

**TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE**  
**CHAPTER I: EMERGENCY MANAGEMENT AGENCY**  
**SUBCHAPTER f: CHEMICAL SAFETY**

**PART 620**  
**EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW**

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**AUTHORITY:** Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right To Know Act [430 ILCS 100] and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].

**SOURCE:** Emergency rules adopted at 11 Ill. Reg. 9635, effective May 5, 1987, for a maximum of 150 days; adopted at 12 Ill. Reg. 9888, effective May 31, 1988; amended at 22 Ill. Reg. 1294, effective January 1, 1998.

**SUBPART A: EMERGENCY PLANNING AND NOTIFICATION**

**Section 620.10 Purpose**

This Subpart implements comprehensive State and local emergency response plans designed to protect the public and the environment from any harmful effects that may result from an accidental release of an extremely hazardous substance.

Specifically, it outlines planning requirements and notification procedures.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.20 Definitions**

"Act" or "SARA" means the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

"CERCLA" means the Comprehensive Environmental Responses, Compensation and Liability Act of 1980 (42 USCA 9601 et seq.), as amended.

"CERCLA hazardous substance" means a substance on the list defined in Section 101(14) of CERCLA.

"Extremely hazardous substance" means any substance listed in Appendix A of 40 CFR 355, dated April 22, 1987. This Appendix does not include any later amendments or editions.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person who controls, is controlled by, or is under common control with such person).

"Hazardous chemical" means any hazardous chemical as defined under 29 CFR 1910.2000(c), except that such term does not include the following substances:

Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

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.

Any substance to the extent it is used for personal, family, or household purposes, or is presented 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 research laboratory or a hospital or other medical facility under the direct supervision of someone who possesses at least an Associate's Degree or equivalent, or who possesses a professional license or certificate issued by the State of Illinois for which scientific

knowledge or coursework is required for certification.

Any substance to the extent it is used in routine agricultural operations related to farming, such as but not limited to crop fertilization, or is a fertilizer held for sale by a retailer to the ultimate customer.

"IDOL" means the Illinois Department of Labor.

"IEMA" or "Agency" means the Illinois Emergency Management Agency.

"Inventory form" means the Tier I and Tier II emergency and hazardous chemical inventory forms set forth in Subpart D of 40 CFR 370, dated October 15, 1987. This incorporation does not include any later amendments or editions.

"Material Safety Data Sheet" or "MSDS" means the sheet required to be developed under 29 CFR 1910.1200(g).

"Municipality" means city, village, or incorporated town.

"Principal executive officer" means chairman of the county board in the county, mayor of the city or incorporated town in the city or incorporated town respectively, president of a village in the village, or in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act [5 ILCS 275].

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous substance or CERCLA hazardous substance.

"Reportable quantity" means, for any CERCLA hazardous substance, the reportable quantity established in Table 302.4 of 40 CFR 302 for such substance, or, for any other substance, one pound.

"State Emergency Response Commission" or "SERC" means the Illinois Emergency Management Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 to carry out all State responsibilities required by that Act.

"Threshold planning quantity" means, for a substance listed in Appendices A and B of 40 CFR 355, the quantity listed in the column

"threshold planning quantity" for that substance.

"TPQ" means threshold planning quantity.

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.30 The State Emergency Response Commission (SERC)**

The Illinois Emergency Management Agency (IEMA) was designated State Emergency Response Commission (SERC) on January 27, 1987, by the Governor of Illinois.

The State Emergency Response Commission shall have certain powers to enforce legislation known as Title III of the Superfund Amendments Reauthorization Act (SARA) entitled the Emergency Planning and Community Right-to-Know Act of 1986 (42 USC 11001 et seq.). Specifically, the SERC shall:

- a) Designate emergency planning districts within the State.
- b) Appoint local emergency planning committees.
- c) Supervise and coordinate local emergency planning committee activities.
- d) Establish procedures for receiving and processing requests from the public for information regarding hazardous chemicals that may be stored and used at fixed facilities.
- e) Designate an official to serve as coordinator for information.
- f) Carry out any other responsibilities as designated by the Act and any amendments thereto.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.40 Emergency Planning Districts**

The SERC is charged under the Act with designating emergency planning districts. Therefore, the SERC shall designate emergency planning districts pursuant to the following conditions:

- a) The SERC may designate or revise its designation of planning districts as it considers necessary or appropriate pursuant to Section 301 of the Act.
- b) The SERC may also designate or revise its designation of planning districts in response to the following:
  - 1) At the written request of the chief executive of two or more adjoining planning districts, the SERC may designate these districts to constitute a joint planning district.
  - 2) Upon written request to the SERC by the chief executive of a home

rule jurisdiction with a population of at least 70,000, the chief executive of the committee in the planning district where the home rule unit is located, and the chief executive of the county where the home rule unit is located, the SERC may designate that home rule unit to constitute a planning district.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.50 Local Emergency Planning Committee**

A local emergency planning committee shall be established within each emergency planning district no later than 30 days after the SERC designates emergency planning districts.

**a) Planning Committee Representatives**

The local emergency planning committee shall, at a minimum, be composed of representatives from the following groups or organizations:

- 1) State and local elected officials
- 2) Local environmental groups
- 3) Law enforcement
- 4) Hospital
- 5) Local government ESDA
- 6) Transportation
- 7) Fire fighting
- 8) Broadcast and print media
- 9) First aid or emergency medical service
- 10) Community groups
- 11) Health
- 12) Owners and operators of facilities subject to Section 620.90 of this Part

**b) Establishing a Local Emergency Planning Committee**

The principal executive officer of the geographic area designated as an emergency planning district by the SERC shall be responsible for recruiting and recommending in writing to the SERC the names of volunteers representing the organizations or groups cited in subsection (a) of this Section. The SERC shall review the list of recommended local emergency planning committee appointees from each emergency planning district and, from these lists, appoint members to serve on each district's local emergency planning committee. The SERC shall notify, in writing, the principal executive officer of the geographic area designated as an emergency planning district of the local emergency planning committee appointments.

- 1) Within 30 days following appointment by the SERC, the local emergency planning committee shall elect a chairperson (in accordance with subsection (b)(3) of this Section) and designate

an official to serve as coordinator for information. The local emergency planning committee shall also establish rules and procedures for operation by which it shall function in accordance with Section 301(c) of the Act.

- 2) The local emergency planning committee shall notify the SERC in writing of its elected chairperson and designated coordinator for information, including the address and phone number of these officials. The SERC shall provide the name of these officials to the public upon request.
- 3) The committee chair must be elected by a majority vote of all of its members. The term of office for the committee chair shall not exceed 3 years. At the end of this 3 year term the committee chair may be reinstated provided that a nomination is made and seconded and that the nomination is supported by a majority vote of all members. Otherwise a new candidate must be selected and elected by a majority vote of its membership. The terms of all other offices shall be established by the committee. The local emergency planning committee, by a majority vote of all its members, may at any time remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the committee, the SERC may remove a member of the committee for those reasons.
- 4) If an emergency planning district consists only of territory within one county, the SERC shall appoint the members of the committee of the district from a list of persons submitted to the SERC by the County Board Chair of that county. If the emergency planning district or joint emergency planning district contains territory that is wholly or partly within 2 or more counties, the SERC shall appoint the members of the local emergency planning committee from the list of persons submitted to the SERC by the County Board Chair of each county having territory within the planning district or joint planning district.
- 5) The SERC may, as it considers appropriate, modify its designation of emergency planning districts or alter the composition of the groups and organizations represented on the local emergency planning committee or the number of members representing any of those groups or organizations on the committee, provided that each of the organizations or groups specified in subsection (a) of this Section is represented on the committee. By written petition, members of the public may request the SERC to modify the representation of those groups or organizations on the local emergency planning committee. The SERC shall declare the position of the members abolished if it reduces or eliminates representation of a group or organization on the committee, and the person whose position is so abolished shall cease to serve as a member of the committee on the effective date of the SERC's

declarations. Appointments of members to fill positions established as a result of modification of the composition of the committee shall be made in the same manner as original appointments under this Section.

- 6) If the SERC alters the boundaries of an emergency planning district or designates a joint district, it shall, within 45 days after the effective date of the action, appoint a committee for each district created by or whose boundaries were altered by that action. Upon the appointment of a planning committee for each such district, the planning committee of each of the districts that existed prior to that action shall cease to exist.
- 7) Within 90 days after an emergency planning district is designated or revised, the emergency planning district shall notify facilities within that district of any changes including, but not limited to, contact personnel or mailing addresses.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.60 Revisions**

The SERC may revise designated emergency planning districts and local emergency planning committee appointments under authority of Section 301(d) of the Act. Interested persons may petition the SERC to modify a local emergency planning committee membership by writing to:

Manager, Hazardous Materials Compliance and Enforcement  
Illinois Emergency Management Agency  
110 East Adams  
Springfield, Illinois 62701-1109.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.70 Functions of a Local Emergency Planning Committee**

- a) The local emergency planning committee shall, at a minimum, carry out the following functions in accordance with Section 301(c) of the Act:
  - 1) Elect a chairperson and vice-chairperson and a secretary to keep records of its proceedings.
  - 2) Appoint a coordinator for information who shall be responsible for maintaining the committee's files of information received under the Act and procedures adopted under it and for receiving and fulfilling requests from the public for that information.
  - 3) Notify the SERC in writing within 5 working days whenever there

- is a change in appointed officials. The notification shall include the name and address of the newly appointed official.
- 4) Establish operating procedures to include provisions for the following activities:
    - A) Public notification of committee activities.
    - B) Public meetings to discuss emergency plans.
    - C) Acknowledgment of public comments.
    - D) Response to public comments.
    - E) Distribution of the local emergency plan.
    - F) Receiving and processing requests from the public for information under Section 312 and Section 324 of the Act.
  - 5) Prepare a local emergency plan.
  - 6) Appoint a community emergency coordinator who shall be responsible for coordinating the development and implementation of the chemical emergency preparedness plan of the planning district and for receiving verbal and follow-up written notices of releases of hazardous substances provided under Section 620.100 of this Part.
  - 7) Refer to the SERC for approval and transaction, pursuant to the Illinois Purchasing Act [30 ILCS 505], anything to be purchased, leased, leased with option or agreement to purchase, or constructed.
  - 8) Establish and carry out a program with the regulated facilities within the planning district to ensure compliance with the information required by Sections 620.90, 620.100, 620.210, 620.230, and 620.240 of this Part.
  - 9) Not later than the first day of July of each year, submit to the SERC a summary report relative to the activities undertaken by the committee during the previous calendar year. The report shall reflect such activities undertaken pursuant to the program established in subsection (a)(8) of this Section, based upon the submission of emergency and hazardous chemical inventory forms required to be submitted on or before the immediately preceding first day of March under Section 312 of the Act.
- b) A local emergency planning committee may:
- 1) Receive and accept from any public or private source, for the purpose of this Part, gifts, service of personnel, and real or personal property or their use. A municipal corporation, county or township may, for the purposes of this Part, make contributions of services of personnel and real or personal property or their use to or on behalf of the planning district in which it is located. If, as a result of the redesignation of a planning district, desegregation of a joint district, or establishment of a joint interstate district by the SERC, a municipal corporation, county, or township is withdrawn from a

district that remains in existence, the LEPC of that remaining district shall ascertain the credits, and real and personal property of the planning district and shall make an equitable apportionment and distribution in kind of that property between the political subdivision and the district from which it was withdrawn.

- 2) Appoint and through the SERC fix the compensation of employees necessary or appropriate to perform the function of an LEPC under this Part within the planning district. Employees of a planning district shall be considered contractual employees with the State of Illinois for the purposes of the provisions of the Code applicable to contractual employees.
- 3) Request, in writing, that the SERC, pursuant to Section 302(b)(2) of the federal Act, designate an additional facility within the planning district as being subject to the emergency planning and notification requirements of Section 620.90 of this Part.
- 4) Enter into an agreement with the board of health of a city or general health district, a political subdivision that is located wholly or partly within the planning district, or a county wide emergency management agency having jurisdiction within all or a portion of the planning district, whereby the board of health, political subdivision, agency, or authority will provide guidance or expertise with regards to emergency planning and response. The agreement, if any, shall provide the scope of services to be provided by such an entity and the method and amounts of any payments to be made by the committee to the board of health, political subdivision, agency, or authority for performance of the agreement. An agreement authorized under this subsection (b)(4) does not diminish the authority of the committee to exercise any power or perform any function being exercised or performed on its behalf by a board of health, political subdivision, agency, or authority under the agreement.
- 5) Adopt procedures establishing requirements for reporting or providing the names and amounts of extremely hazardous substances or hazardous chemicals produced, used or stored at facilities within its emergency planning district; for the reporting or providing of information regarding locations where those substances or chemicals are stored at those facilities; or for the reporting of releases of extremely hazardous substances, hazardous substances, or oil that are consistent with the reporting and hazard communication requirements under the federal Act and this Part. The procedures shall reflect the administrative and operational functions of the emergency planning district and include the confidentiality provisions afforded by federal law. The procedures may include, without

- limitation, reporting requirements regarding the names, amounts or storage locations of chemicals described in federal and State statutes. A committee shall not create or require the use of forms other than those approved by the SERC.
- 6) Enter into contracts through the SERC for the development or provision of the training programs, seminars, or other forms of educational programs that are required to be included in the plan of each planning district.
  - 7) Do all things necessary, incidental, or appropriate to perform the duties and exercise the power of an LEPC under this Part and under the federal Emergency Planning and Community Right-to-Know Act of 1986 and regulations adopted under it.
  - c) Members of a local community planning committee are entitled to the immunity afforded public officers and employees (see 745 ILCS 10/2).

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.80 Preparation of Local Emergency Plan**

Each local emergency planning committee shall complete an emergency plan by October 17, 1988. After completion of an emergency response plan for an emergency response district, the local emergency planning committee shall send a copy of the plan to the Illinois Emergency Management Agency (IEMA) Regional Coordinator for the region in which the emergency planning district is located. The IEMA Regional Coordinator shall review the plan and make recommendations in writing to the committee about revisions of the plan that may be necessary.

- a) The emergency plan shall cover, as a minimum, each of the provisions listed in Section 303(c)(1) through(9) of the Act.
- b) The local emergency planning committee shall review the emergency plan once a year or more frequently as changed circumstances in the community or at any facility may require.
- c) The owner or operator of a facility within an emergency planning district whose facility is subject to the requirements of the Act shall provide pursuant to Section 303(d) of the Act information relating to emergency planning to the local emergency planning committee.
- d) The emergency plan shall be exercised at least annually.
- e) The local emergency planning committee shall identify training needs for emergency responders in support of the emergency plan.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.90 Substances and Facilities Covered and Notification**

- a) Substances

A substance is subject to the requirements of the USEPA's list of extremely hazardous substances as covered in Section 302(a) of the Act. For the purpose of this Section, Section 302(a) of the Act establishes the requirements by which threshold planning quantities of a substance shall be determined.

b) Facilities

- 1) Any facility is subject to the requirements of this Section if that facility has present a substance referred to in Section 302(a) of the Act and specifically listed in 40 CFR 355, Appendix A, in an amount in excess of the threshold planning quantity established for such substance in 40 CFR 355, Appendix A. This shall be in compliance with Section 302(b)(1) of the Act.
- 2) The Governor or SERC may designate additional facilities in accordance with Section 302(b)(2) of the Act as follows: For purposes of emergency planning, the Governor or SERC may designate facilities which shall be subject to the requirements of the Act if such a designation is made after public notice and opportunity for comment. The Governor or SERC shall notify the facility concerned of any facility designation under this subsection (b)(2). Public notice will be made through trade associations and newspapers and there will be a 30-day comment period before a facility is subject to the emergency planning and notification requirements. The Agency will notify facilities so designated by mail.

c) Emergency Planning Notification

- 1) No later than May 17, 1987, the owner or operator of a facility subject to the requirements of subsection(b)(1) of this Section and Section 302(c) of the Act (42 USCA 11002(c)) shall notify the SERC that their facility is subject to those requirements. The notification shall be in writing. The notification shall include the name of the business and the address and the county of the facility where the substance is located. The letter shall be addressed to: Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109.
- 2) After May 17, 1987, if a substance on the list of extremely hazardous substances first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the SERC and the local emergency planning committee in the planning district where the facility is located within 60 days after such acquisition or revision that such facility is subject to the

- requirements of this Part. The notification shall be in writing.
- d) The local emergency planning committee shall ensure that the local emergency preparedness plan is amended to include any facility in their district that sends notification pursuant to subsection (c) of this Section.
  - e) The SERC shall mail emergency planning notification data to the USEPA in accordance with Section 302(d) of the Act.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.100 Emergency Notification**

- a) Types of Releases
  - The types of releases which are identified in Section 304(a) of the Act (42 USCA 11004(a) shall be the types of releases that shall be subject to the emergency notification requirements of this Section.
- b) Notification
  - 1) Notice required under Section 304(a) of the Act shall be given immediately after a release to the recipients of notice and in accordance with Section 304(b)(1) of the Act and 29 Ill. Adm. Code 430. Notification to the SERC shall be made by telephoning 1-800-782-7860.
  - 2) Content of an emergency notice shall include information required in Section 304(b)(2) of the Act.
  - 3) The owner or operator of a facility that has provided a notification in accordance with this subsection(b) shall provide a written follow-up notice in accordance with Section 304(c) of the Act.
  - 4) In providing emergency notification of a release in accordance with Section 304(b) of the Act with respect to transportation or storage incidents, the owner or operator of a facility shall notify the SERC by telephoning 1-800-782-7860 in Illinois.
  - 5) A facility owner or operator in a corporate headquarters outside Illinois whose transportation carrier is involved in an incident in Illinois reportable under the provisions of Section 304 of Title III of SARA (42 USCA 11004) may make an emergency notification to the Illinois SERC in accordance with Section 304 of the Act by dialing 217-782-7860.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **SUBPART B: REPORTING REQUIREMENTS**

#### **Section 620.200 Purpose**

This Subpart is designed to set up reporting procedures for facilities that handle hazardous chemicals regulated under the Occupational Safety and Health Standards (29 CFR 1910). It also establishes procedures to ensure that the location and amount of hazardous chemicals in a facility is monitored and made available to the SERC, the local planning committee, the local fire department, and the public. The availability of this kind of information is designed to facilitate public awareness by allowing individuals to learn about the types and quantities of hazardous chemicals within their own communities.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.210 Material Safety Data Sheets (MSDS)**

### **a) Submission of MSDS/List**

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act 29 USCA 651 et seq.) and regulations promulgated under that Act (29 CFR 1910) shall submit a material safety data sheet for each chemical, or a list of such chemicals as stipulated in Section 311(A)(2) of the Act, and 40 CFR 370, to each of the following:

- 1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109.
- 2) The local emergency planning committee of the planning district in which the facility is located.
- 3) The fire department with jurisdiction over the facility.

### **b) Content of a List of Chemicals**

The list of chemicals referred to in subsection (a) shall include each of the following:

- 1) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act, grouped in categories of health and physical hazards as set forth under the Act, or in other categories as prescribed by the USEPA (Appendix A of 40 CFR 355, April 22, 1987).
- 2) The chemical name or common name of each such chemical as provided on the material safety data sheet.
- 3) Any hazardous component of each such chemical as provided on the material safety data sheet.

### **c) MSDS Due Date**

The material safety data sheet or the alternative list must be supplied within 3 months after the facility is required to have available an MSDS under the Occupation Safety and Health Act and regulations promulgated under that Act.

### **d) Minimum Threshold Level**

- 1) As provided under 40 CFR 370.20 (October 15, 1987), the minimum threshold level for reporting under this Section shall be according to the following schedule: The owner or operator of a facility subject to this Section shall submit an MSDS within 3 months after the facility first becomes subject to this Section, for all hazardous chemicals present at the facility in amounts equal to or greater than 10,000 pounds, or that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or TPQ, whichever is less.
  - 2) The minimum threshold for reporting in response to requests for submission of an MSDS pursuant to this Section shall be zero.
- e) MSDS From Facility on Request
- The owner or operator of a facility shall submit a material safety data sheet requested under Section 311(c)(1) of the Act to the local emergency planning committee within 5 work days following receipt of the request.
- f) A local emergency planning committee, upon request by any person, shall make available an MSDS to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act. If the local emergency planning committee does not have the requested MSDS, the committee shall request the sheet from the facility operator or owner and make the sheet available to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act.
- g) Submission of Revised MSDS
- Within 3 months following the discovery by a facility owner or operator of significant new information concerning an aspect of a hazardous chemical for which an MSDS was previously submitted, a revised MSDS must be provided to the following:
- 1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109.
  - 2) The local emergency planning committee of the planning district in which the facility is located.
  - 3) The fire department with jurisdiction over the facility.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

## **Section 620.220 Public Availability of MSDS, Plans, Forms and Follow-up Notices**

Each emergency response plan, material safety data sheet, inventory form, and follow-up emergency notice is to be made available to the public by the SERC

and the local emergency planning committee.

- a) Information shall be made available to the general public at the Illinois Emergency Management Agency, 110 East Adams Street in Springfield, Illinois, between 8:30 a.m. and 5:00 p.m. everyday except weekends and official holidays.
- b) The local emergency planning committee in each planning district shall designate a time and location that this information shall be available to the general public.
- c) Each local emergency planning committee must publish annually a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted.
- d) The published notice shall state that follow-up emergency notices may subsequently be issued. It shall also announce that any member of the public may review the emergency response plan, MSDS, inventory forms or follow-up at the designated time and place.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.230 Emergency and Hazardous Chemical Inventory Forms - Tier I Information**

- a) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act (29 USCA 651 et seq.) and regulations promulgated under that Act (29 CFR 1910) shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this Section referred to as an "inventory form") to each of the following:
  - 1) The Manager of Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109.
  - 2) The local emergency planning committee of the planning district in which the facility is located.
  - 3) The fire department with jurisdiction over the facility.
- b) The facility owner or operator shall submit the inventory form annually on March 1. The form shall contain data with respect to the preceding year.
- c) Minimum Threshold Levels
  - 1) As provided under 40 CFR 370.20 (October 15, 1987), the owner or operator of a facility subject to this Section shall submit either the Tier I form or the Tier II form:
    - A) On or before March 1 of the first year after the facility first becomes subject to this Section, covering:
      - i) all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or

- greater than 10,000 pounds; or
  - ii) all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPQ, whichever is less.
- B) On or before March 1 of the second year after the facility first becomes subject to this Section, and annually thereafter, covering:
- i) all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds; or
  - ii) all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPQ, whichever is less.
- 2) The minimum threshold for reporting in response to requests for submission of a Tier I form pursuant to Section 620.240 of this Subpart shall be zero.
- d) The inventory form shall contain Tier I or Tier II information as described in Section 312(d)(1) of the Act.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)

### **Section 620.240 Tier II Information**

An inventory form shall provide additional information as required in Section 312(d)(2)(A) through (F) of the Act for each hazardous chemical present at the facility. Tier II information shall be made available to the public only upon request and in accordance with Section 312(e) of the Act.

- a) On request by the SERC, the local emergency planning committee or fire department, the facility must provide specific Tier II information to the person making the request. A request from any of these entities shall reference a specific facility.
- b) A member of the public may ask the SERC or the local emergency planning committee for Tier II information regarding a facility. Any information in their possession is to be made available subject to limitations for trade secret protection and protection of information regarding specific location in the plant (in accordance with Section 322 of the Act) if so requested by the facility.
- c) If a request from a member of the public cannot be provided because Tier II information is not available, the SERC or local emergency planning committee shall submit a written request for it to the facility.
- d) A request to the facility is compulsory for hazardous chemicals present at the facility in excess of 10,000 pounds during the

preceding calendar year. Below the 10,000 pound threshold the decision to request Tier II information shall be determined by the SERC or the local emergency planning committee in accordance with the provisions of Section 312(e)(3)(C) of the Act.

- e) The SERC or local emergency planning committee shall respond to a request for Tier II information no later than 45 days after receipt of the request.
- f) The facility owner or operator shall record Tier I and Tier II information on inventory forms that shall be published by the USEPA.
- g) A business may acquire blank Tier I and Tier II Emergency and Hazardous Chemical Inventory forms from the SERC by writing to:  
Manager Hazardous Materials Compliance and Enforcement  
Illinois Emergency Management Agency  
110 East Adams  
Springfield, Illinois 62701-1109.

(Source: Amended at 22 Ill. Reg. 1294, effective January 1, 1998)