

update

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www.vpcga.com

Annual EPCRA Tier II Reports Due March First

From PMAA

EPA EPCRA Tier II reports must be filed for bulk plants, marinas and fleet fueling facilities and select retail gasoline facilities that stored more than 10,000 pounds (minimum 1,626 gallons) of hazardous chemicals (petroleum fuels) at any single time during the 2016 calendar year. EPCRA 2016 reports must be filed with state emergency response authorities no later than March 1, 2017. Retail gasoline facilities with a storage capacity greater than 75,000 gallons of gasoline and/or 100,000 gallons or more of diesel fuel must also file EPCRA reports. Federal regulations exempt retail fueling facilities at or below these product capacity thresholds from the annual Tier II inventory reporting. Some states have set lower reporting thresholds, use unique Tier II reporting forms or require electronic filing. Petroleum marketers should contact their state EPCRA office to verify any state variances in Tier II reporting requirements (see contact information below).

EPCRA PAPER FORMS AND ELECTRONIC SUBMISSION SOFTWARE: - EPCRA Tier II forms for paper filing may be downloaded here: [EPCRA Forms](#).

- **IMPORTANT!** Many states now require EPCRA reports be filed electronically and have adopted the EPA's Tier2 Submit electronic filing portal. Tier2 Submit electronic filing for Windows and Macintosh applications may be downloaded here: [EPCRA Electronic Filing](#)
- An electronic filing tutorial may be downloaded here: [Electronic Filing Tutorial](#).
- A complete list of state EPCRA Tier II requirements and procedures can be downloaded here: [State EPCRA Requirements](#).

EPCRA CAS NUMBERS:

- The following CAS designations (from material safety data sheets) must also be included on EPCRA Tier II reports;
- Gasoline (CAS 8006-61-9); Diesel Fuel (CAS 68476-34-6); Kerosene (CAS

8008-20-6); Fuel Oil (CAS 68476-30-2); Aviation Gasoline (CAS Mixture); Jet A (CAS Mixture); JP 8 (CAS Mixture).

EPCRA NAICS CODE:

- Standard Industrial Classification (SIC) codes can no longer be used to describe facilities on EPCRA Tier II reports. Instead, North American Industrial Classification System (NAICS) codes must be used. Applicable NAICS codes for the petroleum marketing industry include:
- Petroleum Bulk plants - NAICS 424710 Heating Oil Dealers - NAICS 454311 Retail Gasoline Stations with Convenience Stores - NAICS 447110 Retail Gasoline Stations without Convenience Stores - NAICS 447190 Cardlock Sites - NAICS 447190

PENALTY FOR FAILURE TO FILE EPCRA TIER II:

- The EPA fine for violating EPCRA Tier II reporting is \$37,500 per day, per violation. EPA checks for filing of EPCA Tier II reports during routine compliance audits or after a release has occurred.

RECENT ADDITIONS TO TIER II FORM:

- EPCRA Tier II forms now ask whether the facility is subject to emergency planning under Section 302 of EPCRA (Toxic Release Inventory or TRI) or the chemical accident prevention requirements under 112r of the Clean Air Act (Risk Management Program or RMP). For small bulk plant operators the answer to these questions is almost always "NO". Typically, small petroleum bulk plants operated by petroleum marketers located downstream of the terminal rack are NOT subject to TRI or RMP. While these small bulk plants must comply with Spill prevention Control and Countermeasure (SPCC) this is not the same as TRI or RMP.

Strauss Scholarship Applications Now Accepted

Applications are being accepted for the 2017 S. Frank Strauss Scholarship Program. This program was established in the 1970's in recognition of Mr. Frank Strauss, who was the long time executive director of the Virginia Food Dealers Association. This program is open to VPCGA members, their employees and the children of VPCGA employees. Awards are made after review by the Association's scholarship committee, which considers need as well as academic achievement in their evaluation. Recipients must be high school graduates by June of this year and attend a post secondary institution of higher education in the fall of 2017. You can view the [application here](#). Complete applications must be received by April 15. You may also post [this flyer](#) for your employees.

See You Next Week in Myrtle Beach

The show floor has been sold out since January and we look forward to seeing you next Wednesday and Thursday, March 8th and 9th at the Southeast Petro Food Expo at the Myrtle Beach Convention Center. There you will be able to visit almost 600 exhibitors. We are pleased to continue as a co-sponsor of the largest regional trade show in the East along with our sister associations in North and South Carolina. Please join us Wednesday night from 5 to 7 pm at our traditional hospitality suite reception at the headquarters Sheraton Hotel. If you have not registered yet, you can do so at www.sepetro.org.

General Assembly Adjourns

The 2017 session of the Virginia General Assembly adjourned on time Saturday. We are working on a review of how issues deliberated there will impact association members. Look for it tomorrow.