mixture containing an EHS, enter the chemical name of each EHS in the mixture.

## PHYSICAL AND HEALTH HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200. The health and physical hazard information will be contained on the MSDS for the chemical or compound. A comparison of EPA and OSHA Hazard Categories is provided on the Table I.

**Table I Hazard Category Comparison for Reporting Under Section 311 and 312**

<u>EPA's Hazard Categories</u>	<u>OSHA's Hazard Categories</u>
Fire Hazard	Flammable solid, Combustible Liquid, Pyrophoric, Oxidizer
Sudden Release of Pressure	Explosive, Compressed Gas
Reactive	Unstable Reactive, Organic Peroxide, Water Reactive
Immediate (Acute) Health Hazards	Highly Toxic, Toxic, Irritant, Sensitizer, Corrosive Corrosive, Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens, Other chemicals with an adverse effect with long term exposure

## INVENTORY

### Maximum Daily Amount

1. For each hazardous chemical, estimate the greatest amount present at your facility on any single day during the reporting period.
2. Find the appropriate range value code in Table I.
3. Enter this range value as the Maximum Amount.

### Average Daily Amount

1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year. To do this, total all daily weights and divide by the number of days the chemical was present on the site.
2. Find the appropriate code for the weight range in Table II.
3. Enter this code as the Average Daily Amount.

**Table II REPORTING RANGES**

Code	Weight Range in Pounds	
	From...	To...
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

### NUMBER OF DAYS ON-SITE

Enter the number of days that the hazardous chemical was found on-site.

## STORAGE CODES

**Storage Codes:** Indicate the types and conditions of storage present:

For **each** location, find the appropriate storage type on Table III and enter the corresponding code in the first box.

For each location, find the appropriate storage types for pressure and temperature conditions on Table IV. Enter the applicable pressure code in the second box. Enter the applicable temperature code in the third box.

**Table III - STORAGE TYPES**

<b>CODES</b>	<b>Types of Storage</b>
A	Above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other

**Table IV - PRESSURE AND TEMPERATURE CONDITIONS**

<b>CODES</b>	<b>Storage Conditions</b>
	(PRESSURE)
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
	(TEMPERATURE)
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

**Example:** Benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature. Table III shows you that the code for a tank inside a building is C. Table IV shows you that the code for ambient pressure is 1, and the code for less than ambient temperature is 6.

You enter:

C	1	6
---	---	---

## STORAGE LOCATIONS (NON-CONFIDENTIAL)

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates as explained below.

For each chemical, indicate at a minimum the building or lot. Additionally, where practical, the room or area may be indicated. You may respond in narrative form with appropriate site coordinates or abbreviations.

If the chemical is present in more than one building, lot, or area location, continue your responses down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report that the chemical is ubiquitous at the site.

Optional attachments: If you choose to attach one of the following, check the appropriate Attachments box at the bottom of the Tier Two form.

- a. *A site plan* with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.
- b. *A list of site coordinates abbreviations* that correspond to buildings, lots, areas, etc. throughout your facility.
- c. *A description of dikes and other safeguard measures* for storage locations throughout your facility.

## STORAGE LOCATION (CONFIDENTIAL INFORMATION)

Under EPCRA, Section 324, you may elect to withhold location information on a specific chemical from disclosure to the public. If you choose to do so:

- Enter the word "confidential" in the Non-Confidential Location section of the Tier Two form on the first line of the storage locations.
- On a separate Tier Two Confidential Location Information Sheet, enter the name and CAS number of each chemical for which you are keeping the location confidential.
- Enter the appropriate location and storage information, as described above for non-confidential locations.
- Attach the Tier Two Confidential Location Information Sheet to the Tier Two form. This separates confidential locations from other information that will be disclosed to the public.

A Kentucky Tier Two Confidential Location Information Sheet is available at the KyEM webpage at <http://www.kyem.ky.gov>. If you are completing the Tier Two using the EPA Tier 2 Submit Program and wish to keep the storage location for a particular chemical Confidential, type the word Confidential in the Storage Location space and submit the Tier 2 and the Tier Two Confidential Location Information Sheet.

## CERTIFICATION

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier Two submission is true, accurate, and complete. On the first page of the Tier Two report, enter your full name and official title. Sign your name and enter the current date. Also, enter the total number of pages included in the Confidential and Non-Confidential Information Sheets as well as all attachments. An original signature is required on at least the first page of the submission. Submissions to the SERC, LEPC, and fire department must each contain an original signature on at least the first page. Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.

## KENTUCKY TIER TWO FEE SCHEDULE (NEW)

Between January 1 and March 1

All fees are now able to be paid online directly following online submission of the Tier 2 reporting form. Included in the online payment submission is a processing fee of \$2, charged automatically.

Information needed to pay fees online:

Name on the Account  
Bank Routing Number  
Account Number

Fees shall be payable in accordance with the schedule listed below except the same owner or owners of two or more facilities in a single county subject to paying a fee shall pay a fee not to exceed \$250 for all those facilities in that county. ***If your payment covers payment for more than one facility, please also include the "Multiple Facility Fee Sheet" found on the KYEM webpage.***

\$0	Category One Facility
\$40	Category Two Facility
\$250	Category Three, Four and Five Facilities

### DEFINITIONS

#### Category One Facility

Any facility owned or operated by local, state or federal government. Category One facilities are exempted from paying any fee in accordance with KRS 39E.050. This exemption applies solely to fees and does not exempt any Category One Facility from reporting requirements.

#### Category Two Facility

Any facility that has ten thousand (10,000) pounds and not more than four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds of each of ten (10) or fewer hazardous substances at any time during the calendar year. The combined total of all hazardous substances shall not exceed four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

#### Category Three Facility

Any facility that has ten thousand (10,000) pounds or more of each of eleven (11) or more hazardous substances. **The combined total of all hazardous substances** shall not exceed four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

#### Category Four Facility

Any facility that has a **total inventory** of over four hundred ninety nine thousand, nine hundred ninety-nine (499,999) pounds of hazardous substances. (Poundage must be listed on the form.)

#### Category Five Facility

Any facility that has an Extremely Hazardous Substance listed in 40 CFR 355 as amended (EPA's list of Extremely Hazardous Substances) in excess of the threshold planning quantity or 500lbs whichever is less.

