

TIER TWO INSTRUCTIONS

Before attempting to file your Tier Two form electronically, please read the Louisiana Hazardous Material Information Development, Preparedness, and Response Act Rules posted on the Right-to-Know web site at <http://www.lsp.org/rtk.html>. Then, read the following instructions carefully.

Failure to comply with the state rules and/or submission of an incorrectly completed Tier Two form could result in enforcement action.

WHEN AND WHERE TO SUBMIT THIS FORM

On or before March first of each year, owners or operators must electronically submit the Tier Two form to:

- (1) the Louisiana Emergency Response Commission,
- (2) the Local Emergency Planning Committee of the parish in which the facility is located. (If the LEPC has signed the State Repository Agreement (see list of LEPCs posted at <http://www.dps.louisiana.gov/lcnweb.nsf>) then paper submission is not required.)
- 3) the local fire department having jurisdiction over the facility. (Call your local fire department to see if they have on-line access to facilities in their parish.)

PENALTIES

Any owner or operator who violates any Louisiana reporting requirement regarding submission of the Tier Two form shall be liable to the State of Louisiana for civil penalties of up to \$25,000 under state law for each violation.

REPORTING YEAR

Report the chemical inventories you had on site on any single day for the preceding calendar year, beginning January 1 and ending December 31. Please remember that you are reporting for the previous calendar year.

FACILITY STATUS

Under Facility Status, click on the appropriate status indicating whether the facility is: active (operated one or more days during the preceding calendar year); sold (be sure to fill out the New Owner Information section); closed (if operated any time during the preceding calendar year, you must complete the entire form); P & A (plugged and abandoned if you are reporting a capped oil well); NRQ (no threshold inventory reportable quantity)

FACILITY IDENTIFICATION

Enter the company name (such as: Texaco Exploration and Production) and facility name (such as Paradis Field). Do not use working names. Your company name should match your letterhead. If you are filing several Tier Two submittals for multiple facilities operated by your company, enter your company name followed by your facility name (example: Texaco Exploration and Production – Paradis Field). On additional Tier Two filings, be consistent and list your company name first (example: Texaco Exploration and Production - Lake Barre Field). This allows the Right-to-Know Unit to search for multiple Tier Two submittals filed by the same company. Check the appropriate Facility Type (self explanatory).

The physical address should reflect the full street address or state road on which your facility is located. Do not use post office boxes. If a street or road address is not available, enter other appropriate identifiers that describe the physical location of your facility (e.g. latitude and longitude, or "five miles from the intersection of Hwy. 94 and La. 135 on unmarked gravel road"). Include city, state, zip code and **parish where the facility is located**. Use address #2 for longer physical addresses.

The mailing address should either be the street address or a post office box. **Do not use a corporate mailing address**. Include city, state, and zip code.

Enter the primary Standard Industrial Classification (SIC) code for your facility. The SIC code may be obtained by consulting the Standard Industrial Classification Manual available at most libraries. Enter the North American Industry Classification System (NAICS). Enter the Dun and Bradstreet number if available.

OWNER/OPERATOR INFORMATION

Check off whether you are the owner or the operator of the facility. Enter the owner's or operator's full name, mailing address, phone number, fax and e-mail address. This is the address to which all electronic or hard copy correspondence regarding your annual submission will be sent.

NEW OWNER INFORMATION

If facility was sold during the calendar year for which the form is being filed, complete this section filling out appropriate information. Be sure to indicate the date on which the facility was sold or closed. The Right-to-Know Unit may use this information to contact the new owners/operators regarding their filing responsibilities. Please note that if you owned/operated the facility for one or more days during the preceding calendar year and had hazardous materials present at or above the threshold, you must complete the entire form. Number of days on-site after each chemical should reflect your period of ownership/operation.

If a facility is marked sold, that facility ID number is no longer used. The new owner must go to the website <http://www.dps.louisiana.gov/lcnweb.nsf>. Click on the green Tier II button. Then click on: Obtain Web ID. Displayed on this page is the question: "Have you previously been issued a User ID and Password?" Answer: No. The next question is: "Did your company file a Tier Two last year?" Answer: No. Then click on: Create a New User ID for a new facility. On the next page, please complete the following information associated with your facility. Upon completion of this form, click "Submit" to create your facility. This process will create your new facility ID number and your User ID and Password.

EMERGENCY CONTACT #1 AND #2

Enter the name, title, and work phone number (not answering machine or voice mail) of at least one local person or office who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. If there is no specific person accountable (e.g. facilities which operate 24 hours a day), list the title of the responsible party (e.g. shift supervisor).

Provide an emergency phone number where such emergency chemical information will be available 24 hours a day, every day. If applicable, please provide pager, fax, cell phone, and e-mail information.

CHEMICAL INFORMATION: Description, Hazards, Amounts, and Locations.

The main section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals, as defined in the OSHA Hazard Communication Standard.

WHAT UNITS SHOULD I USE? Calculate all amounts as weight in pounds. To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor. Many material safety data sheets (MSDS) include this density factor.

Pure Chemicals - If the substance you are reporting is a pure chemical, click on New Pure, enter the Chemical Abstract Service number (CAS #) for the chemical in the space provided. The chemical name should be used when reporting a pure chemical (e.g. Chlorine). For example, you have chlorine on hand as a liquid. You enter the CAS # for chlorine, then check "pure" as well as "liquid" and EHS.

Mixtures - For mixtures, click on New Mixture. Refer to the MSDS for the material being reported and its chemical components. Note: Enter the CAS # of the mixture as a pure if it has been assigned a CAS # distinct from its components.

Chemical State - Under chemical state, enter solid **or** liquid **or** gas. (Only one physical state can be entered.) If a material is present in more than one state, each state must be entered separately. Example: Oxygen is present in both liquid and gas form at your facility. Enter once as a liquid, then again as a gas. Therefore, oxygen will be listed twice in your chemical inventory.

Extremely Hazardous Substances - Indicate whether the substance you are reporting is an Extremely Hazardous Substance (EHS) or is a mixture containing an EHS by checking the EHS block.

Chemical Abstract Service Number - Enter the CAS # information as provided on the MSDS. If the CAS # is not available, complete the mandatory CAS # field by entering the number one (1). Do not use a hyphen to separate the CAS # blocks.

Trade Name - Enter the mixture's trade name, brand name or the company's code name for the substance in the space provided. For example, if you are reporting a mixture containing "Sodium Hydroxide" also known by the common name "Caustic Soda," the product may be marketed under the trade name "Joe's Caustic Cleaner."

Common Name - Enter the mixture's common chemical name or synonym accepted or recognized by industry, for example "Caustic Soda" as indicated above. If a common name is entered, it will be displayed on the facility's database listing of chemicals.

Mixture Components - If you are reporting a mixture, you must complete the Mixture Components section of the form. This information is usually found on the first page of the MSDS under "Hazardous Components" or a similar title. Under the Chemical Name, CAS #, % and EHS headings, enter the chemical names of the components as they appear on the MSDS and their CAS numbers. If a percentage is given, enter it. If a range is given for a mixture component, enter the highest value provided. **Note: Only values 1% or greater can be reported. For values reported on the MSDS less than 1%, report as 1% and click on the "Less than 1 %" block.** Each mixture component may have a value up to 100%. The total of the percentage weights for the mixture components do not have to total 100%. If no percentage is given, put the number 1 in that field. Finally, review the Extremely Hazardous Substance list at Item I in the Table of Contents to see if the component is listed. If it is, enter "yes." If the mixture components listed are proprietary or trade secret, put "proprietary" or a "trade secret" in that field. For a mixture with more than eight components, create additional listings of the same mixture to continue the compositions component listing.

When determining whether the threshold quantity of an **extremely hazardous substance (EHS)** has been met, facilities must include the total quantity of that EHS present in the pure form as well as in any mixture, even if any mixture including the EHS is also being reported as a hazardous chemical.

For hazardous chemicals that are mixtures and do **not** contain any **extremely hazardous substance**, facilities have an option when determining whether the threshold quantity is present: (1) add together the quantity present in its pure form and as a component in all mixtures (even if the mixture is also being reported as a hazardous chemical), **or** (2) consider the total quantity of each mixture separately. (See Federal Register / Vol. 73, No. 213 / Monday, November 3, 2008) **Louisiana requires reporting of all regulated materials (any material that has a MSDS) at the 500 pound level unless the threshold quantity for an EHS [Extremely Hazardous Substance] is lower. In this area, Louisiana law and federal law differ.**

Trade Secrets - Before Louisiana will recognize a company withholding mixture component information as a trade secret, the facility must follow EPA's trade secret procedures. The date of the trade secret filing must be listed on the Tier Two form. Even if you are withholding the name of a chemical in accordance with criteria specified in SARA Title III, Section 322, you must still enter the generic chemical class (e.g. list toluene disocyanate as organic isocyanate). You must click on Y for yes if you have filed your trade secret claim with EPA. Otherwise, click on N for no. Trade secrets claims should be submitted and accepted by EPA in accordance with the final rules published in the Federal Register of July 29, 1988. A sanitized copy of this trade secret claim should be sent to the Right-to-Know Unit if you claim a trade secret.

PHYSICAL AND HEALTH HAZARDS

For each substance you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2 or the Federal Register of October 15, 1987. The three physical hazard categories and two health hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR 1910.1200. They are summarized below for your reference.

Fire Hazard - Includes products which are flammable, combustible liquid, pyrophoric, and/or an oxidizer.

Sudden Release of Pressure Hazard - Includes products which are explosive or which are a compressed gas.

Reactivity Hazard - Includes products which are unstable reactive, organic peroxides, and/or water reactive.

Immediate (Acute) Health Hazard - Includes products which are highly toxic, corrosive, toxic, irritants, sensitizers, and other hazardous chemicals which cause an adverse effect to a target organ which manifests itself within a short period of time following a one-time, high exposure to the substance.

Delayed (Chronic) Health Hazard - Includes products which are carcinogens, mutagens, or teratogens, and other hazardous chemicals that cause an adverse effect to a target organ that manifests itself after a long period of time following exposure or after repeated contacts with the substance.

RELEASE REPORTABLE QUANTITY

The reportable quantity (RQ) which triggers notification of a spill or release to the State Police Hotline is established in either federal or state law. To determine the RQ for a chemical or mixture, please refer to the June 20, 2001, Right-to-Know Rules and/or Item F at the web site <http://www.lsp.org/rtk.html> entitled Fixed Site Release and Incident Reporting Criteria. State Police Right-to-Know Unit considers mixture releases to be reportable under State reporting criteria, even though U.S. EPA may have different reporting interpretations for solutions.

STORAGE CODES AND STORAGE LOCATIONS

Multiple container types may be chosen for a single pressure, temperature, and location indicator. List all non-confidential chemical locations in this column along with storage types/conditions associated with each location. Enter the appropriate code in the three fields provided as follows:

1. Look at Table I. For **each** location, find the appropriate container type(s). Click on the corresponding code.
2. Look at Table II. For **each** container type, find the pressure and temperature conditions. Click on the applicable pressure code in the drop down box and the applicable temperature code in the drop down box.

EXAMPLE:

The benzene in the main building is kept in a tank inside the building, at ambient pressure and less than ambient temperature.

Table I shows you that the code for a tank inside a building is C. Table II shows you that the code for ambient pressure is 1, and the code for less than ambient temperature is 6.

TABLE I - STORAGE TYPES

CODES Types of Storage

- A Above ground tank
- B Below ground tank
- C Tank inside building
- D Steel drum
- E Plastic or non-metallic drum
- F Can
- G Carboy
- H Silo
- I Fiber drum
- J Bag
- K Box
- L Cylinder
- M Glass bottles or jugs
- N Plastic bottles or jugs
- O Tote bin
- P Tank wagon
- Q Rail car
- R Other

TABLE II - TEMPERATURE AND PRESSURE CONDITIONS

CODES Storage Conditions

(Pressure)

- 1 Ambient pressure
- 2 Greater than ambient pressure
- 3 Less than ambient pressure

(Temperature)

- 4 Ambient temperature
- 5 Greater than ambient temperature
- 6 Less than ambient temperature but not cryogenic
- 7 Cryogenic conditions

STORAGE LOCATIONS

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily (e.g. near west wall of warehouse). **The street address is not an acceptable location.** You may find it advantageous to provide an optional site plan or site coordinates as explained below.

For each substance, indicate at a minimum, the building or lot. Additionally, where practical, the room or area may be indicated. You may respond in narrative form with appropriate site coordinates or abbreviations.

If a chemical is present in more than one building, lot, or area location, continue your responses in subsequent locations as needed. If the chemical exists everywhere at the plant site simultaneously, you may report that the chemical is ubiquitous at the site. Note: If more than eight storage types and locations are necessary, create another "pure chemical" or "mixture" listing the same chemical information and continue adding additional storage types and storage locations as necessary.

MAXIMUM AMOUNT

1. For each hazardous substance, estimate the greatest amount present at your facility on any single day during the reporting period.
2. Find the appropriate range value code in Table III.
3. Enter this range value as the Maximum Amount.

TABLE III Reporting Ranges

| Range Value | Weight Range From..... | in Pounds 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 |

EXAMPLE:

You received a large shipment of a substance last year. The shipment filled your 5,000 gallon storage tank. You also know that the density of this substance is 7.29 pounds per gallon, so you multiply 5,000 by 7.29 to get a weight of 36,450 pounds. You look at Table III and find that range value of 04 corresponds to 36,450. You enter 04 as the Maximum Amount.

AVERAGE DAILY AMOUNT

1. For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year. To do this, total all daily weights and divide by the number of days the chemical was present on the site.
2. Find the appropriate range value in Table III.
3. Enter this range value as the Average Daily Amount.

EXAMPLE:

The 5,000 gallon shipment of the substance you received last year was gradually used up and completely gone in 315 days. The sum of the daily volume levels in the tank is 929,250 gallons. By dividing 929,250 by 315 days on-site, you calculate an average daily amount of 2,950 gallons.

You already know that the density of the substance is 7.29 pounds so you multiply 2,950 by 7.29 to get a weight of 21,505.5 pounds. You look at Table III and find that the range value 04 corresponds to 21,505.5. You enter 04 as the Average Daily Amount.

NUMBER OF DAYS ON-SITE

Enter the number of days that the hazardous substance was present on-site. If the year you are reporting for is a leap year, change the default number 365 to 366. If you sold or closed your facility during the preceding calendar year, the number of days on-site should reflect the time you owned/operated the facility.

OPTIONAL ATTACHMENTS

If you choose to submit one of the following with your Tier Two, click “yes” on the bottom of your facility information page and include the document with your invoice.

- a. A site plan with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.
- b. A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc. throughout your facility.
- c. A description of dikes and other safeguard measures.

CERTIFICATION

This must be filed under the electronic reporting rules by the owner or operator or the officially designated representative of the owner or operator. Since the e-filing system involves User IDs and Passwords restricted to persons with approved filer status and since a certification statement appears on the printed Tier Two Invoice after the filer clicks on “submit”, State Police believes this satisfies certification requirements.

State Police acknowledges that the amounts listed for each chemical in a particular physical state are based on best estimates under normal/non-emergency conditions.

FEES

Please refer to Section 10121 of the Right-to-Know Rules amended December 20, 2001 on the website at <http://www.lsp.org/rtk.html> for information on fees. When you e-file, fees are automatically calculated based on the number of chemicals entered at each facility and other information provided on the filing worksheet. **You MUST print your e-filing invoice from your screen at this time or you will not have a record of your transaction. There is no way to recreate this invoice once you clear your screen. Attach your payment** for the appropriate amount to the computer generated Tier Two invoice and mail to the State Police, Right-to-Know Unit, P.O. Box 66168, Baton Rouge, LA 70896-6168 or Louisiana State Police Headquarters, Right-to-Know Unit, 7919 Independence Blvd., Baton Rouge, LA 70806.

REMINDER

You are required under federal law to file your Tier Two submission with the Local Emergency Planning Committee and the local fire department as well as with the Louisiana Emergency Response Commission represented by the Right-to-Know Unit of Louisiana State Police. A listing of all Local Emergency Planning Committees in operation in the state of Louisiana is provided on Item K of the Table of Contents at this web site. If the LEPC has filed a State Repository Agreement with State Police and their names appear on the Tier Two E-filing web site, then no hard copy submittal to the LEPC is required. If the LEPC has not signed this agreement, you should print and mail a hard copy of the Tier Two to that LEPC and the appropriate fire department. No information is available on local fire departments.

WEBSITE

For filing your Tier Two form electronically via the Internet, please go to the following Internet address: <http://www.dps.louisiana.gov/lcnweb.nsf>.