

# Kansas Commission on Emergency Planning & Response

## Kansas Department of Health and Environment

### KANSAS TIER II INSTRUCTIONS

#### GENERAL INFORMATION

Submission of a Tier II form is required by the Kansas Commission on Emergency Planning & Response under the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and Kansas EPCRA. The Tier II form provides state and local officials and the public with information on extremely hazardous and hazardous chemical substances present at your facility.

#### WHO MUST SUBMIT THIS FORM?

The owner or operator of a facility where extremely hazardous or hazardous chemical substances are used, produced or stored must submit Tier II information if the quantity of hazardous chemicals on hand exceeds specific thresholds (see below). If you wish to use the web and have not previously requested a user ID and password, contact the Right-to-Know Program as directed on page four (4) of these instructions.

#### WHAT CHEMICALS MUST BE REPORTED?

Hazardous chemical substances that must be reported include any substances for which your facility must prepare or have available Safety Data Sheets under OSHA's Hazard Communication Standard 1910.1200. If your facility has more than 10,000 lbs of a hazardous chemical on hand at any one time during the calendar year, the chemical must be reported on the Tier II.

Extremely hazardous substances (as specified in 40 CFR Part 355) must also be reported on the Tier II form if a facility has more than 500 pounds or the threshold planning quantity, whichever is lower, on hand at any one time during the calendar year. Email [kdhe.rtk@ks.gov](mailto:kdhe.rtk@ks.gov) to obtain a list of extremely hazardous substances and their respective thresholds, or go to <http://www.epa.gov/epcra/consolidated-list-lists> for a pdf version.

#### WHAT CHEMICALS ARE EXCLUDED?

Section 311(e) of EPCRA excludes the following substances from reporting requirements. These exclusions do not apply to the reporting of extremely hazardous substances under Section 302 of EPCRA.

- (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 a 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. Fertilizers being held for custom blending are not exempt.

This information does not have to be submitted if all the chemicals located at your facility are exempt from reporting. OSHA regulations, Section 1910.1200(b), stipulate exemptions from the requirement to prepare or have available a Safety Data Sheet (SDS).

#### WHEN TO SUBMIT THIS FORM

Owners or operators of facilities that have chemical substances on hand in quantities that are subject to reporting under Section 312 of EPCRA must submit Kansas Tier II forms by March 1 of each year. If new chemical substances that require reporting are brought on site, then an update is required within 2 months for Section 302 extremely hazardous substance reporting and within 3 months for Section 311 inventory reporting. The Kansas Tier II hard copy form can be used to update, by marking the appropriate box(es) in section 5 of the form (312, 311, 302; annual or revision; identical to last year).

#### WHERE TO SEND YOUR COMPLETED TIER II

Send a completed Tier II form to each of the following organizations:

- (1) Kansas Department of Health & Environment  
Right-to-Know Program  
1000 SW Jackson, Suite 330  
Topeka KS 66612-1365
- (2) Local Emergency Planning Committee (LEPC). To obtain the address either call KDHE at (785) 296-1688 or find at <http://kansastag.gov/KDEM.asp?PageID=158>.
- (3) The fire protection service which covers your facility. Contact your LEPC for this information.

#### PENALTIES

Any owner or operator who violates Tier II reporting requirements shall be liable for a civil penalty of up to \$25,000/day for each such violation.

**Kansas Commission on Emergency Planning & Response**  
**Kansas Department of Health & Environment**  
**KANSAS TIER II INSTRUCTIONS**

**How to Fill Out the Tier II Form**

**1. REPORTING PERIOD & PAGES**

Enter the year for which the report applies. Section 312 Tier II is for the previous year's inventories. Enter the page number and the total number of pages. The second page can be used as many times as needed.

**2a. NEW FACILITY**

Indicate whether or not the facility is new (or filing for the first time).

**2. FACILITY IDENTIFICATION**

Enter name of the facility & use company identification where appropriate. Enter the full street address or state route. If a street address is not available, enter other information that describes the physical location of the facility. Latitude & longitude are required. Include city, zip code, and facility phone, if applicable. County is required. Enter the primary North American Industry Classification System (NAICS) code of your facility. Find your NAICS code at <https://www.census.gov/eos/www/naics/>. Indicate if the facility is manned or unmanned and enter the maximum # of occupants at any given time. If submitting an aggregate reporting form, then write "see Attached Aggregate Report" in lieu of the name and location information.

**3a. OWNER/OPERATOR IDENTIFICATION**

Enter the Owner or Operator's full business name, address, phone number, submitter name, & email address. The submitter is the person completing the Tier II form or a contact in the company familiar with the form.

**3b. MAILING ADDRESS**

If mailing address is different from Owner/Operator address, then enter the business name, address, and to whose attention mailings should be addressed.

**4a. TIER II CONTACTS**

Enter the name, title, phone numbers, and email address of the person knowledgeable of the information contained on the Tier II form.

**4b. EMERGENCY CONTACTS**

Enter the name, title, phone numbers, and email address of at least one local person who can be called if emergency responders need assistance in responding to an incident at the facility. Provide an emergency phone number where such emergency information will be available 24 hours a day. This emergency phone requirement is mandatory. The facility must make an arrangement to ensure that 24-hour contacts are available. The first person listed under "Emergency Contacts," is the facility emergency coordinator as described in 40 CFR Part 355.

**5. SECTION REPORTING**

Specify under what section the information is being submitted. Check more than one, if applicable.

Section 312: Annual Tier II report

Section 311: One-time notification of inventory list with mixture component information form.

Section 302: One time notification of EHS(s) and facility emergency coordinator.

Indicate if this submission is the annual Tier II report or a revision to the annual report. Also check the box if submitting the same information as last year.

**6. OPTIONAL ATTACHMENTS**

If you choose to attach one of the following, check the appropriate attachments box at the bottom of the Tier II form.

- (1) A site plan with site coordinates indicated for buildings, lots and areas throughout your facility.
- (2) A list of site coordinate(s) abbreviations that correspond to buildings, lots and areas throughout your facility.
- (3) A description of dikes for storage locations throughout your facility.
- (4) Other safeguard measures not described elsewhere.

**7. CERTIFICATION**

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate and complete. Enter your full name and official title. Sign your name and enter the current date. An original signature is required on at least the first page of the submission. Submissions to the Kansas State Emergency Response Commission designee (which is KDHE) must contain at least one original signature.

**8. CHEMICAL INFORMATION**  
**Chemical Description**

Enter the chemical name, product name, or trade name as provided on the Safety Data Sheet (SDS). Enter the Chemical Abstract Service (CAS) registry number, if available. For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. Leave this item blank if a mixture has no CAS number.

If you are withholding the name of a chemical, as a trade secret, in accordance with criteria specified in EPCRA Section 322, enter the generic class or category that is structurally descriptive of the chemical and check the box marked "Trade Secret". Trade secret information should be submitted to EPA and must include substantiation. Please refer to EPA's final regulation on trade secrecy (40 CFR Part 350) for details.

If the chemical contains an extremely hazardous substance, check the "EHS" and "Mix" boxes. Unless the EHS is pure, you must also list the name and CAS number of the EHS. For chemicals with more than one EHS, the mixture component information form must be completed. If a non-EHS chemical is a mix, listing it on the mixture component information form is optional. Chemicals should correspond in alphabetical order on the Tier II and mixture component information form.

**Kansas Commission on Emergency Planning & Response  
 Kansas Department of Health & Environment  
 KANSAS TIER II INSTRUCTIONS**

**How to Fill Out the Tier II Form**

**8. CHEMICAL INFORMATION  
 Physical & 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 370.66. The physical and health hazards are defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200, which EPA adopted in Federal Register notice 81 FR 38104 on June 13, 2016. The hazards for a chemical can be found on the Safety Data Sheet (SDS).

PHYSICAL HAZARDS	HEALTH HAZARDS
Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Gas under pressure	Acute toxicity (any route of exposure)
Explosive	Reproductive toxicity
Self-heating	Skin Corrosion or Irritation
Pyrophoric (liquid or solid)	Respiratory or Skin Sensitization
Oxidizer (liquid, solid or gas)	Serious eye damage or eye irritation
Organic peroxide	Specific target organ toxicity (single or repeated exposure)
Self-reactive	Aspiration Hazard
Pyrophoric gas	Germ cell mutagenicity
Corrosive to metal	Simple Asphyxiant
In contact with water emits flammable gas	Hazard Not Otherwise Classified (HNOC)
Combustible Dust	
Hazard Not Otherwise Classified (HNOC)	

STORAGE CONTAINER TYPES
Above Ground Tank
Below Ground Tank
Tank Inside Building
Steel Drum
Plastic/Non-Metal Drum
Can
Carboy
Silo
Fiber Drum
Bag
Box
Cylinder
Glass Bottles or Jugs
Plastic Bottles or Jugs
Tote Bin
Tank Wagon
Rail Car
Battery
Other

PRESSURE CONDITIONS	TEMPERATURE CONDITIONS
Ambient Pressure	Ambient Temperature
> Ambient	> Ambient
< Ambient	< Ambient
	Cryogenic

**8. CHEMICAL INFORMATION  
 Storage Types & Locations**

List all storage locations in these columns associated with each container type and the conditions of storage. Please note that a particular chemical may be located in several places at the facility in different container types. Indicate if you'd like any of these locations to remain confidential.

Each row of boxes followed by a line represents a unique location for the same chemical. Provide a brief description of the precise location so that emergency responders can find the area easily. At a minimum, indicate the building or lot. Where practical, the room or area may be indicated. Continue down the page, as needed. If a chemical exists everywhere at the plant, you may report as ubiquitous.

**8. CHEMICAL INFORMATION  
 Inventory Amounts**

For each chemical, determine the greatest amount in pounds present at the facility at any one time during the calendar year. This is the maximum daily amount.

Also estimate the average amount in pounds that was present during the year. This is the average daily amount.

Enter the number of days the chemical was on-site during the year.

Calculate all amounts as weight in pounds. To convert gas or liquid volume into weight in pounds, multiply by the appropriate density factor. (For liquids multiply gallons x specific gravity from the SDS x 8.33 = weight in pounds).

If a chemical is part of a mixture, you have the option of reporting either by the chemical component or the entire mixture. However, as stated in 40 CFR 370.14(b), the reporting option used must be consistent for both

**Kansas Commission on Emergency Planning & Response  
 Kansas Department of Health & Environment  
 KANSAS TIER II INSTRUCTIONS**

**How to Fill Out the Tier II Form**

SDS and inventory reporting, unless it is not possible to do so. This means, if a facility reports on a specific mixture as a whole for SDS reporting, then it must report on that mixture as a whole for Tier II inventory reporting.

For extremely hazardous substances (EHS) the amount of an EHS at a facility (both in pure EHS substances and EHSs in mixtures) must be combined for purposes of threshold determination.

If you are reporting this chemical even though it is present in quantities below the reporting threshold, you may mark the "Optional Report" box. These materials will not be included in the fee calculations.

**MIXTURE COMPONENT INFORMATION FORM**

Remember to list each component of a mixture, the percentage in the mix (if known), and the Chemical Abstract Service (CAS) number, if available and indicate if it is an EHS. This information can be found on the Safety Data Sheet (SDS).

For Section 312 reporting: If the chemical reported in 8 is a mixture with no EHS, then you may list each component on this form, if desired.

For Section 311 reporting: If the chemical reported in 8 is a mixture, then you must list each component on this form.

For Section 302 reporting: If the chemical reported in 8 is a mixture with more than one EHS, then you must list each EHS component on this form.

**AGGREGATE REPORTING FORM**

If you own or operate several facilities that have the same chemicals at each location in similar quantities\* you can complete one Kansas Tier II report and the aggregate reporting form for all these facilities. "Similar quantities" is defined in the following table. All facilities must also have the same NAICS Code, maximum # of occupants, manned/unmanned status, and not be subject to RMP, TRI, 302, or 112r regulations.

The Kansas Tier II is completed as per the instructions, except in section 2 you will indicate "see attached Aggregate Reporting Form" in lieu of facility name and location. The Aggregate Reporting Form is completed by listing each facility name, location (latitude/longitude is required), and the county in which it is located. If a particular facility is new and has not been previously reported by you, indicate this by placing a check mark in the appropriate box under the column marked "New Facility".

Attach the Aggregate Reporting Form to the Kansas Tier II.

\*Similar quantities are defined as quantities that fall within the same range codes of the old federal Tier II reporting ranges. This table has been reproduced for your reference.

Range Code	Weight in Pound	
	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

An example of a similar quantity would be gasoline reported at two locations, the first at 12,000 pounds the second at 40,000 pounds. Both quantities fall in the 04 range and are therefore considered similar in quantities. If the same chemical substance at two locations falls within two different range codes they are not considered similar in quantity and must be reported as separate facilities.

**SPECIAL REPORTING CONSIDERATIONS**

- Facilities storing threshold quantities of petroleum fuels (gasoline, gasohol, aviation fuel, diesel #1 and #2) shall be exempt from fee requirements provided: the petroleum fuel storage tank is registered with KDHE's Storage Tank Program, the petroleum fuels have been reported on the special storage tank form provided by the department to comply with Section 312 Tier II reporting, and the facility owner/operator has paid the storage tank program annual fee in compliance with K.A.R. 4-17 or 28-44-28.
- Each owner/operator of an oil or gas well required to report under Section 312 (Tier II) of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25 regardless of the number of wells (as defined under K.S.A. 55-150) reporting under an individual owner or operator business name.
- Sand, gravel, clay, salt, or brine are reportable under Section 312; however, no fees are associated with these "hazardous" substances.

**WEB BASED REPORTING**

Section 312 Tier II reports can now be submitted via the web. The website is located at <http://kansas.tier2online.com>. To gain access, facilities will need a User ID and password. A written request must be sent to Marla Oestreich at [marla.oestreich@ks.gov](mailto:marla.oestreich@ks.gov) or [kdhe.rtK@ks.gov](mailto:kdhe.rtK@ks.gov) to obtain this information. Please remember to include a contact name, phone number, email address, and mailing address.