

340.2

Hazardous Materials Ordinance

for

Pulaski County, Kentucky

COMMONWEALTH OF KENTUCKY
PULASKI COUNTY FISCAL COURT
PULASKI COUNTY, KENTUCKY

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE USE AND CONTROL OF HAZARDOUS MATERIALS IN PULASKI COUNTY, KENTUCKY, THE TIMELY REPORTING OF RELEASES THEREOF, AND PROVIDING COMPENSATION FROM THE PARTIES RESPONSIBLE FOR HAZARDOUS MATERIALS RELEASES TO LOCAL GOVERNMENT, PUBLIC SAFETY, AND EMERGENCY AGENCIES FOR EXPENSES INCURRED RESPONDING TO SUCH HAZARDOUS MATERIALS RELEASES.

WHEREAS, the Fiscal Court of Pulaski County, Kentucky, has determined that there have been numerous releases of hazardous materials in this county; and

WHEREAS, hazardous materials can pose a direct and potential threat to the health, safety and welfare of the people of this county and to the surrounding environment and that it is the duty of local government to protect its citizens, and that persons who handle hazardous materials also have a responsibility to the community and its residents to minimize risks; and

WHEREAS, the releases or spillage of hazardous materials may require emergency response by the various public safety and emergency agencies of the county and/or the cities therein to protect the health, safety and welfare of the people of this county and their environment; and

WHEREAS, the Fiscal Court further determines that an ordinance is necessary to provide a comprehensive approach on the local level to prevent the uncontrolled release of hazardous materials into the surrounding environment which can directly or indirectly cause harm or damage to the environment and to human health and property, and for this approach to be effective, cooperation between the public and private sectors is essential; and

WHEREAS, in order to implement a plan related to hazardous materials, information on the locations and types of hazardous materials stored, manufactured, used, disposed of, transported, or otherwise managed in and through this county must be gathered, compiled, and updated for use by the government, while protecting the legitimate interests of business in safeguarding confidential information and trade secrets; and

WHEREAS, the Fiscal Court further determines that the timely reporting of releases or threatened releases of hazardous materials and spills is critical to government emergency response procedures designed to limit and control danger to life and property; and

WHEREAS, the Fiscal Court further determines that the regulations established in this ordinance are necessary and appropriate and reasonably established and rationally related to the potentially exigent circumstances which may be posed by the release or spillage of hazardous materials occurring in this county.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PULASKI, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I-PURPOSE

This Ordinance is adopted by the Pulaski County Fiscal Court for the purpose of protecting public health and safety in Pulaski County, Kentucky, through prevention and control of hazardous materials incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies and requiring payment by parties responsible for hazardous materials of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases.

SECTION II-DEFINITIONS.

As used in the herein Ordinance, unless the context of usage clearly requires otherwise, the meanings of specific terms in this Ordinance shall be as follows:

(1) "Authorized Release" means a release of hazardous materials in accordance with an appropriate permit granted by a state or federal agency having primary jurisdiction over such release;

(2) Bulk Storage of a Hazardous Material: Any facility holding for more than (10) ten consecutive working days more than 1200 gallons of a petroleum product above ground or 1500 gallons of a petroleum below ground or more than 2000 pounds of a hazardous material in a storage facility not packaged in containers for retail sale under 50 pounds.

Propane storage tanks of 1500 pounds capacity or more shall be considered bulk storage facilities of a hazardous material.

(3) "Costs" shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to costs incurred for personnel, equipment and the use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material;

(4) "Employee" means any person who works, with or without compensation, in a workplace;

(5) "Employer" means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees;

(6) "Environment" means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within Pulaski County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this Ordinance;

(7) Explosive Device or Materials:
Dynamite, TNT, fireworks not allowed for retail sale, nitroglycerin.

(8) "Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located.

(9) "Hazardous Materials" means any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U.S. Environmental Protection Agency (EPA), a copy of which said list is attached as Appendix A hereto and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored transported, disposed of, or otherwise managed;

(10) "Normal Application of Pesticides" means application pursuant to the label directions for application of a pesticide product registered under section 30 or section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIRA, or pursuant to an exemption granted under section 18 of FIRA;

(11) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(12) "Person" means any individual, trust, firm, company, society, corporation, joint stock company, partnership consortium, joint venture, city county, city and county special district, the State or any department or agency or political subdivision thereof, United States Government, or other commercial or legal entities;

(13) "Petroleum Product" Gasoline, diesel fuel, fuel oil, oil, kerosene;

(14) "Release" means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to (a) with respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and (c) the normal application of fertilizer and pesticides;

(15) "Remedial Action" means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

(16) "Removal" means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons;

(17) "Reportable Quantity" means that quantity as set forth in Section IV of this Ordinance;

(18) "Response" means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

(19) "Store" means to deposit or place a substance in the county for a period of ten (10) days or more provided such substance is not otherwise in transit;

(20) "Use" means to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall not include any mode of transportation other than onsite transportation;

(21) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

SECTION III-DETERMINATION OF REPORTABLE QUANTITIES

A. Listed Hazardous Materials: The quantity appearing in column "RQ" for each hazardous material listed by Appendix A, "List of Hazardous Materials and Reportable Quantities", 40 CFR Part 302, as amended, published by the U.S. Environmental Protection Agency (EPA) shall be the reportable quantity for that material.

B. Unlisted Hazardous Materials: Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the containment on which the characteristics of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one containment, the reportable

quantity for that waste shall be the lowest of the reportable quantities listed by Appendix A to 40 CFR Part 302, as amended, for those contaminants. If an unlisted hazardous waste exhibits the characteristics, the reportable quantity shall be the lowest of the applicable reportable quantities.

C. Oil: (1) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quantity standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (2) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is 56 gallons. (3) Notwithstanding any other provision of this Section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

D. Higher Reportable Quantity: Notwithstanding any other provision of this Section, the Pulaski County Fire Coordinator, after review of the "Pulaski County Hazardous Materials Use and Spill Prevention control Plan" required to be submitted pursuant to the further provisions of this Ordinance, may designate a reportable quantity for a hazardous material in excess of the quantity determined under this Section if the administering agency determines that the higher reportable quantity is consistent with the purpose and objective of this Ordinance.

E. Releases to Sanitary Sewer System: Notwithstanding any other provision of this Section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of any sanitation district operating within Pulaski County governing discharges to the sanitary sewer system shall be deemed to be discharged in reportable quantities.

F. Component Hazardous Materials Release: A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

SECTION IV-PROHIBITED ACTS

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Pulaski County, Kentucky, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

SECTION V-NOTICE TO PUBLIC SAFETY COMMUNICATIONS CENTER

A. Notice Upon Discovery: When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity herein before established for such material occurs or is imminent on any facilities of any kind within Pulaski County, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof

to the Public Safety Communications Center.

B. Emergency Telephone Number: The notice required to be given by this Section in Pulaski County may be given by telephoning "9-1-1" (or such other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies and, to the extent permitted by existing or future agreement, will provide notice to appropriate agencies of the Commonwealth of Kentucky, including, but not limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshal in the Department of Housing, Department of Fish and Wildlife, Buildings and Construction in the Cabinet for Public Protection and Regulation, and the Division of Disaster and Emergency Services in the Department of Military Affairs.

C. Duty to Control Releases: The notice required to be given by this Section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Public Safety Communications Center, especially if such efforts may result in the containment of the release and/or the abatement of extreme hazard to the employees or the general public. Delays in reporting due to any in-house requirement for notification to off site owners/supervisors shall not be acceptable as reason for delay in notification required by this Section, and any such delay may result in penalties.

D. Duty to Report to Other Agencies: No statement contained in this Section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

SECTION VI-ADMINISTERING AGENCY

The purpose of this Ordinance is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government. The Pulaski County Fire Coordinator and the Pulaski County Disaster and Emergency Services shall be the lead agency in administering this Ordinance.

SECTION VII-RESPONSE AUTHORITY

A. The Pulaski County Fire Coordinator and Pulaski County D.E.S. shall have authority to coordinate response to any release or threatened release of hazardous materials in any incorporated or unincorporated area of Pulaski County.

B. The Fire Chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of Pulaski County Fire Coordinator is to give technical advice and assistance to the Fire Chief. Pulaski County Fire Coordinator shall direct the emergency response unless the Fire Coordinator is not present then the Fire Chief of the jurisdiction shall be in charge.

C. Pulaski County Fire Coordinator or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g. County Judge/Executive or his administrative assistant, Mayor, City Administrative Officer, Safety Officer). If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge/Executive or Mayor) shall declare the existence of a state of emergency in the jurisdiction, and thereafter, the response authority provided by this Section shall then be vested in such chief executive officer. In such event, the chief executive officer may authorize Pulaski County Fire Coordinator, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.

D. All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Fire Chief, Pulaski County Fire Coordinator, or other person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state of federal agency having primary jurisdiction over such release or threatened release.

E. The person exercising response authority under this Section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

F. The person exercising response authority under this Section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment and obligate the jurisdiction for the fair value thereof.

SECTION VIII-LIABILITY FOR COSTS

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

A. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

B. Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

C. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release hazardous materials;

D. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

SECTION IX-AUTHORIZED RELEASE

There shall be no liability under this Ordinance for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinance of the jurisdiction in which such release occurs.

SECTION X-CONTRACTUAL IDENTIFICATION: SUBROGATION

A. No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this Ordinance. Nothing in this Section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this Ordinance.

B. Nothing in this Section, including the provisions of subsection A above, shall bar a cause of action that an owner or operator or any other person subject to liability under this Ordinance, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

SECTION XI-REQUIREMENTS FOR PULASKI COUNTY HAZARDOUS MATERIAL INFORMATION SHEET INVENTORY

A. The following persons who use hazardous materials must prepare, submit and maintain a "Annual Tier Two sheet Emergency and Hazardous Chemical inventory.

1. All federal, state and local government agencies which use hazardous materials in reportable quantities;

2. All of the following businesses or services within Pulaski County which use hazardous materials, as clarified by the Standard Industrial Classification (SIC) Code:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and garden services
2011 - 3999	Manufacturing
4011 - 4953	Transportation, communication & Public Utilities
5043	Photographic Equipment & Supplies (Wholesale Trade)
5085	Industrial Supplies (Wholesale Trade)
5161 - 5199	Specific Catagories in Wholesale Trade
5541	Gasoline Service Stations (Retail Trade)

7011 - 7218	Industrial & Commercial Launderers, etc., in Services
7342	Disinfecting & Exterminating Services
7395	Photofinishing Laboratories in Services
7512	Passenger Car Rental in Services
7513	Truck Rental & Leasing
7538 - 7549	Automotive Repair Shops & Auto Services in Services
8062	General Medical & Surgical Hospitals in Services
8063	Psychiatric Hospitals in Services
8069	Specialty Hospitals except Psychiatric in Services

3. Those persons not covered in 1 or 2 above who use hazardous materials may be required to submit a Plan if the administering agency finds it necessary to protect the public health and safety.

B. EXEMPTIONS:

1. Persons who handle agricultural chemicals in the ordinary course of agricultural operations other than warehousing or bulk storage of such chemicals for resale or commercial applications.

2. Persons who handle hazardous materials otherwise regulated only at temporary construction sites.

3. Persons who handle hazardous materials only in conjunction with residential use or property for non-commercial purposes.

4. Consumer products and foodstuffs packaged for distribution to and intended for use by the general public. This refers to ingredients used in production of foodstuffs which are regulated by the Federal Food, Drug and Cosmetic Act, as amended.

C. REQUIRED HMPC PLAN ELEMENTS

The Pulaski County Fire Coordinator shall provide forms with the necessary instructions and requirements for completing Plans in compliance with this Ordinance. The Plans will include, but not be limited to:

1. Facility identification;

2. Spill history;

3. Identification of hazardous materials (HM) storage, in-plant transfer, process and materials handling areas and hazardous materials truck, rail car and/or vessel loading and unloading areas;

4. Description of plant site runoff from parking areas described in 3., including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;

5. Other means of spill prevention, control and countermeasure of all listed hazardous materials, such as containment or detection equipment and absorbent materials;

6. Provisions for the operation and maintenance of all items described in 5. above;

7. Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Pulaski County Fire Coordinator;

8. Provisions for training of personnel in the utilization of contingency plans;

9. Security provisions;

10. Provisions for inspections, spill report preparation and records retention;

11. Schedule (with actual dates or milestones) for plan elements yet to be implemented, with provisions for reporting progress to the administering agency;

12. Provisions for periodic review and amendments to the plan;

13. Certification of the Plan by a Registered Professional Engineer or an officer of the company;

14. For the purposes of this Section, only one plan need be submitted by the owner of electrical equipment at multitude locations when such equipment contains hazardous materials as a coolant, lubricant, or insulation for the operation of such equipment. Subsections 3 and 5 above shall not apply to single plans authorized under this subsection.

D. PLAN SUBMITTAL DEADLINES:

Those persons and facilities required to submit a Local Plan under this Ordinance shall submit such plans in duplicate to the Pulaski County Fire Coordinator Office within 180 days following the effective date of this Ordinance provided, however, that persons required to submit such Local Plans may request in writing for extensions of time where the complexity of the operations involved require additional time in which to complete such plans. When granted by the Pulaski County Fire Coordinator Office, such extensions of time shall be for periods of thirty (30) days, renewable thereafter for like periods until January 1, 1993, at which time all Local Plans shall have been submitted to the Pulaski County Fire Coordinator for review.

E. REVIEW AND APPROVAL OF PLAN :

The Local Plan shall be reviewed by the Pulaski County Fire coordinator, the Local Emergency Planning Committee, the fire department having jurisdiction; however, final administrative action on the Local Plan shall be taken by the Local Emergency Planning Committee. Upon submission of the Local Plan or the granting of time extension in accordance with subsection D of this Section, the person submitting the plan shall be presumed to be in compliance with this Section pending final approval of the plan. The Local Plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revision and resubmittal.

F. APPEALS:

Any rejection or denial of approval of a Local Plan by the Local Emergency Planning Committee may be appealed to the governing body of the jurisdiction in which the facility for which such plan is submitted is located. As soon as practicable following receipt of notice of such appeal, the governing body shall conduct a public hearing into the matter and, after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the findings of the Local Emergency Planning

Committee or may modify the requirements of the Local Plan for the particular facility as it may deem appropriate so long as such modifications are in compliance with the intent of this Ordinance which is to promote and secure protection of human health, property and the environment against present or potential hazards occasioned by the uncontrolled release of hazardous materials into the environment.

G. UPDATES, REVISIONS, AND CHANGES:

A new or modified Local Plan may be required and submitted to the Local Emergency Planning Committee when any person institutes the use of a new process or change in its manufacturing or processing facilities, or when there is significant change in its existing operations or wastewater constituents or characteristics.

H. TRAINING AND EDUCATIONAL PROGRAMS:

1. Each employer who uses hazardous materials as herein defined and who is required to prepare an Local Plan shall be required to have an initial and on-going safety and accident prevention training program for all employees. This training and education shall include, but not be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training program should be provided as a part of the Local Plan for the facility.

2. The Pulaski County Fire Coordinator shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.

SECTION XII-INSPECTIONS

The Pulaski County Fire Coordinator and the response agency shall have the authority to jointly conduct the periodic inspections of any facilities, for the purpose of ascertaining and causing to be corrected, any condition which may be a violation of this Ordinance. Joint inspection shall be conducted where necessary for purposes of Local Plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.

SECTION XIII-CONFIDENTIAL INFORMATION AND TRADE SECRETS

Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, and from inspections shall not be made available to the public or any other government agency, unless required by law.

A. Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any materials subject to disclosure under the law.

B. Any request made under the law for information containing confidential or trade secret information shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event, will such confidential information be released until five (5) days have elapsed from date notice is sent by certified mail.

C. Within seventy-two (72) hours after receipt of notice, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secret information from disclosure, and must demonstrate that public disclosure of confidential or trade secret information is likely to cause substantial harm to his competitive position.

D. Any individual who releases information containing confidential or trade secret information in violation of law or this section shall be subject to disciplinary action by his employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under K.R.S. 522.040.

E. The provisions of this Section shall in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate government need or is necessary in the performance of a government function including, but not limited to, the carrying out of the provisions and intent of this Ordinance.

F. Pulaski County Fire Coordinator's office shall be the repository for all trade secret information for the purposes of this Ordinance.

SECTION XIV-ENFORCEMENT; NOTICE OF VIOLATION

A. Pulaski County Fire Coordinator and the response authority hereinbefore designated shall have joint primary responsibility for enforcement of the provisions of this Ordinance.

B. Upon notification or discovery of any violation of the provisions of this Ordinance, the Pulaski County Fire Coordinator shall immediately investigate the site upon which the violation is located. The Pulaski County Fire Coordinator will be the lead enforcement agency for violations of this Ordinance. If a violation exists, a notice describing the violation shall be served upon the person who is responsible for the facilities upon which the violation has occurred, if the identity of the person is known. The notice shall also include the following, if applicable:

(1) a statement that if the situation is not remedied within the prescribed period of time, the Pulaski County Fire Coordinator or Responding Agency may proceed to correct the violation;

(2) a statement that a person shall be liable for any costs incurred by public agencies associated with their releases except for those costs that are associated with a normal emergency response;

(3) a statement that after the Pulaski County Fire Coordinator or Response Agency has corrected the violation, a bill shall be sent charging the person the amount of costs and expenses incurred by the governmental agency in correcting the violation;

(4) a statement that penalties may be levied for violations that have occurred.

C. GOVERNMENTAL RESPONSE: In cases where the identity of the person who is responsible for facilities upon which a violation has occurred is not known at the time a violation is reported or discovered, the county or any governmental agency within the county may take reasonable steps to abate any problem and may take reasonable steps to clean-up the area affected to assure continuing safety of the public and

the environment. When the identity of the person responsible for the facility is determined, a bill shall be sent to that person for the costs for correcting the violation according to the provisions of subsections A and B of this Section.

D. INJUNCTIVE RELIEF: The Pulaski County Fire Coordinator is empowered to seek injunctive relief for violations of this Ordinance should other means prove ineffective and a threat to public health and safety exists.

SECTION XV-PENALTIES

A. Any person who is responsible for the release or substantial threat of a release of hazardous materials into the environment in violation of Section IV or who fails to report such release or threatened release in violation of Section V of this Ordinance shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class A Misdemeanor and subject to a fine or imprisonment or by both such fine and imprisonment as its otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

B. Any person who otherwise violates any provision of this Ordinance other than Section IV (Prohibited Acts) or V (Notification) shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to such fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violations occurs, exists or continues shall be deemed to be a separate offense.

C. In addition to the penalties provided in subsections A and B above, any person violating any provisions of this Ordinance shall become liable civilly to the appropriate county or city government for any expense loss or damage to the government or agency thereof caused by reason of such violation, including, but not limited to, any clean-up, evacuation, administration or other expenses, and legal expenses.

SECTION XVI-DISCLAIMER OF LIABILITY

This Ordinance shall not create liability on the part of the Pulaski County Fire Coordinator or on the part of the response authority for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this Ordinance, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

SECTION XVII-SEVERABILITY

If any provision or section of this Ordinance or the enforcement of such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect or render invalid or unenforceable any other provision or section.

SECTION XVIII-EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and approval according to law.

Passed on first reading this 11th day of August, 1992.

Adopted this 25 day of Aug, 1992.

Danicee Bether
Pulaski Co. Judge/Executive

SUBMITTED BY:

Fred Neikirk
Fred Neikirk, Pulaski Co. Attorney

Phillip McClendon YES

Louie Floyd YES

Howard Hansford YES

Russell Hargis YES

Clifford Jasper YES

Jim Slaughter YES

ATTEST:

Willard Hansford
Willard Hansford, Pulaski Co. Clerk

40 CFR Part 355 (as amended)

**The List of Extremely Hazardous Substances and their Threshold Planning
Quantities
[Alphabetical Order]**

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
75865	ACETONE CYANOHYDRIN	1000	
1752303	ACETONE THIOSEMICARBAZIDE	1000/10000	e
107028	ACROLEIN	500	
79061	ACRYLAMIDE	1000/10000	d,l
107131	ACRYLONITRILE	10000	d,l
814686	ACRYLYL CHLORIDE	100	e,h
111693	ADIPONITRILE	1000	e,l
116063	ALDICARB	100/10000	c
309002	ALDRIN	500/10000	d
107186	ALLYL ALCOHOL	1000	
107119	ALLYLAMINE	500	e
20859738	ALUMINUM PHOSPHIDE	500	b
54626	AMINOPTERIN	500/10000	e
78535	AMITON	500	e
3734972	AMITON OXALATE	100/10000	e
7664417	AMMONIA	500	l
300629	AMPHETAMINE	1000	e
62533	ANILINE	1000	d,l
88051	ANILINE,2,4,6-TRIMETHYL-	500	e
7783702	ANTIMONY PENTAFLUORIDE	500	e
1397940	ANTIMYCINA	1000/10000	c,e
86884	ANTU	500/10000	
1303282	ARSENIC PENTOXIDE	100/10000	d
1327533	ARSENOUS OXIDE	100/10000	d,h
7784341	ARSENOUS TRICHLORIDE	500	d
7784421	ARSINE	100	e
2642719	AZINPHOS-ETHYL	100/10000	e
86500	AZINPHOSMETHYL	10/10000	
98873	BENZAL CHLORIDE	500	d
98168	BENZENAMINE,3-(TRIFLUOROMETHYL)-	500	e
100141	BENZENE,1-(CHLOROMETHYL)-4-NITRO-	500/10000	e
98055	BENZENEARSONIC ACID	10/10000	e
3615212	BENZIMIDAZOLE,4,5-DICHLORO-2- (TRIFLUOROMETHYL)-	500/10000	e,g
98077	BENZOTRICHLORIDE	100	d
100447	BENZYL CHLORIDE	500	d
140294	BENZYL CYANIDE	500	e,h
15271417	BICYCLO[2.2.1]HEPTANE-2-CARBONITRILE, 5- CHLORO-6((((METHYLAMINO)CARBONYL) OXY)IMINO-,(1S-(2-ALPHA,2-BETA,4-ALPHA, 5-ALPHA,6E))-	500/10000	e
534076	BIS(CHLOROMETHYL) KETONE	10/10000	e
4044659	BITOSCANATE	500/10000	e
10294345	BORON TRICHLORIDE	500	e
7637072	BORON TRIFLUORIDE	500	e
353424	BORON TRIFLUORIDE COMPOUND WITH METHYL ETHER(1:1)	1000	e
28772567	BROMADIOLONE	100/10000	e

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
7726956	BROMINE	500	e,l
1306190	CADMIUM OXIDE	100/10000	e
2223930	CADMIUM STEARATE	1000/10000	c,e
7778441	CALCIUM ARSENATE	500/10000	d
8001352	CAMPHECHLOR	500/10000	d
56257	CANTHARIDIN	100/10000	e
51832	CARBACHOL CHLORIDE	500/10000	e
26419738	CARBAMIC ACID, METHYL-0-(((2,4-DIMETHYL-1, 3-DITHIOLAN-2-YL)METHYLENE)AMINO)-	100/10000	e
1563662	CARBOFURAN	10/10000	
75150	CARBON DISULFIDE	10000	l
786196	CARBOPHENOTHION	500	e
57749	CHLORDANE	1000	d
470906	CHLORFENVINFOS	500	e
7782505	CHLORINE	100	
24934916	CHLORMEPHOS	500	e
999815	CHLORMEQUAT CHLORIDE	100/10000	e,h
79118	CHLOROACETICACID	100/10000	e
107073	CHLOROETHANOL	500	e
627112	CHLOROETHYLCHLOROFORMATE	1000	e
67663	CHLOROFORM	10000	d,l
542881	CHLOROMETHYL ETHER	100	d,h
107302	CHLOROMETHYL METHYL ETHER	100	c,d
3691358	CHLOROPHACINONE	100/10000	e
1982474	CHLOROXYURON	500/10000	e
21923239	CHLORTHOPHOS	500	e,h
10025737	CHROMIC CHLORIDE	1/10000	e
10210681	COBALT CARBONYL	10/10000	e,h
62207765	COBALT, ((2,2'-(1,2-ETHANEDIYL-BIS(NITRILO- METHYLIDYNE))([q]BIS(6-FLUOROPHENOLATO)) (2'-N,N',O,O'))	100/10000	e
64868	COLCHICINE	10/10000	e,h
56724	COUMAPHOS	100/10000	
5836293	COUMATETRALYL	500/10000	e
95487	CRESOL, O	1000/10000	d
535897	CRIMIDINE	100/10000	e
4170303	CROTONALDEHYDE	1000	
123739	CROTONALDEHYDE(E)-	1000	
506683	CYANOGEN BROMIDE	500/10000	
506785	CYANOGEN IODIDE	1000/10000	e
2636262	CYANOPHOS	1000	e
675149	CYANURIC FLUORIDE	100	e
66819	CYCLOHEXIMIDE	100/10000	e
108918	CYCLOHEXYLAMINE	10000	e,l
17702419	DECABORANE(14)	500/10000	e
8065483	DEMETON	500	e
919868	DEMETON-S-METHYL	500	e
10311849	DIALIFOR	100/10000	e
19287457	DIBORANE	100	e
111444	DICHLOROETHYL ETHER	10000	d
149746	DICHLOROMETHYLPHENYLSILANE	1000	e
62737	DICHLORVOS	1000	
141662	DICROTOPHOS	100	e
1464535	DIEPOXYBUTANE	500	d
814493	DIETHYL CHLOROPHOSPHATE	500	e,h
164254	DIETHYLCARBAMAZINE CITRATE	100/10000	e
71636	DIGITOXIN	100/10000	c,e
2238075	DIGLYCIDYL ETHER	1000	e
20830755	DIGOXIN	10/10000	e,h
115264	DIMEFOX	500	e
60515	DIMETHOATE	500/10000	
2524030	DIMETHYL PHOSPHOROCHLORIDOTHIOATE	500	e

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
77781	DIMETHYL SULFATE	500	d
75785	DIMETHYLDICHLOROSILANE	500	e,h
57147	DIMETHYLHYDRAZINE	1000	d
99989	DIMETHYL-P-PHENYLEDIAMINE	10/10000	e
644644	DIMETILAN	500/10000	e
534521	DINITROCRESOL	10/10000	
88857	DINOSEB	100/10000	
1420071	DINOTERB	500/10000	e
78342	DIOXATHION	500	e
82666	DIPHACINONE	10/10000	e
152169	DIPHOSPHORAMIDE, OCTAMETHYL-	100	
298044	DISULFOTON	500	
514738	DITHIAZANINE IODIDE	500/10000	e
541537	DITHIOBIURET	100/10000	
316427	EMETINE, DIHYDROCHLORIDE	1/10000	e,h
115297	ENDOSULFAN	10/10000	
2778043	ENDOTHION	500/10000	e
72208	ENDRIN	500/10000	
106898	EPICHLOROHYDRIN	1000	d,l
2104645	EPN	100/10000	e
50146	ERGOCALCIFEROL	1000/10000	c,e
379793	ERGOTAMINE TARTRATE	500/10000	e
1622328	ETHANESULFONYL CHLORIDE, 2-CHLORO-	500	e
10140871	ETHANOL, 1,2-DICHLORO-, ACETATE	1000	e
563122	ETHION	1000	
13194484	ETHOPROPHOS	1000	e
538078	ETHYLBIS(2-CHLOROETHYL)AMINE	500	e,h
371620	ETHYLENE FLUOROHYDRIN	10	c,e,h
75218	ETHYLENE OXIDE	1000	d,l
107153	ETHYLENEDIAMINE	10000	
151564	ETHYLENEIMINE	500	d
542905	ETHYLTHIOCYANATE	10000	e
22224926	FENAMIPHOS	10/10000	e
122145	FENITROTHION	500	e
115902	FENSULFOTHION	500	e,h
4301502	FLUENETIL	100/10000	e
7782414	FLUORINE	500	k
640197	FLUOROACETAMIDE	100/10000	j
144490	FLUOROACETIC ACID	10/10000	e
359068	FLUOROACETYL CHLORIDE	10	c,e
51218	FLUOROURACIL	500/10000	e
944229	FONOFOS	500	e
50000	FORMALDEHYDE	500	d,l
107164	FORMALDEHYDE CYANOHYDRIN	1000	e,h
23422539	FORMETANATE HYDROCHLORIDE	500/10000	e,h
2540821	FORMOTHION	100	e
17702577	FORMPARANATE	100/10000	e
21548323	FOSTHIETAN	500	e
3878191	FUBERIDAZOLE	100/10000	e
110009	FURAN	500	
13450903	GALLIUM TRICHLORIDE	500/10000	e
77474	HEXACHLOROCYCLOPENTADIENE	100	d,h
4835114	HEXAMETHYLENEDIAMINE, N,N'-DIBUTYL-	500	e
302012	HYDRAZINE	1000	d
74908	HYDROCYANIC ACID	100	
7647010	HYDROGEN CHLORIDE (GAS ONLY)	500	e,l
7664393	HYDROGEN FLUORIDE	100	
7722841	HYDROGEN PEROXIDE (CONC. GREATER THAN 52%)	1000	e,l
7783075	HYDROGEN SELENIDE	10	e
7783064	HYDROGEN SULFIDE	500	l

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
123319	HYDROQUINONE	500/10000	l
13463406	IRON,PENTACARBONYL-	100	e
297789	ISOBENZAN	100/10000	e
78820	ISOBUTYRONITRILE	10000	e,h
102363	ISOCYANIC ACID, 3,4-DICHLOROPHENYL ESTER	500/10000	e
465736	ISODRIN	100/10000	
55914	ISOFLUORPHATE	100	c
4098719	ISOPHORONE DIISOCYANATE	100	b,e
108236	ISOPROPYL CHLOROFORMATE	1000	e
119380	ISOPROPYLMETHYLPYRAZOLYL DIMETHYL- CARBAMATE	500	e
78977	LACTONITRILE	1000	e
21609905	LEPTOPHOS	500/10000	e
541253	LEWISITE	10	c,e,h
58899	LINDANE	1000/10000	d
7580678	LITHIUM HYDRIDE	100	b,e
109773	MALONONITRILE	500/10000	
12108133	MANGANESE, TRICARBONYL METHYLCYCLO- PENTADIENYL	100	e,h
51752	MECHLORETHAMINE	10	c,e
950107	MEPHOSFOLAN	500	e
1600277	MERCURIC ACETATE	500/10000	e
7487947	MERCURIC CHLORIDE	500/10000	e
21908532	MERCURIC OXIDE	500/10000	e
10476956	METHACROLEIN DIACETATE	1000	e
760930	METHACRYLIC ANHYDRIDE	500	e
126987	METHACRYLONITRILE	500	h
920467	METHACRYLOYL CHLORIDE	100	e
30674807	METHACRYLOYLOXYETHYL ISOCYANATE	100	e,h
10265926	METHAMIDOPHOS	100/10000	e
558258	METHANESULFONYL FLUORIDE	1000	e
950378	METHIDATHION	500/10000	e
2032657	METHIOCARB	500/10000	
16752775	METHOMYL	500/10000	h
151382	METHOXYETHYLMERCURIC ACETATE	500/10000	e
80637	METHYL 2-CHLOROACRYLATE	500	e
74839	METHYL BROMIDE	1000	l
79221	METHYL CHLOROFORMATE	500	d,h
60344	METHYL HYDRAZINE	500	
624839	METHYL ISOCYANATE	500	f
556616	METHYL ISOTHIOCYANATE	500	b,e
74931	METHYL MERCAPTAN	500	
3735237	METHYL PHENKAPTON	500	e
676971	METHYL PHOSPHONIC DICHLORIDE	100	b,e
556649	METHYL THIOCYANATE	10000	e
78944	METHYL VINYL KETONE	10	e
502396	METHYLMERCURIC DICYANAMIDE	500/10000	e
75796	METHYLTRICHLOROSILANE	500	e,h
1129415	METOLCARB	100/10000	e
7786347	MEVINPHOS	500	
315184	MEXACARBATE	500/10000	
50077	MITOMYCIN C	500/10000	d
6923224	MONOCROTOPHOS	10/10000	e
2763964	MUSCIMOL	500/10000	a,h
505602	MUSTARD GAS	500	e,h
13463393	NICKEL CARBONYL	1	d
54115	NICOTINE	100	c
65305	NICOTINE SULFATE	100/10000	e
7697372	NITRIC ACID	1000	
10102439	NITRIC OXIDE	100	c

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
98953	NITROBENZENE	10000	l
1122607	NITROCYCLOHEXANE	500	a
10102440	NITROGEN DIOXIDE	100	
62759	NITROSODIMETHYLAMINE	1000	d,h
891424	NORBORMIDE	100/10000	e
PMN82147	ORGANORHODIUM COMPLEX (PMN-82-147)	10/10000	e
630604	OUABAIN	100/10000	c,e
23135220	OXAMYL	100/10000	e
78717	OXETANE, 3,3-BIS(CHLOROMETHYL)	500	e
2497076	OXYDISULFOTON	500	e,h
10028156	OZONE	100	e
1910425	PARAQUAT	10/10000	e
2074502	PARAQUAT METHOSULFATE	10/10000	e
56382	PARATHION	100	c,d
298000	PARATHION-METHYL	100/10000	c
12002038	PARIS GREEN	500/10000	d
19624227	PENTABORANE	500	e
2570265	PENTADECYLAMINE	100/10000	e
79210	PERACETIC ACID	500	e
594423	PERCHLOROMETHYLMERCAPTAN	500	
108952	PHENOL	500/10000	
4418660	PHENOL 2,2'-THIOBIS(4-CHLORO-6-METHYL-	100/10000	e
64006	PHENOL,3-(1-METHYLETHYL)-,METHYLCARBAMATE	500/10000	e
58366	PHENOXARSINE, 10,10'-OXIDI	500/10000	e
696286	PHENYL DICHLOROARSINE	500	d,h
59881	PHENYLHYDRAZINE HYDROCHLORIDE	1000/10000	e
62384	PHENYLMERCURY ACETATE	500/10000	
2097190	PHENYLSILATRANE	100/10000	e,h
103855	PHENYLTHIOUREA	100/10000	
298022	PHORATE	10	
4104147	PHOSACETIM	100/10000	e
947024	PHOSFOLAN	100/10000	e
75445	PHOSGENE	10	l
732116	PHOSMET	10/10000	e
13171216	PHOSPHAMIDON	100	e
7803512	PHOSPHINE	500	
2703131	PHOSPHONOTHIOIC ACID, METHYL-, O-ETHYL O-	500	e
	(4-(METHYLTHIO)PHENYL) ESTER		
50782699	PHOSPHONOTHIOIC ACID, METHYL-,S-(2-(BIS	100	e
	(1-METHYLETHYL)AMINO)ETHYL O-ETHYL ESTER		
2665307	PHOSPHONOTHIOIC ACID, METHYL-,O-(4-NITRO-	500	e
	PHENYL)O-PHENYL ESTER		
3254635	PHOSPHORIC ACID, DIMETHYL4-(METHYLTHIO)	500	e
	PHENYL ESTER		
2587908	PHOSPHOROTHIOIC ACID, O,O-DIMETHYL-S-	500	c,e,g
	(2-METHYLTHIO) ETHYL ESTER		
7723140	PHOSPHORUS	100	b,h
10025873	PHOSPHORUS OXYCHLORIDE	500	d
10026138	PHOSPHORUS PENTACHLORIDE	500	b,e
1314563	PHOSPHORUS PENTOXIDE	10	b,e
7719122	PHOSPHORUS TRICHLORIDE	1000	
57476	PHYSOSTIGMINE	100/10000	e
57647	PHYSOSTIGMINE, SALICYLATE(1:1)	100/10000	e
124878	PICROTOXIN	500/10000	e
110894	PIPERIDINE	1000	e
23505411	PIRIMIFOS-ETHYL	1000	e
10124502	POTASSIUM ARSENITE	500/10000	d
151508	POTASSIUM CYANIDE	100	b
506616	POTASSIUM SILVER CYANIDE	500	b
2631370	PROMECARB	500/10000	e,h

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
106967	PROPARGYL BROMIDE	10	e
57578	PROPIOLACTONE, BETA-	500	e
107120	PROPIONITRILE	500	
542767	PROPIONITRILE, 3-CHLORO-	1000	
70699	PROPIOPHENONE, 4'-AMINO	100/10000	e,g
109615	PROPYL CHLOROFORMATE	500	e
75569	PROPYLENE OXIDE	10000	i
75558	PROPYLENEIMINE	10000	d
2275185	PROTHOATE	100/10000	e
129000	PYRENE	1000/10000	c
140761	PYRIDINE, 2-METHYL-5-VINYL-	500	e
504245	PYRIDINE, 4-AMINO-	500/10000	h
1124330	PYRIDINE, 4-NITRO-,1-OXIDE	500/10000	e
53558251	PYRIMINIL	100/10000	e,h
14167181	SALCOMINE	500/10000	e
107448	SARIN	10	e,h
7783008	SELENIUS ACID	1000/10000	
7791233	SELENIUM OXYCHLORIDE	500	e
563417	SEMICARBAZIDE HYDROCHLORIDE	1000/10000	e
3037727	SILANE, (4-AMINOBTYL)DIETHOXYMETHYL-	1000	e
7631892	SODIUM ARSENATE	1000/10000	d
7784465	SODIUM ARSENITE	500/10000	d
26628228	SODIUM AZIDE(NA(N3))	500	b
124652	SODIUM CACODYLATE	100/10000	e
143339	SODIUM CYANIDE(NA(CN))	100	b
62748	SODIUM FLUOROACETATE	10/10000	
13410010	SODIUM SELENATE	100/10000	e
10102188	SODIUM SELENITE	100/10000	h
10102202	SODIUM TELLURITE	500/10000	e
900958	STANNANE, ACETOXYTRIPHENYL-	500/10000	e,g
57249	STRYCHNINE	100/10000	c
60413	STRYCHNINE,SULFATE	100/10000	e
3689245	SULFOTEP	500	
3569571	SULFOXIDE,3-CHLOROPROPYLOCTYL	500	e
7446095	SULFUR DIOXIDE	500	e,i
7783600	SULFUR TETRAFLUORIDE	100	e
7446119	SULFUR TRIOXIDE	100	b,e
7664939	SULFURIC ACID	1000	
77816	TABUN	10	c,e,h
13494809	TELLURIUM	500/10000	e
7783804	TELLURIUM HEXAFLUORIDE	100	e,k
107493	TEPP	100	
13071799	TERBUFOS	100	e,h
78002	TETRAETHYL LEAD	100	c,d
597648	TETRAETHYL TIN	100	c,e
75741	TETRAMETHYL LEAD	100	c,e,i
509148	TETRANITROMETHANE	500	
10031591	THALLIUM SULFATE	100/10000	h
6533739	THALLOUS CARBONATE	100/10000	c,h
7791120	THALLOUS CHLORIDE	100/10000	c,h
2757188	THALLOUS MALONATE	100/10000	c,e,h
7446186	THALLOUS SULFATE	100/10000	
2231574	THIOCARBAZIDE	1000/10000	e
39196184	THIOFANOX	100/10000	
297972	THIONAZIN	500	
108985	THIOPHENOL	500	
79196	THIOSEMICARBAZIDE	100/10000	
5344821	THIOUREA, (2-CHLOROPHENYL)-	100/10000	
614788	THIOUREA, (2-METHYLPHENYL)-	500/10000	e
7550450	TITANIUM TETRACHLORIDE	100	e
584849	TOLUENE 2,4-DIISOCYANATE	500	

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
91087	TOLUENE 2,6-DIISOCYANATE	100	
110576	TRANS-1,4-DICHLOROBUTENE	500	e
1031476	TRIAMPHOS	500/10000	e
24017478	TRIAZOFOS	500	e
76028	TRICHLOROACETYL CHLORIDE	500	e
115219	TRICHLOROETHYLSILANE	500	e,h
327980	TRICHLORONATE	500	e,k
98135	TRICHLOROPHENYLSILANE	500	e,h
1558254	TRICHLORO(CHLOROMETHYL)SILANE	100	e
27137855	TRICHLORO(DICHLOROPHENYL)SILANE	500	e
998301	TRIETHOXSILANE	500	e
75774	TRIMETHYLCHLOROSILANE	1000	e
824113	TRIMETHYLOLPROPANE PHOSPHITE	100/10000	e,h
1066451	TRIMETHYLTIN CHLORIDE	500/10000	e
639587	TRIPHENYLTIN CHLORIDE	500/10000	e
555771	TRIS(2-CHLOROETHYL)AMINE	100	e,h
2001958	VALINOMYCIN	1000/10000	c,e
1314621	VANADIUM PENTOXIDE	100/10000	
108054	VINYL ACETATE MONOMER	1000	d,l
81812	WARFARIN	500/10000	
129066	WARFARINSODIUM	100/10000	e,h
28347139	XYLYLENE DICHLORIDE	100/10000	e
58270089	ZINC, DICHLORO(4,4-DIMETHYL-5 (((METHYLAMINO)CARBONYLOXY)IMINO) PENTANENITRILE) (T-4)-	100/10000	e
1314847	ZINC PHOSPHIDE	500	

*Only the statutory or final RQ is shown. For more information, see 40 CFR Table 302.4.

Notes:

- a This chemical does not meet acute toxicity criteria. Its TPQ is set at 10,000 pounds.
- b This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- c The calculated TPQ changed after technical review as described in the technical support document.
- d Indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or other toxicity is completed.
- e Statutory reportable quantity for purposes of notification under SARA sect 304(a)(2).
- f The statutory 1 pound reportable quantity for methyl isocyanate may be adjusted in a future rulemaking action.
- g New chemicals added that were not part of the original list of 402 substances.
- h Revised TPQ based on new or re-evaluated toxicity data.
- j TPQ is revised to its calculated value and does not change due to technical review as in proposed rule.
- k The TPQ was revised after proposal due to calculation error.
- l Chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ("Other chemicals").