

COMMONWEALTH OF KENTUCKY  
COUNTY OF TRIMBLE  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO:

THE USE AND CONTROL OF HAZARDOUS MATERIALS IN TRIMBLE 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 MATERIAL RELEASES

WHEREAS, the Trimble County Fiscal Court has determined that there is a risk of the release of hazardous materials in Trimble County; and

WHEREAS, hazardous materials can pose a direct and potential threat to the health, safety and welfare of the people of Trimble County and to the environment and that it is the desire of the Trimble County Fiscal Court to protect its citizens and that persons who handle hazardous materials have a responsibility to minimize risks to Trimble County and its residents; and

WHEREAS, the release of hazardous materials may require emergency response by the various public safety and emergency agencies of Trimble County to protect the health, safety and welfare of the people of Trimble County and the environment; and

WHEREAS, the costs incurred by public safety and emergency agencies should be reimbursed by the party responsible for the release of the hazardous materials; and

WHEREAS, the Fiscal Court of Trimble County has further determined that an ordinance is necessary to provide a comprehensive approach on the local level to prevent the uncontrolled release of hazardous materials into the 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 is essential between public and private sectors; and

WHEREAS, in order to implement a plan related to hazardous materials, information on the location and types of hazardous materials stored, manufactured, used, disposed of, transported or otherwise managed in and through Trimble County must be gathered, compiled and updated for use by the government and public safety and emergency agencies, while protecting the legitimate interests of business in safeguarding confidential information and trade secrets, Tier II inventories as required in P. L. 99.499 may be used; and

WHEREAS, the Fiscal Court of Trimble County has further determined that the timely reporting of releases or threatened releases of hazardous material is critical to government emergency response procedures designed to limit and control danger to human life and property; and

WHEREAS, this ordinance is intended to compliment efforts to deal with issues of hazardous materials at the state and federal levels, thereby allowing coordination of efforts of all levels of government to avail Trimble County Fiscal Court the best opportunity to protect its citizens and the environment from potentially devastating effects of releases of hazardous materials; and

**WHEREAS**, the Trimble County Fiscal Court further has determined that the regulations established in this ordinance are necessary and appropriate and reasonably established and rationally related to the potential exigent circumstances which may be posed by release of hazardous materials occurring in Trimble County:

**NOW THEREFORE, BE IT ORDAINED BY THE TRIMBLE COUNTY FISCAL COURT AS FOLLOWS:**

Section 1: PURPOSE:

This Ordinance is adopted by the Trimble County Fiscal Court for the purpose of protecting public health and safety in Trimble County, Kentucky through the prevention and control of release of hazardous materials, by requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies in response to hazardous material releases.

Section 2: APPLICABILITY:

Pursuant to the authority of KRS 67.083(7), the provisions of this Ordinance shall apply to all persons who manufacture, use, store or transport hazardous materials in quantities prescribed by this Ordinance and as defined herein within the entire area of Trimble County and including all incorporated and unincorporated areas thereof.

Section 3: DEFINITIONS:

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

- (a.) "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.
- (b.) "Consumer Product" means the definition stated in 15 United States Code 2052.
- (c.) "Costs" means and includes all expenses incurred by local government and/or local emergency response agencies, regardless of whether or not such agencies are publicly or privately owned, in responding to any hazardous materials releases into the environment and for any remedial or removal actions taken to protect or safeguard the public health and safety, property or the environment. This term includes, but is not necessarily 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 or indirectly from response to a release or threatened release of a hazardous material.
- (d.) "Employee" means any person who works, with or without compensation, in a workplace.
- (e.) "Employer" means any person, firm, corporation, partnership, association, government agency or other entity engaged in business or providing services which has employees.
- (f.) "Environment" means the navigable waters of the United States and any other surface water, ground water, drinking water supplies, 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 Trimble County, Kentucky. This term shall include air only for the purpose of reporting releases pursuant to the further provisions of this Ordinance.

- (g.) "Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into 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. Consumer products in consumer use and vessels not included.
- (h.) "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 necessarily limited to, any substance or material which is designated hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C. 1801, et seq.) or is listed by Appendix A, 40 CER Part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U. S. Environmental and Protection Agency (EPA), a copy of which is attached hereto as Appendix A and is hereby incorporated by reference the same as though repeated here verbatim, 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.
- (i.) "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.
- (j.) "Oil" means oil of any kind or in any form, including, but not necessarily limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with water.
- (k.) "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) any release which results in exposure to persons solely within a workplace with respect to a claim which such persons may assert against the employer of such persons as provided by CMRCLA regulations; (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.
- (l.) "Person" means any individual, business, firm, partnership, corporation, consortium, association, trust, joint stock company, cooperative, joint venture, city, county, special district, the state or any department, agency or political subdivision thereof, the United States Government or any other commercial or legal entity.
- (m.) "Remedial Action" means any action consistent with permanent remedy taken instead of or in addition to any removal action in the event of a release or threatened

release 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 necessarily limited to, such actions at the location of the release, a 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, repairs or replacement of leaking containers, collection of leachate and runoff, on site treatment of incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment.

- (n.) "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.
- (o.) "Reportable Quantity" means that quantity as set forth in Section IV of this Ordinance.
- (p.) "Response" means any remedial or removal actions, including, but not necessarily 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.
- (q.) "Store" means to deposit or place a substance in Trimble County for a period of ten (10) days or more provided such substance is not otherwise in transit.
- (r.) "Threatened Release" means that a condition exists where a facility, process or vessel has created the potential for release of hazardous materials and that potential has been reported to or identified by Trimble County Emergency Management, Kentucky Disaster and Emergency Services, Kentucky Cabinet for Natural Resources, Federal Environmental Protection Agency or Federal Emergency Management Agency.
- (s.) "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.
- (t.) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Section 4: DETERMINATION OF REPORTABLE QUANTITIES:

- (a.) Listed Hazardous Materials: the Quantity appearing in column "RQ" 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 Material: Unlisted Hazardous wastes designated as hazardous materials have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of Toxic Characteristics Leaching Procedure (TCLP) toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit TCLP toxicity have the

reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the contaminant on which the characteristics of TCLP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one contaminant, the reportable quantity for the 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 the 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 provisions 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 bilge.
- (d.) 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 Trimble County governing discharges to the sanitary sewer system shall be deemed to be discharged in reportable quantities.
- (e.) 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 a mixture or solution is released in a quantity equal to or greater than its reportable quantity.

#### Section 5: PROHIBITED ACTS:

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Trimble 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 6: 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 hereinbefore established for such material occurs or is imminent on any facilities of any kind within Trimble County, Kentucky, 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 the same and the location of the same to the Trimble County Dispatch at the Kentucky State Police Post 5, Campbellsburg, Kentucky.

- b.) Emergency Telephone Number: The notice required to be given by this Section in Trimble County, Kentucky may be given by telephoning "911" (or such other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies. Notice must also be given to appropriate agencies of the Commonwealth of Kentucky (telephone number currently is 1-800-255-2587), including, but not necessarily limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshall in the Department of Housing, Buildings and Construction in the Cabinet for Public Protection and Emergency Services in the Department of Military Affairs. The calls made to all of the above agencies do not necessarily meet the requirements for notification of the federal government through the National Response Center.
- c.) Duty to Control Release: The notice required to be given by this Section shall not be construed as prohibiting or otherwise exempting any responsible person on or about the facilities from exercising all due diligence necessary to control such release prior to and subsequent to such notice having been given to Trimble County Dispatch (911), especially if such efforts may result in the containment of the release and/or abatement of extreme hazard to 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.

Section 7: 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 Office of Disaster and Emergency Services, Trimble County, Kentucky shall be the lead agency in administering this Ordinance.

Section 8: RESPONSE AUTHORITY:

The Trimble County Emergency Management (TCEM) shall have authority to coordinate response to any release or threatened release of hazardous materials in any incorporated or unincorporated area of Trimble County.

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 the Trimble County Emergency Management is to give technical advice and assistance to the Fire Chief. TCEM shall not direct the emergency response unless requested to do so by the Fire Chief of his authorized representative.



TCEM or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (i.e. County Judge/Executive or his administrative assistant, Mayor or other City designated Administrator.) If in the opinion of the executive authority, the seriousness of the situation warrants, the Chief Executive Officer of the jurisdiction 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 TCEM, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.

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

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.

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 9: 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 or release of hazardous material;
- (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 of hazardous materials;
- (d.) Any person who accepts or has 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 10: 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 a 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 ordinances of the jurisdiction in which such release occurs.

Section 11: CONTRACTUAL INDEMNIFICATION: SUBROGATION:

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.

Nothing in this Section, including the provisions of the subsection immediately 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 12: RELEASE PREVENTION AND CONTROL PLAN REQUIRED:

The following persons who have hazardous materials must prepare, submit and maintain a "Trimble County Hazardous Materials Use and Spill Prevention Control Plan", hereinafter referred to as HMPC Plan:

- (a.) All federal, state and local government agencies which use hazardous materials in reportable quantities;
- (b.) All of the following businesses or services within Trimble County, Kentucky which use hazardous materials as classified by the Standard Industrial Classification (SIC) Code and/or listed by reference in this ordinance:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and Garden Services
2001-3999	Manufacturing
4011-4953	Transportation, Communications & Supplies, Public Utilities
5043	Photographic Equipment & Supplies (Wholesale Trade)
5085	Industrial Supplies Wholesale Trade



5161-5199	Specific Categories Wholesale Trade
5541	Gasoline Service Station Retail Trade
7011-7218	Industrial & Commercial Launderers, etc. In Service
7342	Disinfecting & Exterminating Service
7395	Photofinishing Laboratories in Service
7512	Passenger Car Rental in Service
7513	Truck Rental and Leasing
7538-7549	Automotive Repair Shop & Auto Service In Service
8062	General Medical & Surgical Hospitals in Service
8063	Psychiatric Hospital in Service
8069	Specialty Hospitals except Psychiatric in Service

(c.) Those persons not covered in (a) or (b) above who use hazardous materials may be required to submit a HMPC Plan if the administering agency finds it necessary to protect the public health and safety.

(d.) EXEMPTIONS:

- (1.) Those 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 and/or in amounts which exceed threshold planning quantities.
- (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.

(e.) REQUIRED HMPC PLAN ELEMENTS

The administering agency shall provide forms with the necessary instructions and requirements for completing the HMPC Plans in compliance with this Ordinance. The HMPC 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 plan site runoff from parking areas including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;
- (5.) Other means of release 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 equipment, tanks, vessels, lines and any and all other facilities connected with the potential for release of hazardous materials or the containment of the same in event of release;
- (7.) Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Trimble County EM;
- (8.) Provisions for training of personnel in the utilization of contingency plans;
- (9.) Security provisions;
- (10.) Provisions for inspection, release 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 a consultant in the field of hazardous materials or the administering agency.

(f.) **PLAN SUBMITTAL DEADLINES:**

Those persons and facilities required to submit a HMPC Plan under this Ordinance shall submit such plans in duplicate to the administering agency within NINETY (90) days of the effective date of this Ordinance. Persons required to submit such HMPC 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 administering agency, such extensions of time shall be for the periods of thirty (30) days, renewable thereafter for like periods until March 1, 2003, at which time all HMPC Plans shall have been submitted to the administering agency for review.

(g.) REVIEW AND APPROVAL OF PLAN:

The HMPC Plan shall be reviewed by the administering agency, the fire department having jurisdiction, where appropriate, the Trimble County Health Department, any sanitation district operating with Trimble County, or other local agency with appropriate authority; however, final administration action on the HMPC Plan shall be taken by the administering agency. Upon submission of the HMPC Plan or the granting of time extension, the person submitting the plan shall be presumed to be in compliance with this Section pending final approval of the Plan. HMPC Plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revisions and re-submittal. The person submitting the plan will be notified by the administering agency by certified mail of the reasons that the plans were rejected and the areas that must be amended for compliance and informing the person submitting the plan that they have thirty (30) days to resubmit.

(h.) APPEALS:

Any rejection or denial of approval of HMPC Plan by the administering agency may be appealed to the governing body of the jurisdiction in which the responsibility 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 of the matter and after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the finding of the administering agency or may modify the requirements of the HMPC 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.

(i.) UPDATES AND REVISIONS:

A new or modified HMPC Plan may be required and submitted to the administering agency by the 1<sup>st</sup> day of March of each year beginning with the calendar year immediately after the approval of the original plan by the administering agency, 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. Any person who makes such changes in processing must notify the administering agency of the changes within thirty (30) days of implementation of the changes and the administering agency shall notify the person within thirty (30) days in writing by certified mail if a new or modified HMPC is required.

(j.) TRAINING AND EDUCATIONAL PROGRAMS:

Each employer who uses hazardous materials as herein defined and who is required to prepare an HMPC 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 necessarily be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training programs shall be provided as a part of the HMPC Plan for the facility.

The administering agency shall have the authority to require different frequencies of training for industries with frequent instances of release of hazardous materials.

Section 13: INSPECTIONS:

The administering agency and the response authority 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 inspections shall be conducted where necessary for purposes of HMPC Plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.

Section 14: CONFIDENTIAL INFORMATION AND TRADE SECRETS:

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

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

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.

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.

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 charged with misuse of confidential information under KRS 522.040.

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.

Trimble County Emergency Management shall be the repository for all trade secret information for the purpose of this Ordinance.

Section 15: ENFORCEMENT; NOTICE OF VIOLATION:

(a.) The administering agency and the response authority hereinbefore designated shall have the joint responsibility for enforcement of the provisions of this Ordinance.

(b.) Upon notification or discovery of any violation of the provisions of this Ordinance, the administering agency shall immediately investigate the site upon which the violation is located. The administering agency 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 administering agency may proceed to correct the violation;
- (2.) a statement that the person shall be liable for any costs incurred by public agencies associated with their releases;
- (3.) a statement that after the administering 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 the violation is reported or discovered, the county or any governmental agency within the county 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 this Ordinance.

(d.) Injunctive Relief: The administering agency 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 16: 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 5 or who fails to report such release or threatened release in violation of Section 6 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 of not more than \$500.00 and imprisonment in the

county jail for a period not more than one year or both fine and imprisonment. Each day that such violation occurs, exists or is allowed to continue shall be deemed to be a separate offense.

(b.) Any person who otherwise violates any provision of this Ordinance other than Section 5 (PROHIBITED ACTS) or Section 6 (NOTIFICATION) shall, upon conviction by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to a fine of not more than \$250.00 or imprisonment in the county jail for a period not more than ninety (90) days or both fine and imprisonment. Each day that such violation occurs, exists or continues shall be deemed a separate offense.

(c.) In addition to the penalties provided in subsections (a) and (b) immediately above, any person violating any provision of this Ordinance shall be subject to a civil cause of action by the appropriate county or city government for any expenses, loss or damage to the government or agency thereof caused by reason of such violation, including, but not necessarily limited to, any clean-up, evacuation, administration or other expenses, and legal expenses.

Section 17: FEES:

Fees shall be imposed for HMPC Plan review and approval, the revenues of which shall cover only the costs of the HMPC Plan review and approval. The administering agency shall set and collect all such fees. The fee schedule shall be uniform for all persons required to submit HMPC Plans under the provisions of this Ordinance, taken into consideration the fact that certain applications will require more cost and effort to review and consider approval.

Section 18: DISCLAIMER OF LIABILITY:

This ordinance shall not create liability on the part of the administering agency 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 19: SEVERABILITY

If any provision or section of this Ordinance or the enforcement of such provision or section is held to be invalid or unenforceable, the same shall not effect or render invalid or unenforceable any other provision or section.

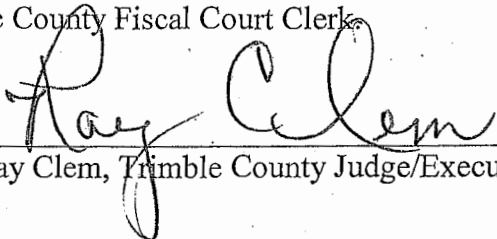
Section 20: APPLICABLE LAW:

This law shall be interpreted and construed according to the laws of the Commonwealth of Kentucky and any legal actions filed as a consequence of this Ordinance shall be filed in the appropriate state court in the Commonwealth of Kentucky.

Section 21: EFFECTIVE DATE:

This Ordinance shall be effective immediately upon its passage and approval according to law and publication as required by the Kentucky Revised Statutes.

After -second reading on April 15, 2002 the  
foregoing Ordinance was approved to be published and on the same occasion was signed  
in open Court by the County Judge/Executive, Honorable Ray Clem as evidence of his  
approval, attested under the seal of the Trimble County Fiscal Court Clerk.

  
Ray Clem, Trimble County Judge/Executive

Attest:   
Trimble County Fiscal Court Clerk

Approved as to form and content by Trimble County Attorney:

  
Perry R. Arnold, Trimble County Attorney

Published: May 8, 2002



1 106 KAR 1:081. Kentucky Emergency Response Commission fee system  
2 requirements.

3 RELATES TO: KRS 39.800 to 39.990, 42 USC 11001 to 11050.

4 STATUTORY AUTHORITY: KRS 39.817, 39.845, 39.850, 39.890, 42 USC  
5 11002(c), 11003(c), (d).

6 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation  
7 sets forth the requirements to be followed by facilities subject to paying a fee.

8 Section 1. Definitions. (1) "Category One Facility" means any facility owned or  
9 operated by local, state or federal government which is exempted from paying  
10 any fee in accordance with KRS 39.817. This exemption applies solely to fees  
11 and does not exempt any Category One Facility from reporting requirements  
12 pursuant to KRS 39.800 to 39.905.

13 (2) "Category Two Facility" means any facility that has not less than 10,000  
14 pounds and not more than 499,999 pounds of each of ten (10) or fewer  
15 hazardous substances. The combined total of all hazardous substances shall not  
16 exceed 499,999 pounds.

17 (3) "Category Three Facility" means any facility that has 10,000 pounds or more  
18 of each of eleven (11) or more hazardous substances. The combined total of all  
19 hazardous substances shall not exceed 499,999 pounds.

20 (4) "Category Four Facility" means any facility that has a total inventory of over  
21 499,999 pounds of hazardous substances.

22 (5) "Category Five Facility" means any facility that has an extremely hazardous  
23 substance as set out in Section 6 of this administrative regulation in excess of the  
24 threshold planning quantity.

25 (6) "DES/SARA-312" means the state annual chemical inventory reporting form  
26 due March 1 each year, covering the preceding calendar year.

27 (7) "DES/SARA-312-C" means the confidential state annual chemical inventory  
28 reporting form due March 1 each year, covering the preceding calendar year  
29 which may be used if a facility elects to withhold location information on a specific  
30 chemical from disclosure to the public pursuant to 42 USC 11044(a).

31 (8) "Hazardous chemical" means any substance for which a facility is required to  
32 prepare or have available a material safety data sheet under the Occupational  
33 Safety and Health Act

34 of 1970 and federal regulations promulgated under that Act.

35 (9) "Hazardous substance" means any substance defined in KRS 39.805(5) and  
6 for annual inventory reporting purposes shall include hazardous chemicals.

1 (10) "KyERC" means the Kentucky Emergency Response Commission.

2 Section 2. Facility Requirements: (1) In accordance with the planning  
3 requirements of KRS 39.845 and 39.850, 42 USC 11002(c) and 11003(c)(d), no  
4 later than sixty (60) days after a facility notifies the Kentucky Emergency  
5 Response Commission that it is subject to the requirements of this section, the  
6 facility shall provide emergency response planning information to the local  
7 emergency planning committee and shall assist the local emergency planning  
8 committee develop a Tab Q-7 or commission-approved equivalent as set out in  
9 Section 6 of this administrative regulation for all extremely hazardous substances  
10 set out in Section 6 of this administrative regulation in excess of the threshold  
11 planning quantity for submission in accordance with the requirements of 106  
12 KAR 1:091.

13 (2) After initial submission and approval of the Tab Q-7 or commission-approved  
14 equivalent in accordance with subsection (1) of this section, each March 1 any  
15 facility that has an extremely hazardous substance as set out in Section 6 of this  
16 administrative regulation in excess of the threshold planning quantity shall review  
17 the Tab Q-7 or commission-approved equivalent and send certification to the  
18 local emergency planning committee stating that there were no changes and  
19 therefore the plan is correct as is; or the plan has been revised and the revisions  
20 are included with the certification.

21 (3) A Category Five Facility which is not subject to the annual chemical inventory  
22 reporting requirement due on DES/SARA-312 and, if applicable DES/SARA-312-  
23 C shall comply with Section 2(1) and (2) of this administrative regulation and  
24 shall file the fee in accordance with Section 4 of this administrative regulation.

25 (4) Any facility subject to the annual chemical inventory reporting requirements  
26 contained in KRS Chapter 39.890, and 42 USC 11022 shall submit Form  
27 DES/SARA-312 and, if applicable DES/SARA-312-C as set out in Section 6 of  
28 this administrative regulation no later than March 1 each year in accordance with  
29 the filing instructions in Section 4 of this administrative regulation.

30 Section 3. Fees shall be payable in accordance with the schedule listed below  
31 except the same owner or owners of two (2) or more facilities in a single county  
32 subject to paying a fee shall pay a fee not to exceed a total of \$250 for all those  
33 facilities in that county.

34 (1) Category One Facility fee is \$0.

35 (2) Category Two Facility fee is \$40.

36 (3) Category Three Facility fee is \$250.

37 (4) Category Four Facility fee is \$250.

38 (5) Category Five Facility fee is \$250.

1 Section 4. Filing Requirements for Fees and Forms DES/SARA-312 and  
 2 DES/SARA-312-C. A computer-generated form containing all the information in  
 3 DES/SARA-312 and DES/SARA-312-C may be accepted. All fees and forms  
 4 DES/SARA-312 and, if applicable DES/SARA-312-C, shall be filed  
 5 simultaneously, no later than March 1 each year. Checks shall be made payable  
 6 to "Kentucky State Treasurer" and shall be marked "For KyERC Fee Account".  
 7 Fees and forms shall be mailed to: Chairman, Kentucky Emergency Response  
 8 Commission, EOC Building-Boone National Guard Center, Frankfort, Kentucky  
 9 40601-6168.

10 Section 5. Penalties. Failure to comply with provisions of this administrative  
 11 regulation shall result in penalties as provided in KRS 39.990(3).

12 Section 6. The forms referred to in Sections 1(6), (7), 2(1), (2), (3), (4) and 4 of  
 13 this administrative regulation is are set out in this section. The list of extremely  
 14 hazardous substances referred to in Section 2(1), (2) of this administrative  
 15 regulation are set out in this section.

16

The List of Extremely Hazardous Substances and their Threshold Planning Quantities (Alphabetical Order)			
CAS No.	Chemical Name	Threshold	Notes Planni ng quanti ty (poun ds)
75865	ACETONE CYANOHYDRIN	1000	
175230 3	ACETONE THIOSEMICARBAZIDE	1000/10 000	e
107028	ACROLEIN	500	
79061	ACRYLAMIDE	1000/10 000	d,l
107131	ACRYLONITRILE	10000	d,l
814686	ACRYLYL CHLORIDE	100	e,h

111693	ADIPONITRILE	1000	e
116063	ALDICARB	100/100 00	c
309002	ALDRIN	500/100 00	c
107186	ALLYL ALCOHOL	1000	
107119	ALLYLAMINE	500	e
208597 38	ALUMINUM PHOSPHIDE	500	b
54626	AMINOPTERIN	500/100 00	e
78535	AMITON	500	e
373497 2	AMITON OXALATE	100/100 0	
766441 7	AMMONIA	500	1
300629	AMPHETAMINE	1000	e
62533	ANILINE	1000	d,1
88051	ANILINE,2,4,6-TRIMETHYL-	500	e
778370 2	ANTIMONY PENTAFLUORIDE	500	e
139794 0	ANTIMYCINA	1000/10 000	c,e
86884	ANTU	500/100 00	
130328 2	ARSENIC PENTOXIDE	100/100 00	d
132753 3	ARSENOUS OXIDE	100/100 00	d,h

778434 1	ARSENOUS TRICHLORIDE	500	d
778442 1	ARSINE	100	e
264271 9	AZINPHOS-ETHYL	100/100 00	e
86500	AZINPHOSMETHYL	10/1000 0	
98873	BENZAL CHLORIDE	500	d
98168	BENZENAMINE,3(TRIFLUOROMETHYL)-	500	e
100141	BENZENE,1(CHLOROMETHYL)-4-NITRO-	500/100 00	e
98055	BENZENEARSONIC ACID	10/1000 0	e
361521 2	BENZIMIDAZOLE,4,5-DICHLORO-2-(TRIFLUOROMETHYL)-	500/100 00	e,g
98077	BENZOTRICHLORIDE	100	d
100447	BENZYL CHLORIDE	500	d
140294	BENZYL CYANIDE	500	e,h
152714 17	BICYCLO(2.2.1)HEPTANE-2-CARBONITRILE,5-CHOLORO-6(((METHYLAMINO)CARBONYL)OXY)IMMINO-,(1 S-(2-ALPHA,2-BETA,4-ALPHA, 5-ALPHA,6E))-	500/100 00	e
534076	BIS(CHLOROMETHYL)KETONE	10/1000 0	e
404465 9	BITOSCANATE	500/100 00	e
102943 45	BORON TRICHLORIDE	500	e

763707 2	BORON TRIFLUORIDE	500	e
353424	BORON TRIFLUORIDE COMPOUND WITH METHYL ETHER(1:1)	1000	e
287725 67	BROMADIOLONE	100/100 00	e
772695 6	BROMINE	500	e,l
130619 0	CADMIUM OXIDE	100/100 00	e
222393 0	CADMIUM STEARATE	1000/10 000	c,e
777844 1	CALCIUM ARSENATE	500/100 00	d
800135 2	CAMPHECHLOR	500/100 00	d
56257	CANTHARIDIN	100/100 00	e
51832	CARBACHOL CHLORIDE	500/100 00	e
264197 38	CARBAMIC ACID, METHYL-,O-(((2,4-DIMETHYL-1,3-DITHIOLAN-2-yl)METHYLENE)AMINO)-	100/100 00	e
156366 2	CARBOFURAN	10/1000 0	
75150	CARBON DISULFIDE	10000	
786196	CARBOPHENOTHION	500	e
57749	CHLORDANE	1000	d
470906	CHLORFENVINFOS	500	
778250 5	CHLORINE	100	

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249349 16	CHLORMEPHOS	500	e
999815	CHLORMEQUAT CHLORIDE	100/100 00	e,h
79118	CHLOROACETICACID	100/100 00	e
107073	CHLOROETHANOL	500	e
627112	CHLOROETHYLCHLOROFORMATE	1000	e
67663	CHLORFORM	10000	d,l
542881	CHLOROMETHYL ETHER	100	d,h
107302	CHLOROMETHYL METHYL ETHER	100	c,d
369135 8	CHLOROPHACINONE	100/100 00	e
198247 4	CHLOROXURON	500/100 00	e
219232 39	CHLORTHIOPHOS	500	e,h
100257 37	CHROMIC CHLORIDE	1/10000	e
102106 81	COBALT CARBONYL	10/1000 0	e,h
622077 65	COBALT,((2,2'-(1,2-ETHANEDIYL- BIS(NITRILOMETHYLIDYNE))[q EILS(6- FLUOROPHENOLATO)) (2-)N,NI,O,OI	100/100 00	e
64868	COLCHICINE	10/1000 0	e,h
56724	COUMAPHOS	100/100 00	
583629 3	COUMATETRALYL	500/100 00	e



95487	CRESOL,O	1000/10 000	d
535897	CRIMIDINE	100/100 00	e
417030 3	CROTONALDEHYDE	1000	
123739	CROTONALDEHYDE(E)-	1000	
506683	CYANOGEN BROMIDE	500/100 00	
506785	CYANOGEN IODIDE	1000/10 000	e
263626 2	CYANOPHOS	1000	e
675149	CYANURIC FLUORIDE	100	d
66819	CYCLOHEXIMIDE	100/100 00	e
108918	CYCLOHEXYLAMINE	10000	e,l
177024 19	DECABORANE(14)	500/100 00	e
806548 3	DEMETON	500	e
919868	DEMETON-S-METHYL	500	e
103118 49	DIALIFOR	100/100 00	e
192874 57	DIBORANE	100	e
111444	DICHLOROETHYL ETHER	10000	d
149746	DICHLOROMETHYLPHENYLSILANE	1000	
62737	DICHLORVOS	1000	

141662	DICROTOPHOS	100	e
146453 5	DIEPOXYBUTANE	500	d
814493	DIETHYL CHLOROPHOSPHATE	500	e,h
164254	DIETHYLCARBAMAZINE CITRATE	100/100 00	e
71636	DIGITOXIN	100/100 00	c,e
223807 5	DIGLYCIDYL ETHER	1000	e
208307 75	DIGOXIN	10/1000 0	e,h
115264	DIMEFOX	500	e
60515	DIMETHOATE	500/100 00	
252403 0	DIMETHYL PHOSPHOROCHLORIDOTHIOATE	500	e
77781	DIMETHYL SULFATE	500	d
75785	DIMETHYLDICHLOROSILANE	500	e,h
57147	DIMETHYLHYDRAZINE	1000	d
99989	DIMETHYL-P-PHENYLEDIAMINE	10/1000 0	e
644644	DIMETILAN	500/100 00	e
534521	DINITROCRESOL	10/1000 0	
88857	DINOSEB	100/100 00	
142007	DINOTERB	500/100	e

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1		00	
78342	DIOXATHION	500	e
82666	DIPHACINONE	10/1000 0	e
152169	DIPHOSPHORAMIDE, OCTAMETHYL-	100	
298044	DISULFOTON	500	
514738	DITHIAZANINE IODIDE	500/100 00	e
541537	DITHIOBIURET	100/100 00	
316427	EMETINE, DIHYDROCHLORIDE	1/10000	e,h
115297	ENDOSULFAN	10/1000 0	e, l
277804 3	ENDOTHION	500/100 00	e
72208	ENDRIN	500/100 00	
106898	EPOCHLOROHYDRIN	1000	d,l
210464 5	EPN	100/100 00	e
50146	ERGOCALCIFEROL	1000/10 000	c,e
379793	ERGOTAMINE TARTRATE	500/100 00	e
162232 8	ETHANESULFONYL CHLORIDE, 2-CHLORO-	500	e
101408 71	ETHANOL, 1,2-DICHLORO-, ACETATE	1000	e, l
563122	ETHION	1000	

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131944 84	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
222249 26	FENAMIPHOS	10/1000 0	e
122145	FENITROTHION	500	e
115902	FENSULFOTHION	500	e,h
430150 2	FLUENETIL	100/100 00	e
778241 4	FLUORINE	500	k
640197	FLUOROACETAMIDE	100/100 00	i
144490	FLUOROACETIC ACID	10/1000 0	e
359068	FLUOROACETYL CHLORIDE	10	c,e
51218	FLOUROURACIL	500/100 00	e
944229	FONOFOS	500	e
50000	FORMALDEHYDE	500	d,l
107164	FORMALDEHYDE CYANOHYDRIN	1000	e,h
234225	FORMETANATE HYDROCHLORIDE	500/100	e,h

39		00	
254082 1	FORMOTHION	100	e
177025 77	FORMPARANATE	100/100 00	e
215483 23	FOSTHIETAN	500	e
387819 1	FUBERIDAZOLE	100/100 00	e
110009	FURAN	500	
134509 03	GALLIUM TRICHLORIDE	500/100 00	e
77474	HEXACHLOROCYCLOPENTADIENE	100	d,h
483511 4	HEXAMETHYLENEDIAMINE,NIN-DIBUTYL-	500	
302012	HYDRAZINE	1000	d
74908	HYDROCYANIC ACID	100	
764701 0	HYDROGEN CHLORIDE (GAS ONLY)	500	e,l
766439 3	HYDROGEN FLUORIDE	100	
772284 1	HYDROGEN PEROXIDE (CONC. GREATER THAN 52%)		
778307 5	HYDROGEN SELENIDE	10	e
778306 4	HYDROGEN SULFIDE	500	
123319	HYDROQUINONE	500/100 00	

160027 7	MERCURIC ACETATE	500/100 00	e
748794 7	MERCURIC CHLORIDE	500/100 00	e
219085 32	MERCURIC OXIDE	500/100 00	e
104769 56	METHACROLEIN DIACERATE	1000	e
760930	METHACRYLIC ANHYDRIDE	500	e
126987	METHACRYLONITRILE	500	h
920467	METHACRYLOYL CHLORIDE	100	e
306748 07	METHACRYLOYLOXYETHYLISOCYANATE	100	e,h
102659 26	METHAMIDOPHOS	100/100 00	e
558258	METHANESULFONYL FLUORIDE	1000	e
950370	METHIDATHION	500/100 00	e
203265 7	METHIOCARB	500/100 00	
167527 75	METHOMYL	500/100 00	h
151382	METHOXYETHYLMERCURIC ACETATE	500/100 00	e
80637	METHYL 2-CHLOROACRYLATE	500	e
74839	METHYL BROMIDE	1000	l
79221	METHYL CHLOROFORMATE	500	d,h
60344	METHYL HYDRAZINE	500	

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624839	METHYL ISOCYANATE	500	f
556616	METHYL ISOTHIOCYANATE	500	b,e
74931	METHYL MERCAPTAN	500	
373523 7	METHYL PHENKAPTON	500	e
676971	METHYL PHOSPHONIC DICHLORIDE	100	b,e
556649	METHYL THIOCYANATE	10000	e
78944	METHYL VINYL KETON	10	e
502396	METHYLMERCURIC DICYANAMIDE	500/100 00	e
75796	METHYLTRICHLOROSILANE	500	e,h
112941 5	METOLCARB	100/100 00	
778634 7	MEVINPHOS	500	
315184	MEXACARBATE	500/100 00	
50077	MITOMYCIN C	500/100 00	d
692322 24	MONOCROTOPHOS	10/1000 0	e
276396 4	MUSCIMOL	500/100 00	a,h
505602	MUSTARD GAS	500	e,h
134633 93	NICKEL CARBONYL	1	d
54115	NICOTINE	100	
65305	NICOTINE SULFATE	100/100	e



134634 06	IRON,PENTACARBONYL-	100	e
297789	ISOBENZAN	100/100 00	e
78820	ISOBUTYRONITRILE	10000	e,h
102363	ISOCYANIC ACID,3,4-DICHLOROPHENYL ESTER	500/100 00	e
465736	ISODRIN	100/100 00	
55914	ISOFLUORPHATE	100	c
409871 9	ISOPHORONE DIISOCYANATE	100	b,e
108236	ISOPROPYL CHLOROFORMATE	1000	e
119380	ISOPROPYLMETHYLPYRAZOLYL DIMETHYL-CARBAMATE	500	e
78977	LACTONITRILE	1000	e
216099 05	LEPTOPHOS	500/100 00	e
541253	LEWISITE	10	c,e,h
58899	LINDANE	1000/10 000	d
758067 8	LITHIUM HYDRIDE	100	b,e
109773	MALONONITRILE	500/100 00	
121081 33	MANGANESE, TRICARBONYL METHYLCYCLO-PENTADIENYL	100	e
51752	MECHLORETHAMINE	10	c,e
950107	MEPHOSFOLAN	500	e

		00	
769737 2	NITRIC ACID	1000	
101024 39	NITRIC OXIDE	100	c
98953	NITROBENZENE	1000	
112260 7	NITROCYCLOHEXANE	500	e
101024 40	NITROGEN DIOXIDE	100	
62759	NITROSDIMETHYLAMINE	1000	d,h
991424	NORBORMIDE	100/100 00	e
PMN82 147	ORGANORHODIUM COMPLEX (PMN-82-147)	10/1000 0	
630604	OUABAIN	100/100 00	c,e
231352 20	OXAMYL	100/100 00	e
78717	OXETANE, 3,3-BIS(CHLOROMETHYL)	500	e
249797 6	OXYDISULFOTON	500	e,h
100281 56	OZONE	100	e
191042 5	PARAQUAT	10/1000 0	e
207450 2	PARAQUAT METHOSULFATE	10/1000 0	e
56382	PARATHION	100	c,d

TRIMBLE COUNTY  
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298000	PARATHION-METHYL	100/100 00	c
120020 38	PARIS GREEN	500/100 00	d
196242 27	PENTABORANE	500	e
257026 5	PENTADECYLAMINE	100/100 00	e
79210	PERACETIC ACID	500	e
594423	PERCHLOROMETHYLMERCAPTAN	500	
108952	PHENOL	500/100 00	
441866 0	PHENOL 2,2'-THIOBIS(4-CHLORO-6-METHYL-	100/100 00	e
64006	PHENOL,3-(1-METHYLETHYL)-,METHYLCARBAMATE	500/100 00	e
58366	PHENOXARSINE, 10,101-OXIDI	500/100 00	e
696286	PHENYL DICHLOROARAININE	500	d,h
59881	PHENYLHYDRAZINE HYDROCHLORIDE	1000/10 000	e
62384	PHENYLMERCURY ACETATE	500/100 00	
209719 0	PHENYLSILATRANE	100/100 00	e,h
103855	PHENYLTHIOUREA	100/100 00	
298022	PHORATE	10	
410414 7	PHOSACETIM	100/100 00	e

947024	PHOSFOLAN	100/100 00	e
75445	PHOSGENE	10	f
732116	PHOSMET	10/1000 0	e
131712 16	PHOSPHAMIDON	100	e
780351 2	PHOSPHINE	500	
270313 1	PHOSPHONOTHIOIC ACID, METHYL-,O-ETHYL O- (4-(METHYLTHIO) ESTER	500	e
507826 99	PHOSPHONOTHIOIC ACID, METHYL-,S-(2-(BIS (1-METHYLETHYL)AMINO)ETHYL O-ETHYL ESTER	100	e
266530 7	PHOSPHONOTHIOIC ACID, METHYL-,O-(4-NITRO-PHENYL)O-PHENYL ESTER	500	
325463 5	PHOSPHORIC ACID, DIMETHYL4-(METHYLTHIO) PHENYL ESTER	500	e
258790 8	PHOSPHOROTHIOIC ACID, O,O-DIMETHYL-S- (2-METHYLTHIO) ETHYL ESTER	500	c,e,g
772314 0	PHOSPHORUS	100	b,h
100258 73	PHOSPHORUS OXYCHLORIDE	500	d
100261 38	PHOSPHORUS PENTACHLORIDE	500	b,e
131456 3	PHOSPHORUS PENTOXIDE	10	b,e
771912 2	PHOSPHORUS TRICHLORIDE	1000	
57476	PHYSOSTIGMINE	100/100 00	e

57647	PHYSOSTIGMINE, SALICYLATE(1:1)	100/100 00	e
124878	PICROTOXIN	500/100 00	e
110894	PIPERIDINE	1000	e
235054 11	PIRIMIFOS-ETHLY	1000	e
101245 02	POTASSIUM ARSENITE	500/100 00	d
151508	POTASSIUM CYANIDE	100	b
506616	POTASSIUM SILVER CYANIDE	500	b
263137 0	PROMEcarb	500/100 00	e,h
106967	PROPARGYL BROMIDE	10	e
57578	PROPIOLACTONE, BETA-	500	e
107120	PROPIONITRILE	500	
542767	PROPIONITRILE, 3-CHLORO-	1000	
70699	PROPIOPHENONE, 41-AMINO	100/100 00	e,l,g
109615	PROPYL CHLOROFORMATE	500	e
75569	PROPYLENE OXIDE	10000	1
75558-	PROPYLENEIMINE	10000	d
227518 5	PROTHOATE	100/100 00	e
129000	PYRENE	1000/10 000	c
140761	PYRIDINE, 2-METHYL-5-VINYL-	500	e

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504245	PYRIDINE, 4-AMINO-	500/100 00	4
112433 0	PYRIDINE, 4-NITRO-,I-OXIDE	500/100 00	e
535582 51	PYRIMINIL	100/100 00	e,h
141671 81	SALCOMINE	500/100 00	e
107448	SARIN	10	e,h
778300 8	SELENIOUS ACID	1000/10 000	
779123 3	SELENIUM OXYCHLORIDE	500	e
563417	SEMICARBAZIDE HYDROCHLORIDE	1000/10 000	
303772 7	SILANE, (4-AMINOBTUTYL)DIETHOXYMETHYL-	1000	e
763189 2	SODIUM ARSENATE	1000/10 000	d
778446 5	SODIUM ARSENITE	500/100 00	d
266282 28	SODIUM AZIDE(NA(N3))	500	b
124652	SODIUM CACODYLATE	100/100 00	e
143339	SODIUM CYANIDE(NA(CN))	100	b
62748	SODIUM FLOUOROACETATE	10/1000 0	
134100 10	SODIUM SELENATE	100/100 00	

101021 88	SODIUM SELENITE	100/100 00	h
101022 02	SODIUM TELLURITE	500/100 00	e
900958	STANNANE, ACETOXYTRIPHENYL-	500/100 00	e,g
57249	STRYCHNINE	100/100 00	c
60413	STRYCHNINE, SULFATE	100/100 00	e
368924 5	SULFOTEP	500	
356957 1	SULFOXIDE, 3-CHLOROPROPYLCOTYL	500	e
744609 5	SULFUR DIOXIDE	500	e,l
778360 0	SULFUR TETRAFLUORIDE	100	e
744611 9	SULFUR TRIOXIDE	100	b,e
766493 9	SUFURIC ACID	1000	
77816	TABUN	10	c,e,h
134948 09	TELLURIUM	500/100 00	e
778380 4	TELLURIUM HEXAFLUORIDE	100	e,k
107493	TEPP	100	
130717 99	TERBUFOS	100	e,h



78002	TETRAETHYL LEAD	100	c,d
597648	TETRAETHYLTIN	100	c,e
75741	TETRAMETHYL LEAD	100	c,e,l
509148	TETRANITROMETHANE	500	
100315 91	THALLIUM SULFATE	100/100 00	h
653373 9	THALLOUS CARBONATE	100/100 00	c,h
779112 0	THALLOUS CHLORIDE	100/100 00	c,h
275718 8	THALLOUS MALONATE	100/100 00	c,e,h
744618 6	THALLOUS SULFATE	100/100 00	
223157 4	THIOCARBAZIDE	1000/10 000	e
391961 84	THIOFANOX	100/100 00	
297972	THIONAZIN	500	
108985	THIOPHENOL	500	
79196	THIOSEMICARBAZIDE	100/100 00	
534482 1	THIOUREA, (2-CHLOROPHENYL)-	100/100 00	
614788	THIOUREA, (2-METHYLPHENYL)-	500/100 00	e
755045 0	TITANIUM TETRACHLORIDE	100	
584848	TOLUENE 2,4-DIISOCYANATE	500	

91087	TOLUENE 2,6-DIISOCYANATE	100	
110576	TRANS-1,4-DICHLOROBUTENE	500	e
103147 6	TRIAMIPHOS	500/100 00	e
240174 78	TRIAZOFOS	500	e
76028	TRICHLOROACETYL CHLORIDE	500	e
115219	TRICHLOROETHYLSILANE	500	e,h
327980	TRICHLORONATE	500	e,k
98135	TRICHLOROPHENYLSILANE	500	e,h
155825 4	TRICHLORO(CHLOROMETHYL)SILANE	100	e
271378 55	TRICHLOR(DICHLOROPHENYL)SILANE	500	e
998301	TRIETHOXYSILANE	500	e
75774	TRIMETHYLCHLOROSILANE	1000	e
824113	TRIMETHYLOLPROPANE PHOSPHITE	100/100 00	e,h
106645 1	TRIMETHYLTIN CHLORIDE	500/100 00	e
639587	TRIPHENYLTIN CHLORIDE	500/100 00	e
555771	TRIS(2-CHLOROETHYL)AMINE	100	e,h
200195 8	VALINOMYCIN	1000/10 000	c,e
131462 1	VANADIUM PENTOXIDE	100/100 00	
08054	VINYL ACETATE MONOMER	1000	d,l

81812	WARFARIN	500/100 00	
129066	WARFARINSODIUM	100/100 00	e,f
283471 39	XYLYENE DICHLORIDE	100/100 00	e
582700 89	ZINC, DICHLORO(4,4-DIMETHYL-5((((METHYLAM- ION)CARBONYL)OXY)IMINO)PENTANENITRILE) (T-4)-	100/100 00	e
131484 7	ZINC PHOSPHIDE	500	

1 \*Only the statutory or final RQ is shown. for more information, see 40 CFR Table  
 2 302.4.

3 Notes:

4 a This chemical does not meet acute toxicity criteria. Its TPQ is set at  
 5 10,000 pounds.

6 b This material is a reactive solid. The TPQ does not default to 10,000  
 7 pounds for nonpowder, nonmolten, nonsolution form.

8 c The calculate TPQ changed after technical review as described in the  
 9 technical support document.

10 d Indicates that the RQ is subject to change when the assessment of  
 11 potential carcinogenicity and/or other toxicity is completed.

12 e Statutory reportable quantity for purposes of notification under SARA  
 13 sect 304(a)(2).

14 f The statutory 1 pound reportable quantity for methyl isocyanate may be  
 15 adjusted in a future rulemaking action.

16 g New chemicals added that were not part of the original list of 402  
 17 substances.

18 h Revised TPQ based on new or reevaluated toxicity data.

19 i Chemicals on the original list that do not meet toxicity criteria but  
 20 because of their high production volume and recognized toxicity are  
 21 considered chemicals of concern ("Other Chemicals").

- 1 j TPQ is revised to its calculated value and does not change due to
- 2 technical review as in proposed rule.
- 3 k The TPQ was revised after proposal due to calculation error;