

Appendix 2: Survey Instrument (Draft)

2018 Hazardous Substances Survey (Draft)

OMB Control No. XXXXXXXXXX

Background:

The Clean Water Act (CWA) directs the President to issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from... onshore facilities and offshore facilities, and to contain such discharges” (33 U.S.C. § 1321(j)(1)(C)).

In 1978, EPA designated a list of hazardous substances under CWA § 311(b)(2)(A). This list is found at 40 CFR part 116.4. EPA concurrently proposed requirements to prevent the discharge of designated hazardous substances from facilities subject to permitting requirements under the National Pollutant Discharge Elimination System (NPDES) of the CWA (43 Fed. Reg. 39276); the proposed regulations were never finalized.

The Agency has developed a short, voluntary survey to be sent to states, tribes, and territories of the United States requesting information on Emergency Planning and Community Right to Know (EPCRA) Tier II facilities. Under EPCRA Section 312, facilities must report the maximum and average daily amounts of hazardous chemicals onsite during the preceding year to the respective state, Tribal or territorial authority. EPCRA does not require this information to be reported to EPA. Therefore, the Agency is administering a voluntary survey to states, tribes, and territories to collect this information. The information will be used to assist in estimating the universe of facilities that could potentially be subject to spill prevention regulations for hazardous substances listed at 40 CFR 116.4 (“CWA hazardous substances”). The agency is also interested in reported impacts of discharges of CWA hazardous substances to surface waters (e.g., fish kills, drinking water) over the past 10 years, as well as existing state programs in place to help prevent and mitigate the impact of CWA hazardous substances to surface waters. This information will assist EPA in determining appropriate regulatory approaches to prevent discharges of CWA hazardous substances to surface waters, as well as estimating the scale and potential impacts of any regulatory action taken by the agency.

2018 Hazardous Substances Survey

OMB Control No. XXXXXXXXXX

Instructions:

This voluntary survey requests information about facilities that produce, use or store hazardous substances designated at 40 CFR part 116 (Clean Water Act Listed Hazardous Substances; “CWA HS”), the CWA HS they store (i.e., EPCRA Tier II data), historical discharges of these CWA HS to waterways, and the relevant citations for any state requirements relating to preventing discharges of these substances into waterways. A list of the CWA hazardous substances is available at 40 CFR part 116.4 <https://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol22/pdf/CFR-2011-title40-vol22-sec116-4.pdf>.

Please respond to all questions that apply in your state, tribe or territory. This is a voluntary survey and you may choose to answer each question completely or partially, or you may choose not to answer it at all. For questions that require assistance outside of your program area, EPA asks that the respondent contact the EPA with the appropriate agency contact information for follow-up, or preferably forward the question to the appropriate program area or agency for their response.

Facilities with CWA hazardous substances

1) How many EPCRA Tier II (40 CFR part 370) facilities in your state/tribal territory/US territory reported having a CWA [hazardous substance](#) onsite at some point throughout calendar year 2016 (or most recent year for which the state has final (QA/QC completed) data)?¹ Which CWA [hazardous substance](#)(s) did each facility report?

Please provide the names/address or GIS data, facility ID, CWA [hazardous substance\(s\)](#) reported (i.e., chemical name, chemical abstract system (CAS) number, maximum weight onsite). Information about mixtures should be noted where possible, based on available information.² If possible, please provide this information by submitting a database (or url if available via the internet), or a portion of a database with the relevant CWA [hazardous substance](#) information, in electronic format (e.g., Excel). EPA requests this information be provided by email to beaman.joe@epa.gov.

2) Are any of the facilities on the list provided in question # 1 owned/operated by state or local governments?

Accident History

¹ Note that the list of “hazardous chemicals” covered under EPCRA sections 311 and 312 differs from, and is broader than, the list of CWA HS designated at 40 CFR part. 116.4.

² If the 40 CFR part 116.4 hazardous substance is a component of a Tier II-reported mixture of substances, or is diluted by a solvent, the composition of the mixture should be provided if readily available, and the submission should be clear as to whether the listed amounts refer to the total mixture or to just the specific component.

3) Do you have an accident reporting database that contains information about accidental discharges of CWA [hazardous substances](#) to waterways in your state or territory?

[If no, then skip to Question 5]

[If yes, then] Please provide a copy of this database and skip to question 5

[If respondent has a database and chooses not to provide it] Please provide the following information:

4) How many CWA [hazardous substances](#) discharges to surface water were reported in each calendar year for the 10-year timeframe of 2007-2016? For all discharges please list the CWA [hazardous substance](#)(s) involved and the (estimated) quantity discharged to water, if documented. If available, please also include information on the causes of each CWA [hazardous substance](#) discharge to water. You may also choose to provide copies of EPCRA Section 304 reports received for CWA HS discharges.

5) What is the number of times that a public water system intake has been affected (e.g., alert or advisory issued, shut down, etc.) in your state or territory due to a discharge of a CWA [hazardous substance](#) to water? Please provide annual numbers by calendar year from 2007-2016. For all shutdowns, advisories, and alerts, please include the list of CWA [hazardous substance](#)(s) involved and the reported amount, if documented.

6) How many fish kills have been attributed to a discharge of a CWA [hazardous substance](#) to water? Please provide any reports available from 2007-2016. For all fish kills, please list the CWA [hazardous substance](#)(s) involved and the (estimated) amount, if documented.

State/Tribe/Territory Regulatory Controls/Provisions

7) Does your state/tribe/territory have regulations/provisions relating to state spill prevention requirements for CWA [hazardous substances](#)? If so, please provide a citation to these requirements and a link. **[If no, end survey]**

8) If you have a database of facilities or equipment subject to the requirements in question 7, please provide a copy.