



Alabama Emergency Response Commission (AERC) Updates

The AERC met virtually on March 31st and November 6th of this year. The Alabama Emergency Management Agency (AEMA) announced during the Local Emergency Planning Committee (LEPC) Update that the LEPC Point of Contact spreadsheet is now available online on AEMA’s [website](#). They determined that 45 out of 67 counties currently have active LEPCs. For counties without an active LEPC, EPCRA data should be submitted directly to that County’s EMA office. Grady Springer presented the ADEM ER/RRT Updates. The ADEM Emergency Response Program had a total of 145 release notifications, 37 responses by ADEM, and no major releases/spills in the last two quarters. Beth Woodfin presented EPCRA regulatory updates. The Chemical Safety Board (CSB) released [guidance](#) on accidental release reporting. The EPA developed a fact sheet for [EPCRA Reporting Requirements for Fertilizer Retailers](#). There were 3,755 facilities that reported Tier II Reports for filing year 2021.

The AERC was fortunate to have several guest speakers present at their meetings. Sicy Jacob, with the EPA, presented on the [National LEPC Handbook](#). James Brown and Grant Lyons, with Coffee County EMA, did a presentation on Anhydrous Ammonia Leak Response Planning. They worked closely with Ben E. Keith Distribution Center to identify potential issues/problems at the new plant, identify potential impacts to the community and made safety recommendations together. This was a success story because of good, open communication between the facility and the LEPC and the facility’s willingness to attend both LEPC and additional planning meetings as needed. Hub Harvey with the Shelby County EMA did a presentation on the 2016 Colonial Pipeline Leak in Shelby County. He discussed the importance of industry developing relationships with their LEPCs before a disaster occurs. He also presented the benefits of using those relationships to effectively plan for a chemical disaster.

The AERC wants to remind all EPCRA facilities that have extremely hazardous substances (EHSs) on-site, that you are required by [Federal Law](#) to “... designate a facility representative who will participate in the local emergency planning process as a facility emergency response coordinator. You must provide notice of this facility representative”. One of the easiest ways to “participate in the local emergency planning process”, is to attend LEPC meetings. Most LEPC meetings maintain attendance logs which can be used to verify compliance with this requirement.

ADEM created a standardized form to streamline notification of EHSs present on-site (EPCRA Section 302) as well as the notification of the designated facility emergency response coordinator (EPCRA Section 303). [Extremely Hazardous Substance \(EHS\) Notification Form](#) must be filed when an EHS on-site meets or exceeds the threshold planning quantity (TPQ). EHSs and their TPQs can be found on the EPA’s [Consolidated List of Lists](#). While it is considered a one-time reporting requirement, you must file an updated form any time a new EHS is brought on-site (within 60 days), the maximum quantity changes (within 30 days), or the designated facility representative changes (within 30 days). All fields of the fillable pdf form should be filled out prior to submission by e-mail to both AL312@adem.alabama.gov and to your LEPC. Please be advised, that if you are subject to these reporting requirements, you must provide any information necessary for developing or implementing the local emergency plans if requested by the LEPC within their specified time frame.

Table taken from the [EPA’s National LEPC Handbook Chapter 2, page 12](#).

Here are a few examples of the types of facilities in a community that may handle EHSs. EHSs and their TPQs are also provided.

Type of Facility	Ammonia (100 lbs)	Chlorine (100 lbs)	Sulfuric Acid (500 lbs)	Aldicarb* (100 lbs/10,000 lbs)
Farms	x			x
Frozen food processing facilities	x			
Pesticide distributors				x
Plumbing, heating, and air conditioning companies	x			
Pulp and paper plants		x	x	
Water treatment plants		x	x	
Swimming pools (county/city)		x		

* TPQ for aldicarb is 100 pounds for fine powders or solutions, otherwise, 10,000 pounds.

Figure 7. Types of facilities where certain EHSs might be present above their TPQs.

The next AERC meeting is tentatively scheduled to meet in-person March 30, 2023 at 10:00 a.m., a virtual option will continue to be available. If you have any questions, concerns, or topics that need to be brought up at the next AERC meeting, please contact [Beth Woodfin](#).

*This newsletter is distributed via e-mail for ease of distribution and to reduce paper waste. Any words in blue throughout this document are hyperlinks that can be clicked on for additional information. The link will open in a different window. Sometimes popup blockers will disable links from opening. If this occurs, hold down the “CTRL” button while clicking on the hyperlink to bypass this issue. If you need further assistance, contact [Beth Woodfin](#). Please feel free to forward this information to other stakeholders. *

Regulatory Updates



- The Chemical Safety Board (CSB) released its [final investigative report](#) into a massive fire and explosion that occurred at the Philadelphia Energy Solutions (PES) Refinery in Philadelphia, Pennsylvania in June 2019. The cause was traced to a rupture of a corroded pipe elbow, which released process fluid into the refinery’s hydrofluoric acid (HF) alkylation unit. During the incident, over 5,000 pounds of highly toxic HF were released. The explosion launched a 38,000-pound vessel fragment off-site and landed on the other side of the Schuylkill River. In total, an estimated property damage loss of \$750 million resulted.
- The CSB also released a new safety video: [“Wake Up Call: Refinery Disaster in Philadelphia”](#).
- The Pipeline and Hazardous Materials Safety Administration (PHMSA) revised the Federal Pipeline Safety Regulations to improve the safety of onshore gas transmission pipelines. [PHMSA Final Rule- Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments](#): This final rule addresses several lessons learned following the Pacific Gas and Electric Company incident that occurred in San Bruno, CA, on September 9, 2010, and responds to public input received as part of the rulemaking process.
 - The amendments in this final rule clarify certain integrity management provisions, codify a management of change process, update and bolster gas transmission pipeline corrosion control requirements, require operators to inspect pipelines following extreme weather events, strengthen integrity management assessment requirements, adjust the repair criteria for high-consequence areas, create new repair criteria for non-high consequence areas, and revise or create specific definitions related to the above amendments.
 - The final rule is effective May 24, 2023.
- To assist facilities with improvements to their chemical security posture, the Cybersecurity and Infrastructure Security Agency (CISA) is pleased to announce the launch of a new voluntary initiative: ChemLock. This completely voluntary program provides facilities no-cost services and tools to help better understand the risks and improve chemical security in a way that works for their business model. CISA’s ChemLock resources are no-cost, publicly available guidance documents, templates, fact sheets, and toolkits to help facilities enhance the cyber and physical security surrounding their chemicals. ChemLock resources can be found at [CHEMLOCK | CISA](#).
 - CISA ChemLock services include:
 - On-site chemical security assessments and assistance
 - ChemLock fact sheets, best practices, and guidance documents
 - Chemical security exercises and drills
 - Chemical security training courses
 - Other CISA security services, including an introduction to the Cyber Security Evaluation Tool (CSET), and active shooter preparedness training.
 - To request CISA ChemLock services or tools, please fill out the [ChemLock Services Request Form](#).
 - For more information or questions, please email ChemLock@cisa.dhs.gov.

Reminders



- The ADEM [SARA Title III Webpage](#) is updated periodically throughout the year and contains FAQs and useful information on EPCRA reporting requirements.
- The AERC requires all EPCRA correspondence to be submitted electronically either through AL312@adem.alabama.gov or [E-Plan](#). The only two acceptable forms of submission for Tier II reporting to the

AERC are [Tier2Submit](#) or [E-Plan](#).

- For all EPCRA reporting, you must also check with your LEPC and Local Fire Department (if applicable) to see what format they require for compliance. Retain proof-of-receipt from all three entities.
 - Tier II forms are due by March 1st. All forms received after March 1st are considered late.
 - Verify all street addresses as well as latitude and longitude coordinates! If you do not have a street address, please register a 911 address so that First Responders can easily locate your facility.
 - Please note: if you submit a Tier II form that is lacking any required categories/fields or contains inaccurate information, it can be considered invalid and rejected. If a document is rejected, please make accurate and timely corrections as soon as possible, and resubmit.
 - TRI forms are due July 1st and must be filed through EPA's [TRI-MEweb](#) system.
 - Please note if you are filing a Trade Secret form for the TRI, you must mail the Sanitized form to ADEM. This is the only EPCRA form that is allowed and required to be submitted by paper. Please do not include unsanitized forms. Address to SARA Title III Coordinator at 1350 Coliseum Blvd. Montgomery, AL 36110.
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Training Opportunities



- E-Plan offers free [webinars](#) in January and February.
 - Tier2Submit 2022 tutorial is available [here](#).
 - Free [resources](#) for emergency response planning for facilities.
 - The Chemical Safety Board (CSB) released a new free online Safety Training Application for hazardous chemicals focused on agency findings from the devastating 2005 BP Texas City explosion and fire and how they relate to OSHA's Process Safety Management (PSM) standard. The PSM standard outlines requirements for the management of hazards associated with highly hazardous chemicals. The training covers all 14 elements of PSM using the 2005 explosion as a model.
 - The desktop training application is available for download [here](#). The application recreates the details of the Texas City refinery and takes the viewer through interactive training modules on each element of PSM. At the end of each module there is an opportunity to test your knowledge.
 - The CSB looks forward to receiving feedback on the new PSM safety training material. For feedback or assistance on the application, please email assistance@csb.gov.
 - The Cybersecurity and Infrastructure Security Agency's (CISA) ChemLock program provides the *ChemLock: Introduction to Chemical Security training course* quarterly on a first come, first-serve basis. This course provides an introduction to identifying, assessing, evaluating, and mitigating chemical security risks. This easy-to-understand overview identifies key components and best practices of chemical security awareness and planning to help kick start chemical security discussions at your facility. This course runs 1 to 2 hours and is appropriate for all personnel regardless of their level of involvement with dangerous chemicals.
 - [Register for January 11, 2023 - 3-5 pm ET](#)
 - [Register for April 12, 2023 - 1-3 pm ET](#)
 - For more information or to request a specific training for your facility, please visit the [ChemLock Training webpage](#).
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Voices from Industry

Voices from Industry is a segment that allows industry representatives to suggest a topic that might be valuable to others. Tyler Beegle with Doncasters suggested this edition's topic, "ADEM's Hazardous Waste Program". Thank you to the ADEM Industrial Hazardous Waste Branch's group effort compiling this article.

ADEM's Hazardous Waste Program regulations may be found in [Division 14 of the ADEM Administrative Code](#). These regulations establish standards for Hazardous Waste Generators, Transporters, Treatment, Storage, and Disposal facilities (both active TSDf and TSDf undergoing corrective action/post-closure care). Generators are not required to obtain a Hazardous Waste Permit but are required to submit an annual notification to the Department using [ADEM Form 8700-12](#). There are currently 50+ Hazardous Waste TSDf permits in Alabama, and they have a duration of 10 years. Hazardous Waste or Used Oil Transporters are required to obtain a permit from the Department prior to operation. There are currently 260+ Hazardous Waste/Used Oil Transporter Permits in Alabama, and they have a duration of 3 years. To apply for a permit, the applicant must prepare a completed application package in accordance with the regulations requiring the permit. Failure to submit a completed application may cause a delay in the review of the application or result in the return of the application. Each permit application requires submittal of an application fee. The applicant should review [ADEM Administrative Code 335-1-6](#) for the appropriate fee schedule for the permit to be requested. Fee Schedule C contains the permitting fees (pgs. 6-8 through 6-11). Fee Schedule G contains the certification fees (pg. 6-18).

Any facility located in the State of Alabama must perform a hazardous waste determination on any solid waste it generates and must maintain documentation used to make this determination for at least 3 years. This determination must be made at the point of waste generation (i.e. at the time the material becomes a waste prior to any treatment). The facility may use generator knowledge or analytical test results to make the determination. If a facility determines that the waste it generates is a hazardous waste, it must then determine the amount generated in a calendar month. This will determine the Hazardous Waste Generator category and the applicable regulations that must be followed.

Hazardous Waste Generators fall into three categories: Very Small Generators (VSQG), Small Quantity Generators (SQG), and Large Quantity Generators (LQG). Monthly generator category parameters are as follows:

- VSQG- a facility that generates < 100 Kg (220 lbs.) of non- acute hazardous waste and < 1 Kg (2.2 lbs.) of acute hazardous waste during a calendar month (includes the total amount of hazardous waste generated from all waste streams at the facility). The material may be disposed along with other non-hazardous material.
- SQG- a facility that generates > 100 Kg (220 lbs.) but < 1000 Kg (2200 lbs.) of non-acute hazardous waste and < 1 Kg (2.2 lbs.) of acute hazardous waste during a calendar month (includes the total amount of hazardous waste generated from all waste streams at the facility). The hazardous waste must be placed in properly labeled containers/tanks and may be stored for up to 180-days on-site.
- LQG- a facility that generates > 1000 Kg (2200 lbs.) of non-acute hazardous waste or > 1 Kg (2.2 lbs.) of acute hazardous waste during a calendar month (includes the total amount of hazardous waste generated from all waste streams at the facility). The hazardous waste must be placed in properly labeled containers/tanks and may be stored for up to 90-days on-site.

The Department has made various compliance assistance resources available for review on its [website](#). Hazardous Waste facilities are encouraged to review this information.

Mail completed form, a check or money order for all appropriate permit or certification fees, and all necessary schedules and attachments to: Alabama Department of Environmental Management Land Division P O Box 301463 Montgomery, AL 36130-1463. For technical questions concerning hazardous waste, call the Land Division at (334) 271-7730. Please note that fees can also be paid using [ADEM's ePay Portal](#).

Common Terms:

- TSDf- The acronym stands for "Treatment, Storage, and Disposal Facilities".
 - "Treatment facility" means a location at which wastes are subjected to treatment and may include a facility where waste has been generated.
 - "Storage facility" means any facility or part of a facility at which hazardous waste is placed in storage, exclusive of transfer facilities where waste is stored for ten days or less and on-site storage by generators in compliance with [335-14-3](#) (starting on pg. 3-1).
 - "Disposal facility" means a disposal site. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed but does include all hazardous waste management units within a corrective action management unit.
- Acute hazardous waste- means hazardous wastes that meet the listing criteria in 335-14-2-.02(2) and therefore are either listed in [335-14-2-.04\(2\)](#) with the assigned hazard code (H) or are listed in 335-14-2-.04(4)(e) (starting on pg. 2-51).
- Non-acute hazardous waste- means all hazardous wastes that are not acute hazardous waste, as defined [335-14-1-.02](#) (starting on pg. 1-5).

If you have a topic that you think should be included in the next issue of the newsletter, please submit all suggestions to [Beth Woodfin](#). Topic suggestions can remain anonymous. All ideas are welcome for consideration.