

# Ice Rinks

## EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

### REPORTING GUIDANCE



### Refrigeration Systems

U.S. EPA Region 1 has developed this document to assist ice rink owners and operators in communicating effectively with their state and local emergency planners and responders as required under the federal community right-to-know regulations. Protecting the community from potential risks, including those associated with ammonia refrigeration systems operations, is the main goal of the Emergency Planning and Community Right-to-Know Act.



*Indoor Ice Arena. Source: Cory Portner, St. Cloud State University*

### What is EPCRA and why is it important?

Congress passed the Emergency Planning and Community Right-To-Know Act (EPCRA) in 1986 to help communities prepare for chemical emergencies. It also requires facility owners and operators to report annually on the presence of hazardous chemicals at their

facilities. In 2018, two ice rinks in New England faced EPCRA reporting violations from EPA and had to pay fines. Failure to follow EPCRA requirements can lead to EPA enforcement penalties; more importantly, not following the requirements can lead to ineffective response to hazardous situations,

which places employees and customers at risk in an emergency. Hazardous chemicals subject to these EPCRA requirements may be found in numerous forms, such as in products, batteries, liquid solutions, solid materials, and other substances.

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# What are the reporting requirements under EPCRA?

EPCRA has four major provisions: emergency planning (Section 302), emergency release notification (Section 304), hazardous chemical inventory reporting requirements (Sections 311-312), and toxic chemical release inventory (Section 313). Generally, Section 313 does not apply to ice rinks. Section 302 requires facilities with Extremely Hazardous Substances (EHS), such as ammonia or sulfuric acid, at or above their threshold planning quantities (TPQs) to notify their State Emergency Response Commission (SERC) and the local emergency planning committee (LEPC) of the chemicals' presence within 60 days of bringing them on-site

for the first time (See 40 C.F.R. Part 355). These facilities must designate a facility emergency coordinator who will participate in the LEPC emergency planning process under Section 303. Under Section 304, a facility must report an accidental release at or above the reportable quantity (RQ) of an EHS or a hazardous substance listed under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In the case of ammonia, for example, a release of 100 pounds or more should be reported to the SERC and the LEPC. Additionally, Section 103 of CERCLA requires reporting of any CERCLA hazardous

substance, such as ammonia to the National Response Center.

Sections 311-312 of EPCRA require facilities storing hazardous chemicals above threshold amounts to submit a Safety Data Sheet (SDS) or a list of hazardous chemicals to SERCs, LEPCs, and Fire Departments, and thereafter to submit an annual chemical inventory form to these entities. Many states – including all New England states-- require that the comprehensive “Tier 2” form be used for this annual reporting, rather than the shorter Tier 1 form. Learn more about EPCRA requirements here: <https://www.epa.gov/epcra/epcra-fact-sheet>

<b>Section 302 Emergency Planning</b>	<b>EPCRA 304/CERCLA 103 Emergency Release Notification</b>	<b>Sections 311-312 Hazardous Chemical Inventory Reporting Requirements</b>	<b>Section 313 Toxic Chemical Release Inventory</b>
<p>Section 302 requires facilities with Extremely Hazardous Substances (EHS), such as ammonia or sulfuric acid, at or above their threshold planning quantities (TPQs) to notify their State Emergency Response Commission (SERC) and the local emergency planning committee (LEPC) of the chemicals' presence within 60 days of bringing them on-site for the first time (See 40 C.F.R. Part 355).</p>	<p>Under EPCRA section 304 and section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a facility must report an accidental release at or above the reportable quantity (RQ) of an EHS or a hazardous substance listed under CERCLA section 102. In the case of ammonia, for example, a release of 100 pounds or more should be reported to the SERC, LEPC, and National Response Center.</p>	<p>Sections 311-312 of EPCRA require facilities storing hazardous chemicals above threshold amounts to submit a Safety Data Sheet (SDS) or a list of hazardous chemicals to SERCs, LEPCs, and Fire Departments, and thereafter to submit an annual chemical inventory form to these entities. (see above)</p>	<p>Generally, Section 313 does not apply to ice rinks.</p>

## Tier 2 Reporting under EPCRA Section 312

### What is Tier 2 reporting?

Most ice rinks using ammonia as a refrigerant are subject to EPCRA Tier 2 reporting under Section 312. EPCRA Section 312 requires facilities to submit an EPCRA Tier 2 form by March 1 annually to their SERC, LEPC, and local fire department. Emergency responders use this information to plan, prepare for, prevent, and respond to any chemical emergencies, including spills or releases, at a facility.

Note that EPCRA Tier 2 reporting requirements may not apply to municipally owned and operated rinks in states that do not have an OSHA-approved state plan to protect workers. Find out about your state plan at <https://www.osha.gov/dcsp/osp/index.html>

### Do I need to submit a Tier 2 form?

You need to report if you have a threshold amount of any chemical, including EHSs, for which facilities are required to have a Safety Data Sheet (SDS) by the Occupational Safety and Health Administration (OSHA).

#### **The types of hazardous chemicals an ice rink might need to report include, but are not limited to:**

- Ammonia (500-pound EHS threshold)
- Non-ammonia refrigerants, such as R-22 or R-134a (10,000-pound threshold)
- Lead Acid Batteries, which contain both sulfuric acid (500-pound EHS threshold) and lead (10,000-pound threshold)
  - ▶ Lead acid batteries can be found in Zamboni® or other ice resurfacing machines, trucks, maintenance equipment, and backup generators.
- Coolants, such as Glycol or Brine solutions (10,000-pound threshold)
- Non-consumer cleaning solutions present in non-consumer form (10,000-pound threshold)
- Sand (10,000-pound threshold)
- De-icer, such as salt or urea (10,000-pound threshold)
- Fuel for a backup generator (10,000-pound threshold), such as:
  - ▶ Propane (approximately 2,500 gallons equals 10,000 pounds)
  - ▶ Diesel or #2 fuel oil (approximately 1,562 gallons equals 10,000 pounds)
  - ▶ There is no reporting requirement for using natural gas through a pipeline.

### Do I have to report for an ice skating rink that is only open for 3 months during a calendar year?

The EPCRA Tier 2 annual reporting requirement is based on how much hazardous chemical you have on-site at any one time during the previous calendar year. You need to submit a Tier 2 form if you have a threshold amount of any hazardous chemical, including EHSs on-site at any time during the year.

**Be sure to check if your state has lower reporting thresholds than the federal requirements. For example, Vermont has a reporting threshold of 100 pounds for most chemicals.**

## When are Tier 2 forms due?

Tier 2 forms are due annually by **March 1 for the previous calendar year**. Additionally, if you bring a hazardous chemical into your facility for the first time in an amount that meets or exceeds the threshold, and you have never reported that chemical before, you will have to submit an SDS or hazardous chemical list to the LEPC, SERC, and fire department within three months of meeting or exceeding that threshold (alternatively, you may submit a Tier 2 form). See 40 C.F.R. §§ 370.20 - 370.33. This is a one-time reporting requirement to make sure the emergency response and planning agencies have timely information about the new presence of hazardous chemicals at your facility. Please check with your state for the preferred method.

## How do I submit my annual Tier 2 form?

The owner or operator of the ice rink must submit the required Tier 2 form to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department. All New England states require electronic reporting. However, some LEPCs and fire departments may request a hard copy. Find online reporting software and information at these links:

**Tier2 Submit™ software:** <https://www.epa.gov/epcra/tier2-submit-software>

**EPCRA Tier 2 reporting information:** <https://www.epa.gov/epcra/epcra-sections-311-312>

**State Tier 2 reporting requirements and procedures:** <https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>

## For more information:

EPCRA, RMP and Oil Information center: 800-424-9346

EPCRA fact sheet:  
<https://www.epa.gov/epcra/epcra-fact-sheet>

EPA List of Lists: [https://www.epa.gov/sites/production/files/2015-03/documents/list\\_of\\_lists.pdf](https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf)

EPCRA Hazardous Chemical Reporting regulations: 40 C.F.R. Part 370 <https://www.gpo.gov/fdsys/pkg/CFR-2017-title40-vol30/pdf/CFR-2017-title40-vol30-part370.pdf>

EPCRA information on Extremely Hazardous Substances:  
<https://www.epa.gov/epcra/final-rule-extremely-hazardous-substance-list-and-threshold-planning-quantities-emergency>

Attend an EPA EPCRA Tier 2 training in New England: <https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-epcra-workshops-new-england>

EPA's web-based eDisclosure Portal:  
[www.epa.gov/compliance/epas-edisclosure](http://www.epa.gov/compliance/epas-edisclosure)

If you have questions, please contact the EPA Region 1 office email at: [R1assist@epa.gov](mailto:R1assist@epa.gov)

*This document is intended for regulatory guidance only and should not be substituted for a thorough review of existing federal regulations. Be sure to review your state and local requirements as well as the federal requirements discussed in this factsheet.*