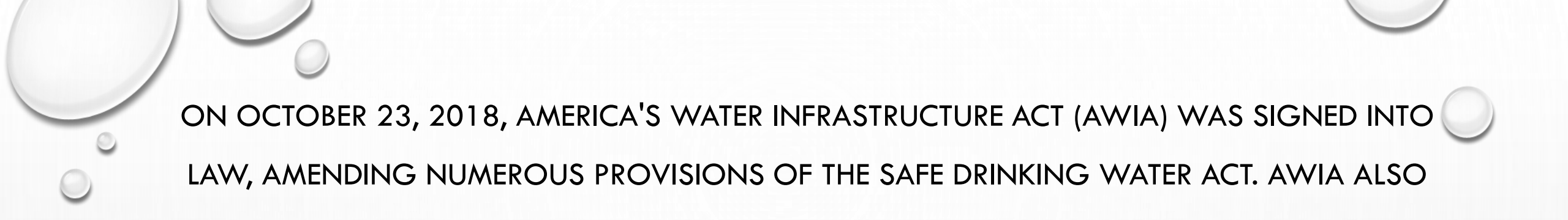



The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

# **AMERICA'S WATER INFRASTRUCTURE ACT SECTION 2018**

AMMENDMENTS TO THE EMERGENCY PLANNING  
AND COMMUNITY RIGHT TO KNOW ACT



ON OCTOBER 23, 2018, AMERICA'S WATER INFRASTRUCTURE ACT (AWIA) WAS SIGNED INTO LAW, AMENDING NUMEROUS PROVISIONS OF THE SAFE DRINKING WATER ACT. AWIA ALSO AMENDED THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA). THE REVISIONS TO EPCRA REQUIRE THAT COMMUNITY WATER SYSTEMS

- (1) RECEIVE PROMPT NOTIFICATION OF ANY RELEASE OF A HAZARDOUS SUBSTANCE THAT POTENTIALLY AFFECTS THEIR SOURCE WATER, AND
  - (2) HAVE ACCESS TO HAZARDOUS CHEMICAL INVENTORY DATA.
- 

# WHY THE EPCRA AMENDMENTS IMPORTANT TO COMMUNITY WATER SYSTEMS?

- RELEASE OF A HAZARDOUS SUBSTANCE INTO A SOURCE OF DRINKING WATER OR TO THE LAND IN A SOURCE WATER PROTECTION AREA COULD COMPROMISE THE ABILITY OF A COMMUNITY WATER SYSTEM TO DELIVER SAFE AND RELIABLE DRINKING WATER TO THEIR CUSTOMERS AND POSE A RISK TO PUBLIC HEALTH.
- UNDER SOME SCENARIOS, CONTAMINANTS FROM A RELEASE COULD REACH THE DRINKING WATER INTAKE FOR A COMMUNITY WATER SYSTEM IN LESS THAN AN HOUR.

# WHY THE EPCRA AMENDMENTS IMPORTANT TO COMMUNITY WATER SYSTEMS? CONTINUED

- THUS, IT IS CRITICAL THAT A COMMUNITY WATER SYSTEM RECEIVES PROMPT NOTIFICATION SO IT CAN TAKE ACTIONS TO PREVENT CONTAMINATED WATER FROM ENTERING ITS SYSTEM OR OTHERWISE MINIMIZE THE CONSEQUENCES OF THE RELEASE TO THE SYSTEM AND ITS CUSTOMERS.
- FINALLY, A COMMUNITY WATER SYSTEM CAN PROACTIVELY PLAN FOR POTENTIAL RELEASES IF THEY HAVE ACCESS TO HAZARDOUS CHEMICAL INVENTORIES IN THEIR SOURCE WATER PROTECTION AREA. A HAZARDOUS CHEMICAL INVENTORY, COMBINED WITH OTHER RELEVANT INFORMATION, ALLOWS A WATER SYSTEM TO CHARACTERIZE THE RISK OF SOURCE WATER CONTAMINATION THREATS AND PRIORITIZE SOURCE WATER PROTECTION ACTIVITIES.

# EPCRA BACKGROUND

EPCRA WAS PASSED BY CONGRESS IN 1986 IN RESPONSE TO CONCERNS RAISED ABOUT COMMUNITY PREPAREDNESS FOR CHEMICAL EMERGENCIES AND THE AVAILABILITY OF INFORMATION ON HAZARDOUS CHEMICALS. THE PURPOSE OF EPCRA IS TO:

- ENCOURAGE AND SUPPORT EMERGENCY PLANNING EFFORTS AT THE STATE, TRIBAL, AND LOCAL LEVELS;

# EPCRA CONTINUED

- PROVIDE LOCAL GOVERNMENTS AND FIRST RESPONDERS WITH INFORMATION CONCERNING POTENTIAL CHEMICAL HAZARDS PRESENT IN THEIR COMMUNITY;
- PREVENT, PREPARE FOR, AND MITIGATE THE EFFECTS OF A CHEMICAL INCIDENT;  
AND
- PROVIDE THE PUBLIC WITH INFORMATION ON CHEMICAL RISKS IN THEIR COMMUNITY AND INFORMATION ON WHAT TO DO IF A CHEMICAL ACCIDENT OCCURS.

TO ACHIEVE THESE GOALS, THE LAW ASSIGNED RESPONSIBILITIES TO STATE AND LOCAL AGENCIES. ACCORDINGLY, THE GOVERNOR OF EACH STATE DESIGNATED A STATE EMERGENCY RESPONSE COMMISSION (SERC) TO IMPLEMENT THE EPCRA PROVISIONS WITHIN THE STATE. SERC DUTIES INCLUDE:

- DESIGNATING LOCAL EMERGENCY PLANNING DISTRICTS;
- APPOINTING A LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) FOR EACH DISTRICT;
- REVIEWING LOCAL EMERGENCY RESPONSE PLANS;
- SUPERVISING THE ACTIVITIES OF THE LEPC; AND
- ESTABLISHING PROCEDURES FOR RECEIVING AND PROCESSING PUBLIC REQUESTS FOR INFORMATION COLLECTED UNDER EPCRA.

# WHAT ARE THE EPCRA AMENDMENTS THAT ARE IMPORTANT TO COMMUNITY DRINKING WATER SYSTEMS?

- AWIA SECTION 2018 AMENDED THE EMERGENCY RELEASE NOTIFICATION (EPCRA SECTION 304) AND HAZARDOUS CHEMICAL INVENTORY REPORTING (EPCRA SECTION 312) SECTIONS OF EPCRA.

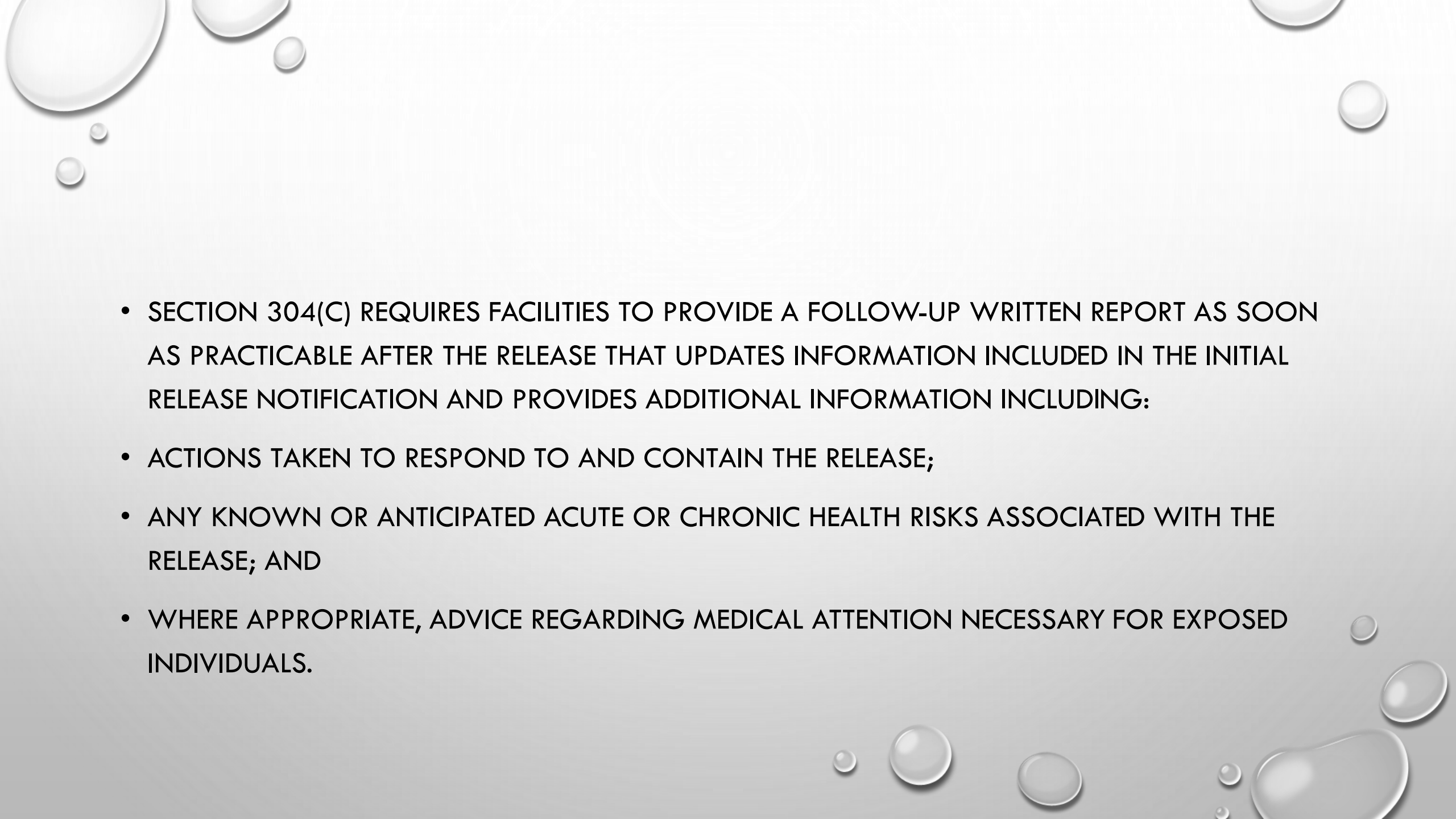


# OVERVIEW OF EPCRA EMERGENCY RELEASE NOTIFICATION (SECTION 304)

- UNDER EPCRA SECTION 304, FACILITIES ARE REQUIRED TO PROVIDE IMMEDIATE NOTIFICATION TO THE APPROPRIATE SERC (OR TERC) AND LEPC (OR TEPC) OF ANY RELEASES OF *EXTREMELY HAZARDOUS SUBSTANCES* (EHSS) AND *HAZARDOUS SUBSTANCES* (HSS) LISTED UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) AT OR ABOVE THEIR REPORTABLE QUANTITIES. THE LIST OF EHSS AND THEIR REPORTABLE QUANTITIES CAN BE FOUND IN APPENDICES A AND B OF 40 CODE OF FEDERAL REGULATIONS (CFR) PART 355 AND THE LIST OF CERCLA HSS CAN BE FOUND IN 40 CFR 302.4.

- SECTION 304(B)(2) REQUIRES THE FOLLOWING INFORMATION TO BE PROVIDED IN THE INITIAL RELEASE NOTIFICATION:

- THE CHEMICAL NAME OR IDENTITY OF ANY SUBSTANCE INVOLVED IN THE RELEASE;
- AN INDICATION OF WHETHER THE SUBSTANCE IS AN EHS;
- AN ESTIMATE OF THE QUANTITY OF ANY SUCH SUBSTANCE THAT WAS RELEASED INTO THE ENVIRONMENT;
- THE TIME AND DURATION OF THE RELEASE;
- THE MEDIUM OR MEDIA INTO WHICH THE RELEASE OCCURRED;
- ANY KNOWN OR ANTICIPATED ACUTE OR CHRONIC HEALTH RISKS ASSOCIATED WITH THE EMERGENCY AND, WHERE APPROPRIATE, ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS;
- PROPER PRECAUTIONS TO TAKE, INCLUDING EVACUATION (UNLESS SUCH INFORMATION IS READILY AVAILABLE TO THE COMMUNITY); AND
- THE NAME(S) AND TELEPHONE NUMBER(S) OF THE PERSON OR PERSONS TO BE CONTACTED FOR FURTHER INFORMATION.

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- SECTION 304(C) REQUIRES FACILITIES TO PROVIDE A FOLLOW-UP WRITTEN REPORT AS SOON AS PRACTICABLE AFTER THE RELEASE THAT UPDATES INFORMATION INCLUDED IN THE INITIAL RELEASE NOTIFICATION AND PROVIDES ADDITIONAL INFORMATION INCLUDING:
  - ACTIONS TAKEN TO RESPOND TO AND CONTAIN THE RELEASE;
  - ANY KNOWN OR ANTICIPATED ACUTE OR CHRONIC HEALTH RISKS ASSOCIATED WITH THE RELEASE; AND
  - WHERE APPROPRIATE, ADVICE REGARDING MEDICAL ATTENTION NECESSARY FOR EXPOSED INDIVIDUALS.

# AWIA AMENDMENTS TO EPCRA SECTION 304

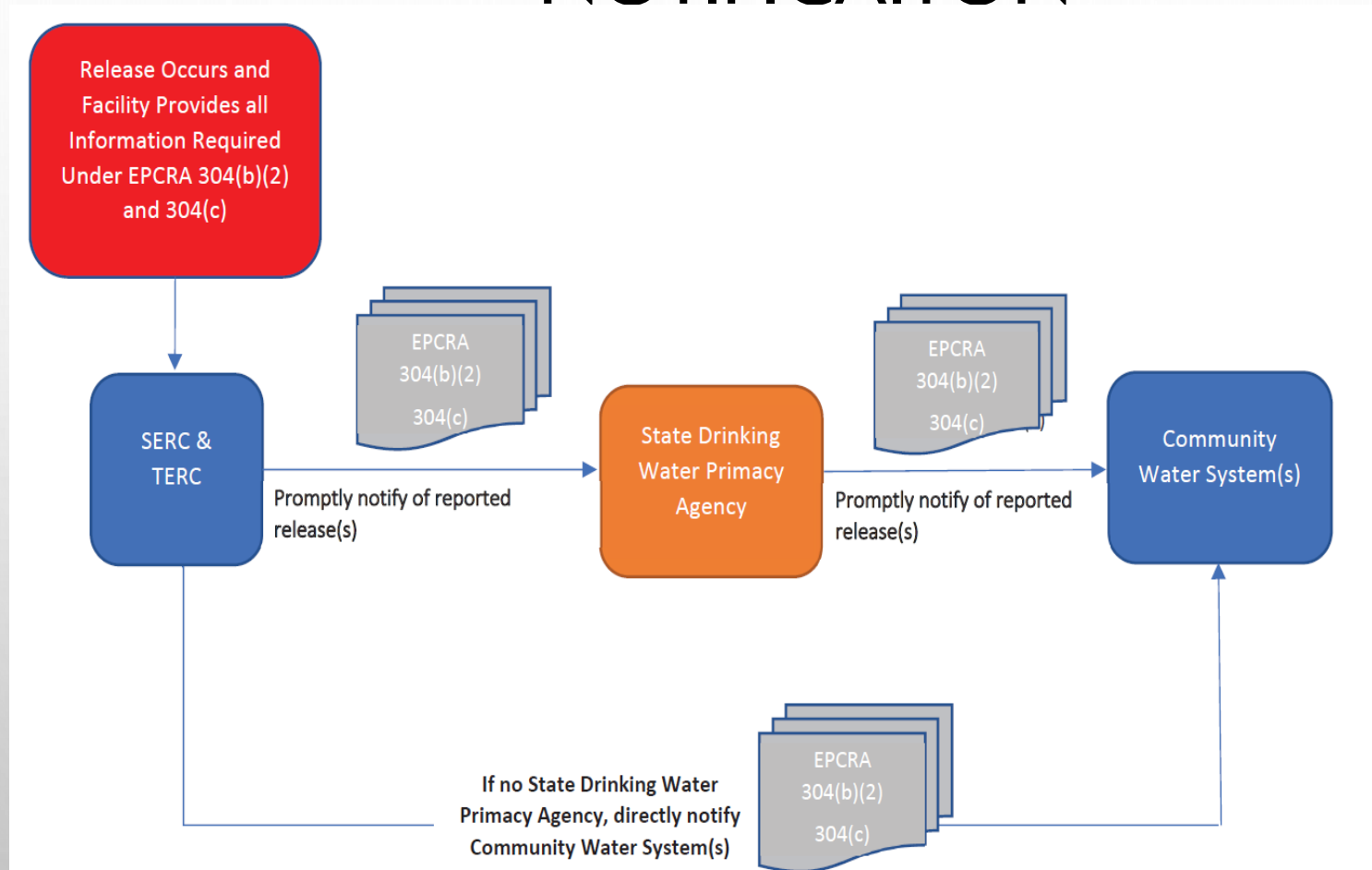
AWIA SECTION 2018(A) AMENDS EPCRA SECTION 304 TO ADD A NEW SUB-SECTION, SECTION 304(E), ADDRESSING SOURCE WATER USED FOR DRINKING WATER. THIS NEW SUB-SECTION REQUIRES SERCS AND TERCS TO PROMPTLY NOTIFY THE APPLICABLE STATE AGENCY (I.E., STATE DRINKING WATER PRIMACY AGENCY) OF ANY REPORTED RELEASE AND PROVIDE THIS AGENCY WITH:

- THE INFORMATION COLLECTED UNDER SECTION 304(B)(2) FROM THE INITIAL RELEASE NOTIFICATION; AND
- THE FOLLOW-UP WRITTEN REPORT RECEIVED UNDER SECTION 304(C).
- THE STATE DRINKING WATER PRIMACY AGENCY IS THEN REQUIRED TO PROMPTLY PROVIDE ALL THE INFORMATION REGARDING THE RELEASE TO ANY COMMUNITY WATER SYSTEMS WHOSE SOURCE WATER IS POTENTIALLY AFFECTED BY THE RELEASE. THE SOURCE WATER FOR A COMMUNITY WATER SYSTEM IS POTENTIALLY AFFECTED IF THE RELEASE OCCURS IN THAT SYSTEM'S SOURCE WATER AREA (ALSO KNOWN AS A SOURCE WATER PROTECTION AREA) OR UPSTREAM OF THE SYSTEM'S WATER INTAKE. IF THERE IS NO STATE DRINKING WATER PRIMACY AGENCY, THE SERC (OR TERC) IS REQUIRED TO DIRECTLY NOTIFY THE POTENTIALLY AFFECTED COMMUNITY WATER SYSTEMS.

# RELEASE INFORMATION FLOW

- RELEASE OCCURS AND FACILITY PROVIDES ALL INFORMATION REQUIRED UNDER EPCRA 304 (B)(2) AND 304 (C)
- SERC AND TERC PROMPTLY NOTIFY THE STATE DRINKING WATER PRIMACY AGENCY
- STATE DRINKING WATER PRIMACY AGENCY PROMPTLY NOTIFY THE COMMUNITY WATER SYSTEMS

# NOTIFICATION



# EPCRA



United States  
Environmental Protection  
Agency

Office of Land  
and  
Emergency Management

EPA 550-B-19-003  
June 2019  
[www.epa.gov/epcra](http://www.epa.gov/epcra)

## LIST OF LISTS

Consolidated List of Chemicals  
Subject to the Emergency  
Planning and Community Right-  
To-Know Act (EPCRA),  
Comprehensive Environmental  
Response, Compensation and  
Liability Act (CERCLA) and  
Section 112(r) of the Clean Air Act

- EPCRA Section 302 Extremely Hazardous Substances
- CERCLA Hazardous Substances
- EPCRA Section 313 Toxic Chemicals
- CAA 112(r) Regulated Chemicals for Accidental Release Prevention

NAME	CAS/313 Category Codes	Section 302 (EHS) TPQ	Section 304 EHS RQ	CERCL A RQ	Section 313	RCRA CODE	CAA 112(r) TQ
Lead sulfate	7446-14-2			10	313c		
Thallium(I) sulfate	7446-18-6	100/10,000	100	100	313c	P115	
Thalious sulfate	7446-18-6	100/10,000	100	100	313c	P115	
Lead phosphate	7446-27-7			10	313c	U145	
Cupric chloride	7447-39-4			10	313c		
Mercuric chloride	7487-94-7	500/10,000	500		313c		
Selenium sulfide	7488-56-4			10	313c	U205	
6-Nitrochryson	7496-02-8				313+		
Titanium chloride (TiCl <sub>4</sub> ) (T-4)-	7550-45-0	100	1,000	1,000	X		2,500
Titanium tetrachloride	7550-45-0	100	1,000	1,000	313		2,500
Sodium phosphate, dibasic	7558-79-4			5,000			
Lithium hydride	7580-67-8	100	100				
Sodium phosphate, tribasic	7601-54-9			5000			
Sodium arsenate	7631-89-2	1,000/10,000	1	1	313c		
Sodium bisulfite	7631-90-5			5,000			
Sodium nitrite	7632-00-0			100	313		
Borane, trifluoro-	7637-07-2	500	500		X		5,000
Boron trifluoride	7637-07-2	500	500		313		5,000
Lead arsenate	7645-25-2			1	313c		
Zinc chloride	7646-85-7			1,000	313c		
Hydrochloric acid	7647-01-0			5,000			15,000
Hydrochloric acid (conc 37% or greater)	7647-01-0			5,000			15,000
Hydrochloric acid (aerosol forms only)	7647-01-0			5,000	313		
Hydrogen chloride (anhydrous)	7647-01-0	500	5,000	5,000	X		5,000
Hydrogen chloride (gas only)	7647-01-0	500	5,000	5,000	X		5,000
Antimony pentachloride	7647-18-9			1,000			
Phosphonic acid	7664-38-2			5,000			
Hydrofluoric acid	7664-39-3	100	100	100	X	U134	
Hydrofluoric acid (conc. 50% or greater)	7664-39-3	100	100	100	X	U134	1,000
Hydrogen fluoride	7664-39-3	100	100	100	313	U134	
Hydrogen fluoride (anhydrous)	7664-39-3	100	100	100	X	U134	1,000
Ammonia	7664-41-7	500	100	100			
Ammonia (anhydrous)	7664-41-7	500	100	100	X		10,000
Ammonia (conc 20% or greater)	7664-41-7			See ammonium	X		20,000
Ammonia (includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing)	7664-41-7				313		
Sulfuric acid (aerosol forms only)	7664-93-9	1,000	1,000	1,000	313		
Sulfuric acid	7664-93-9	1,000	1,000	1,000			
Sodium fluoride	7681-49-4			1,000			
Sodium hypochlorite	7681-52-9			100			
2,2-Dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylic acid (1,3,4,5,6,7-hexahydro-1,3-	7696-12-0				X		



# WEST VIRGINIA CODE AND RULES

- IT IS COMMON THAT INCIDENTS INVOLVING A RELEASE MAY ENTER THE SOURCE WATER DO NOT EXCEED THE EHS OR CERCLA THRESHOLDS.
- **WV CSR 47-11-2 (A)**
- EACH AND EVERY PERSON WHO MAY CAUSE OR BE RESPONSIBLE FOR ANY SPILL OR ACCIDENTAL DISCHARGES OF POLLUTANTS INTO THE WATERS OF THE STATE SHALL GIVE IMMEDIATE NOTIFICATION TO THE OFFICE OF WATER RESOURCES' EMERGENCY NOTIFICATION NUMBER 1-800-642-3074.
- ALL SPILL REPORTS GENERATED BY THE WVDHSEM WATCH CENTER ARE EMAILED TO WVDHHR. THE REPORTS ARE FORWARDED TO THE IMPACTED DRINKING WATER SYSTEMS.

# WEST VIRGINIA CODE AND RULES

- **WV CODE 22-15-10 STATES:**

- (A) OPEN DUMPS ARE PROHIBITED, AND IT IS UNLAWFUL FOR ANY PERSON TO CREATE, CONTRIBUTE TO, OR OPERATE AN OPEN DUMP OR FOR ANY LANDOWNER TO ALLOW AN OPEN DUMP TO EXIST ON THE LANDOWNER'S PROPERTY UNLESS THAT OPEN DUMP IS UNDER A COMPLIANCE SCHEDULE APPROVED BY THE DIRECTOR.

- **WV CODE 22-15-10 E STATES:**

- (E) A PERSON MAY NOT DISPOSE OF ANY SOLID WASTE IN THIS STATE IN A MANNER WHICH ENDANGERS THE ENVIRONMENT, OR THE PUBLIC HEALTH, SAFETY, OR WELFARE AS DETERMINED BY THE DIRECTOR