



**GUILFORD COUNTY**  
**DEPARTMENT OF EMERGENCY SERVICES**  
EMERGENCY MANAGEMENT DIVISION



---

## **Tier II Reporting Compliance Guide – Quick Reference Sheet**

### **Who?**

The filing of Tier II Reports is a Federal requirement which requires facilities storing hazardous chemicals above a certain threshold to report on key information about their operations. Part of the reporting includes the submission of a list of these hazardous chemicals stored on their premises. Facilities are required to file reports under a variety of sections of SARA Title III and North Carolina Right to Know (RTK). The reporting requirements are based on the types of chemicals used or stored, the amounts of those chemicals, the activity or activities in which the facility is engaged, the number of employees, and any releases that may occur.

**Sections 302 & 303** – These sections require facilities storing more than a minimum amount known as a Threshold Planning Quantity (TPQ) that is set by the EPA of any material on the Extremely Hazardous Substances (EHS) List to report the storage to the Local Emergency Planning Committee (LEPC) and to the State Emergency Response Commission (SERC).

**Section 304** – This section addresses requirement for reporting spills/releases of hazardous substances.

**Section 311** – This section requires facilities to report storage of an Extremely Hazardous Substance (stored in excess of the Threshold Planning Quantity or 500 lbs., whichever is lower) and other substances stored in excess of 10,000 lbs. New facilities and any facility that begins to store any new reportable chemical must file a 311 report within 90 days of the date the stored quantity of the material first exceeded the threshold.

**Section 312** – This section requires submittal of a Tier II report annually, by March 1<sup>st</sup> of each year. This report covers storage from the previous calendar year. North Carolina, the Guilford County LEPC, and all Guilford County fire departments require that the Tier II information be submitted electronically via E-Plan. If you do submit a paper copy it will be returned to you and no letter of receipt will be issued.

**Section 313** – This section covers manufacturing facilities. The 313 Report submittal goes directly to the Federal Environmental Protection Agency and is required annually by July 1<sup>st</sup>. Regulated facilities are defined as those which:

1. Have 10 or more fulltime employees;
2. Have a specific NAICS Code; and
3. Manufacture, process, or import more than 25,000 lbs., or otherwise use more than 10,000 lbs. of chemicals on the Section 313 list.

**The North Carolina RTK** requires all employers who manufacture, process, use, store, or produce hazardous chemicals to compile and maintain a Hazardous Substance List which shall contain information for each hazardous chemical stored in the facility in quantities of 55 gallons or 500 pounds, which is greater. A copy of the Hazardous Substance List shall be submitted annually to the local Fire Department having jurisdiction.



**GUILFORD COUNTY**  
**DEPARTMENT OF EMERGENCY SERVICES**  
EMERGENCY MANAGEMENT DIVISION



There are several exempt chemicals under Sections 311 & 312 (Tier II):

- Chemicals used in routine agricultural operations by the end user;
- Fertilizers held for retail sale to the ultimate consumer (This only applies to fertilizer. It does not apply to substances that are mixed to make fertilizer or to fertilizer products blended with other chemicals);
- Substances contained as a solid in a manufactured article, to the extent that exposure to the substance does not occur under normal conditions of use;
- Foods, food additives, color additives, drugs or cosmetics regulated by the Food and Drug Administration;
- Any substances 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;
- Any substance to the extent it is used in a reach library or a hospital or other medical facility under the direct supervision of a technically qualified individual; and
- Retail gas stations that maintain less than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel in regulated underground storage tanks. Note that these are two of the few chemicals, if not the only two, that are measured in gallons rather than pounds.

### How?

North Carolina, the Guilford County LEPC, and the local fire departments require that Tier II information and reports be submitted electronically via E-Plan. To start a new submission/register for the system go ERPlan.net and select “Online Tier 2 eSubmit.” Once at the welcome page click on he “Create an Account” link to create a new Access ID. You will be prompted to create a password for your submission and provide your name and email address. The Access ID and password will protect your submission from unauthorized access.

The remaining submission information is relatively simple to use and follow. For those need assistance, the program also includes an online tutorial. To access the tutorial, click on the domain (drop down box) in the upper right corner of the page. This will link to another webpage and give the user an online tutorial, step by step, on how to file their information. In addition, by selecting this domain, user can also receive the information on how to import Tier2Submit information in the E-Plan System.

### For Planning Assistance or Questions:

- Guilford County Tier II Support: 336-641-2278
- North Carolina Emergency Management EPCRA Coordinator: 919-436-2746
- EPA EPCRA Hotline: 1-800-424-8802

Sources:

- Guilford County EPCRA Compliance Guide 2019
- N.C. Electronic Submission Implementation Guide for Reporting Facilities & Local Emergency Planning Committees.
- Federal P.L. 99-499, Title III of the Superfund Amendments and Reauthorization Act (SARA Title III) - The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.