

TIER TWO FREQUENTLY ASKED QUESTIONS:

WHAT IS A TIER II FORM?

A Tier II form is a form designed by US EPA enabling required facilities to report hazardous or extremely hazardous substances required under SARA Title III. SARA Title III requires the annual filing of a chemical inventory reporting form known as Tier One or Tier Two. The WV State Emergency Response Commission (WVSERC) **REQUIRES** the Tier II form for all facilities required to report.

WHEN IS THE REPORT DUE?

By March 1st annually

WHERE DO I GET THE FORMS?

These forms can be obtained from US EPA's web site - www.epa.gov , the WV SERC website - www.wvdhsem.gov/tier2_1.htm or by calling 304 558-5380.

WHAT REPORTING THRESHOLDS ARE USED IN WEST VIRGINIA?

Federal Thresholds are used:

Hazardous substances are 10,000 lbs or more

Extremely Hazardous substances are 1-500 lbs depending on the substance.

For additional details please check US EPA's Title III List of Lists at

www.epa.gov/ceppo/pubs/title3.pdf

WHO RECEIVES THE FORMS?

Tier II forms must be submitted Annually by March 1 (1 January – 31 December the previous calendar year) to:

WV State Emergency Response Commission (WVSERC)

Local Emergency Planning Committee (LEPC)

Fire Department with jurisdiction over the facility

WHERE DO I SEND THE COMPLETED FORMS?

Mail the Tier II form, applicable fee and worksheet to:

West Virginia Division of Homeland Security & Emergency Management

Attn: Tier II

1900 Kanawha Blvd, E

Building 1 Room EB-80

Charleston, West Virginia 25305-0360

WHERE DO I OBTAIN A MAILING LIST OF LEPCS?

The LEPC list can be obtained at www.wvdhsem.gov/tier2_1.htm web site

WHERE DO I OBTAIN A MAILING LIST OF FIRE DEPARTMENTS?

The Fire Department list can be obtained at www.wvdhsem.gov/tier2_1.htm web site or www.wvfiremarshal.org

WHO IS REQUIRED TO SUBMIT?

This requirement applies to the owner or operator of any facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) Section 311 (SARA Title III) for a hazardous chemical as defined under the OSHA Hazardous Communication Standard, 29CFR 1910.1200.

US EPA has established a threshold of 10,000 lbs for Hazardous substances present at a facility at any given time during a calendar year, as the threshold requiring filing of Tier II information.

US EPA has also established very conservative reporting thresholds for Extremely Hazardous substances; if the substance is present at the facility in an amount at or above 500 lbs or the "threshold planning quantity (TPQ)" whichever is less, set by EPA for filing Tier II information. See EPA's Title III List of Lists

If you need assistance in completing your Tier II form contact: WVSERC (304) 558-5380

WHAT IS NAICS?

The NAICS replaces the more widely known SIC (Standard Industrial Classification) Code. NAICS is the North American Industry Classification System Code and became effective in 2003. These new codes encompass Canada and Mexico in conjunction with NAFTA (North American Free Trade Agreement). The Tier II form requires a North American Industry Classification System Code (NAICS). To obtain yours, if you do not already have one, contact your trade association, call (304) 558-2658 or visit the web address: www.census.gov/epcd/www/naics.html or www.naics.com if you do not know your code.

CAN OUR COMPANY USE OUR OWN FORMS?

If you wish to use an in-house computer generated Tier II form in place of the form provided, you must first obtain approval from the WVSERC before submitting the form. Fax a copy of your computer generated form (304) 344-4538 or email to lstout@wvdmeps.gov for review. The WVSERC will advise you if it is acceptable; computer generated forms must have the EXACT same information as the federal Tier II form. Facilities are encouraged to use to use EPA's Tier2 Submit system.

IS THERE A FILING FEE IN WEST VIRGINIA?

YES - West Virginia requires a minimum of \$25 per facility up to a maximum of \$100 per facility based upon substances reported.

FILING FEE INFORMATION

West Virginia requires facilities who report to pay a Tier II filing fee; complete the filing fee worksheet to compute your fee; return a copy along with the fee and form to the WVSERC. Copies of the Tier II forms are also submitted to the local fire department and LEPC. If submissions are not correct or the fee, form and worksheet submitted **SIMULTANEOUSLY** they will be returned for correction.

Be sure to complete the Tier II form properly; an incomplete or incorrect form cannot be accepted and will be returned for correction. Read the instructions carefully and if you continue to have questions or need assistance please call (304) 558-5380.