

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 138

HOUSE BILL 2127

AN ACT

AMENDING SECTION 26-350, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY
PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-350, Arizona Revised Statutes, is amended to
3 read:

4 26-350. Emergency and hazardous chemical inventory forms

5 A. A person who owns or operates a facility which is required to
6 prepare or have available a material safety data sheet for a hazardous
7 chemical under the occupational safety and health act of 1970 (P.L. 91-593;
8 84 Stat. 1590) and federal regulations adopted under that act or which has
9 to provide a material safety data sheet or listing under this article shall
10 EITHER FILE ELECTRONICALLY AS PRESCRIBED BY SUBSECTION D OR submit to the
11 local emergency planning committee for the district in which the facility
12 is located, the commission and the fire department with jurisdiction over the
13 facility an emergency and hazardous chemical inventory form pursuant to
14 section 312 of title III as well as comply with section 312 of title III and
15 regulations adopted under that act, except that the tier two II emergency and
16 hazardous chemical inventory form shall be the required form to comply with
17 section 312 of title III effective with inventory forms due on or after March
18 1, 1991.

19 ~~B. The inventory form containing tier I information shall be submitted~~
20 ~~on or before March 1 of 1989 and 1990 and shall contain data on hazardous~~
21 ~~chemicals present at the facility during the preceding calendar year above~~
22 ~~the thresholds established in title 40 code of federal regulations part~~
23 ~~370. With respect to any specific hazardous chemical at the facility, the~~
24 ~~owner or operator may submit a tier II form in lieu of the tier I~~
25 ~~information.~~

26 ~~C. The tier I inventory form shall contain the following information:~~

27 ~~1. An estimate, in ranges, of the maximum amount of hazardous~~
28 ~~chemicals in each category present at the facility at any time during the~~
29 ~~preceding calendar year.~~

30 ~~2. An estimate, in ranges, of the average daily amount of hazardous~~
31 ~~chemicals in each category present at the facility during the preceding~~
32 ~~calendar year.~~

33 ~~3. The general location of hazardous chemicals in each category.~~

34 ~~D. B. The tier II inventory form shall contain the following~~
35 ~~information:~~

36 ~~1. The chemical name or the common name of the chemical as provided~~
37 ~~on the material safety data sheet and the CAS number.~~

38 ~~2. An estimate, in ranges, of the maximum amount of the hazardous~~
39 ~~chemical present at the facility at any time during the preceding year.~~

40 ~~3. An estimate, in ranges, of the average daily amount of the~~
41 ~~hazardous chemical present at the facility during the preceding year.~~

42 ~~4. A brief description of the manner of storage of the hazardous~~
43 ~~chemical.~~

44 ~~5. The location of the hazardous chemical at the facility.~~

1 6. An indication of whether the owner elects to withhold location
2 information or other information about a specific hazardous chemical from
3 disclosure to the public as a trade secret.

4 7. THE FIRE DEPARTMENT OR DISTRICT WITH JURISDICTION FOR THE FACILITY,
5 INCLUDING A NOTATION OF WHETHER THE FACILITY IS LOCATED ON INDIAN LANDS.

6 ~~F. C. An owner or operator of a facility subject to this section~~
7 ~~shall submit the information required by this section on the inventory form~~
8 ~~provided by the COMMISSION. administrator of the United States environmental~~
9 ~~protection agency unless the commission establishes its own form which~~
10 ~~prescribes identical content~~ THE TIER II INVENTORY FORM PROVIDED BY THE
11 COMMISSION SHALL BE AVAILABLE IN ELECTRONIC AND PAPER FORMATS AND SHALL BE
12 BASED ON AND CONTAIN AT LEAST THE INFORMATION REQUIRED BY THE FEDERAL FORMS
13 as prescribed by title 40 Code of Federal Regulations section 370.40
14 370.41. THE COMMISSION SHALL IDENTIFY ON ITS TIER II INVENTORY FORM EACH
15 ITEM THAT IS REQUIRED TO BE REPORTED BY 40 CODE OF FEDERAL REGULATIONS
16 SECTION 370.41. THE COMMISSION SHALL PROVIDE NOTICE ON THE FORM THAT THE
17 PROVISION OF THE INFORMATION ITEMS NOT REQUIRED BY 40 CODE OF FEDERAL
18 REGULATIONS SECTION 370.41 IS OPTIONAL.

19 D. FACILITIES THAT ARE SUBJECT TO REPORTING UNDER THIS ARTICLE MAY
20 FILE REPORTS ELECTRONICALLY AT AN INTERNET WEB SITE THAT IS DESIGNATED BY THE
21 ARIZONA EMERGENCY RESPONSE COMMISSION. A FACILITY THAT FILES ELECTRONICALLY
22 PURSUANT TO THIS SUBSECTION IS DEEMED TO HAVE COMPLIED WITH THE REPORTING
23 REQUIREMENTS OF THE COMMISSION AND WITH THE REQUIREMENTS OF TITLE III. LOCAL
24 EMERGENCY PLANNING COMMITTEES, FIRE DEPARTMENTS AND DISTRICTS ALSO MAY ACCEPT
25 ELECTRONIC REPORTING IF THEY HAVE AGREED TO DO SO IN A WRITTEN AGREEMENT WITH
26 THE COMMISSION THAT PROVIDES FOR THE ELECTRONIC FILING AND SHARING OF
27 REPORTS. THE COMMISSION SHALL PUBLISH ON THE COMMISSION'S WEB SITE A LISTING
28 OF LOCAL EMERGENCY PLANNING COMMITTEES, FIRE DEPARTMENTS AND FIRE DISTRICTS
29 THAT HAVE AGREED TO ACCEPT ELECTRONIC REPORTING TO ASSIST FACILITIES IN
30 DETERMINING SUBMISSION REQUIREMENTS.

31 E. ON CERTIFYING AN ELECTRONIC SUBMITTAL PURSUANT TO SUBSECTION D, THE
32 FACILITY IS DEEMED TO HAVE COMPLIED WITH THE ORIGINAL SIGNATURE REQUIREMENTS
33 OF SECTION 312 OF TITLE III. THE COMMISSION AND THE FACILITY SHALL EACH
34 MAINTAIN TRACKING INFORMATION FOR THE SUBMITTAL FOR PURPOSES OF CONFIRMATION.

35 F. INFORMATION THAT IS COLLECTED PURSUANT TO THIS SECTION SHALL BE
36 MADE AVAILABLE TO THE PUBLIC PURSUANT TO 40 CODE OF FEDERAL REGULATIONS PART
37 370, SUBPART C, EXCEPT FOR CONFIDENTIAL INFORMATION.

38 ~~F. G. For purposes of this section, tier I and tier II forms are the~~
39 forms established under title 40 Code of Federal Regulations part 370.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 4, 2002,

by the following vote: 51 Ayes,

4 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 30, 2002

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
30 day of April, 2002,

at 2:50 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 6th day of

May, 2002,

at 3:25 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2127

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 7 day of May, 2002,

at 3:13 o'clock P M.

[Signature]
Secretary of State