



ND Department of Emergency Services

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Fax: (701) 328-8181

Website: www.nd.gov/des

"Ensuring a safe and secure homeland for all North Dakotans"

January 1, 2009

Dear Facility Owner/Operator:

To assist you in filing your Emergency Planning and Community Right-To-Know Act (EPCRA) Tier Two reports for Reporting Year 2008 which are due March 1, 2009 and to provide some general information, we've provided the attached package. **PLEASE REVIEW ALL INFORMATION PROVIDED. WE HAVE INCLUDED SPECIFIC INFORMATION FOR COMPLETING THE TIER II FORMS AS WELL AS THE OTHER FORMS INCLUDED IN THIS PACKAGE.** The package should include the following:

1. RY2008/CY2009 Cover Letter.
2. Reporting Package Distribution & Back to Basic on Tier II Reporting.
3. Document to help you decide, "Do You Need To Report?"
4. Document pertaining to Tier2 Submit reporting Software.
5. Document pertaining to the addition of latitude and longitude information on Tier II forms.
6. Request for any change of information or company acquisitions, sales, closings, etc, and request for e-mail address.
7. A document titled "Guide to Understanding Two Forms". We have taken each block on the federal Tier Two and broken it down and this guide explains how to fill out that particular block. **PLEASE, DO NOT FILL OUT THIS DOCUMENT. IT IS A GUIDE ONLY.** If you have any comments about this document, please forward them to us.
8. A blank Tier Two "Emergency and Hazardous Chemical Inventory" Form. If you need additional forms, you may make copies.
9. A Common Product Information List (Not all inclusive of chemicals)
10. List of Extremely Hazardous Substances (EHS), alphabetical and by CAS Number.
11. Emergency Planning and Community Right-To-Know Act (EPCRA) Fact Sheet for North Dakota.
12. Standard Industrial Classification (SIC) Codes Listing (Common to North Dakota only)
13. Reporting Requirements Checklist
14. Hazardous Chemical Inventory Fee Statement
15. Tier2 Submit Certification Statement
16. Guide for Reporting Which is Unique to the Oil Field Industry
17. Tier II Reporting for Lead/Acid Batteries
18. North Dakota Emergency Manager Listing

The items mentioned in numbers 1 – 18 above, can be obtained on the ND Department of Emergency Services website at: <http://www.nd.gov/des/documents/saratitle3.html>

We've noticed some confusion about when Tier Two reports are filed and the reporting year for which they are filed. The federal law requires that Tier Two reports describe facility status during the previous calendar year. The reports are due annually on March 1st, for the previous calendar year.

If you have any questions concerning Tier Two reporting procedures, contact either Ray DeBoer – rdeboer@nd.gov, Roxann Hopfauf – rhopfauf@nd.gov, or Brandon Hoechst – bhoechst@nd.gov of our staff, or at (701) 328-8100.

Sincerely,

Greg M. Wilz, Chairman
State Emergency Response Commission

GMW/rld

John Hoeven
Governor

Major General David Sprynczynatyk
Adjutant General

Greg M. Wilz
Director - Division of Homeland Security

Mike Lynk
Director - Division of State Radio



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"Ensuring a safe and secure homeland for all North Dakotans"

MEMO

Date: December 28, 2008

To: All Facility Owner/Operators

From: Greg M. Wilz, Chairman
State Emergency Response Commission

RE: Reporting Package Distribution and Back to Basics for Tier II Reporting

The State of North Dakota will no longer be mailing out a reporting package to facility owner/operators, unless you request one.

The North Dakota Tier II reporting package with associated documents can be downloaded from the North Dakota Department of Emergency Services website at: <http://www.nd.gov/des/documents/saratitle3.html>

If you do not have access to a computer or you are unable to download all documents, you can request that a reporting package be mailed to you by one of the following ways:

Contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at 701-328-8100.

Back to Tier II Basics

Over the past few years, the State of North Dakota has not been enforcing the requirements to provide all of the necessary and required information on the Tier II, Emergency and Hazardous Chemical Inventory Report Form. So starting with this reporting year, we are returning to the basics of Tier II reporting.

All federal reporting requirements **must be** met with the exception of providing a Material Safety Data Sheet (MSDS). All areas of the Tier II form **must be** completed. All of the information that is requested on the reporting form is mandatory and is required for a specific reason.

We will require site plans showing exact locations of any hazardous chemical reported, (especially extremely hazardous substances – EHS), as well as ensuring the storage location(s) is annotated in the "Storage Codes and Locations" area. (*Example, 2nd floor of warehouse in southeast corner; tanks located 200 feet northwest of service building, tanks located ½ mile south of town, etc.*) The proper "Storage Codes" (container type, pressure and temperature), must be annotated as well as the appropriate "Physical and Health Hazards", and the "Inventory" to include the maximum daily amount and the average daily amount.

If you are using Tier2 Submit software for reporting, include the maximum daily amount and average daily amount in pounds besides the inventory code amounts.

If the form is not filled out correctly or any of the information is missing, the report will be returned to you for completion.

John Hoeven
Governor

Major General David Sprynczynatyk
Adjutant General

Greg M. Wilz
Director - Division of Homeland Security

Mike Lynk
Director - Division of State Radio

For those of you utilizing Tier2 Submit 2008 software follow all instructions and you should not have any errors on your reports.

For those of you that request a reporting package, included in the package is a “**Guide To Understanding Tier II Forms**”, which provides detailed instructions for completing each and every block on the form.

If you have any questions regarding the completion of the Tier II form, or anything else related to Tier II reporting please contact either, Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at 701-328-8100.

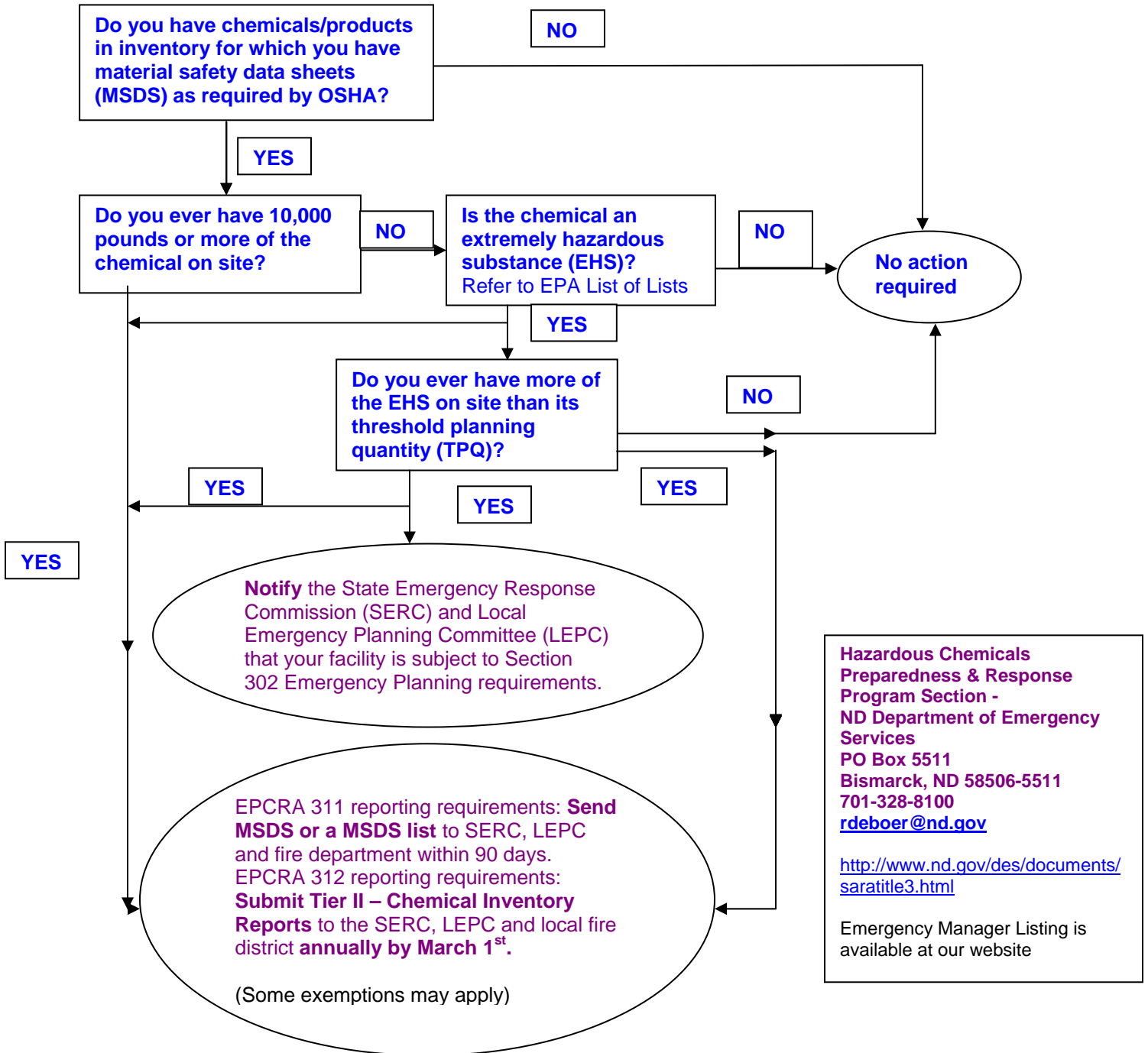


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DO YOU NEED TO REPORT?

Emergency Planning and Community Right-To-Know Act (EPCRA)

Tier II Emergency & Hazardous Chemical inventory Reporting





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■ SOFTWARE FOR TIER II REPORTING

NOTE: North Dakota encourages owner/operators to utilize EPA's Tier 2 Submit software for filing Tier II Reports in North Dakota. To learn more about this software and obtain a free copy, please click on the following link:

<http://www.epa.gov/osweroe1/content/epcra/statetier2.htm#northdakota>

EPA has developed **Tier2 Submit 2008** to help facilities prepare an electronic chemical inventory report. For more information about Tier2 Submit you can view or download at EPA's website:

<http://www.epa.gov/osweroe1/content/epcra/statetier2.htm#northdakota>

If you would like to have a Tier II software program (**at no cost**), for completing your Tier II's for RY2008 (CY2009) reporting, go the following EPA website:

<http://www.epa.gov/osweroe1/content/epcra/statetier2.htm#northdakota>

We also recommend that you download and read the 2008 Users Manual before contacting the Department of Emergency Services for assistance. The user's manual provides instructions on how to complete the reporting paperwork.

If you have any problems downloading a copy of Tier2 Submit 2008, contact the **RMP Reporting Center at: (301) 429-5018** (8am-4:30pm M-F) or via **e-mail at:**

userrmp.usersupport@csc.com

This program allows you to make changes each year and saves you from having to retype or fill in a blank Tier II each new reporting year.

If you have any questions regarding this, contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov, or at 701-328-8100.



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■ Latitude & Longitude Information

Again, this year, we are asking **all owner/operators** to provide their facility or facilities, latitude and longitude so that this information can be incorporated into a mapping program. The latitude & longitude can be annotated in the storage codes and location of the Tier II. If you are using the Tier2 Submit software for reporting, there is a spot for annotating the latitude & longitude.

To assist you in determining your latitude & longitude go to the following website:
http://www.epa.gov/tri/report/siting_tool/index.htm

North Dakota **encourages** owner/operators to submit their documentation utilizing using Tier2 Submit software. **NOTE:** This software can be downloaded free of charge from the following EPA website:
<http://www.epa.gov/osweroe1/content/epcra/statetier2.htm#northdakota>

- If you have any problems downloading a copy of Tier2 Submit, contact the RMP Reporting Center at: (301) 429-5018 (8am-4:30pm EST M-F) or via e-mail at: userrmp.usersupport@csc.com
- This program allows you to make changes each year and saves you from having to retype or fill in the blank Tier II each year.
- Please be sure to include your return address on all correspondence sent in with this year's reporting information.
- Properly completed reports. Any report missing information or not completely done will be returned for completion.

If you have any questions regarding any of these matters, contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at (701) 328-8100.



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MEMO

To: Facility Owner/Operators

From: Greg M. Wilz, Chairman
State Emergency Response Commission

Subject: Facility Ownership Changes

Date: December 28, 2008

The State Emergency Response Commission (SERC) requests your assistance with our efforts to maintain an accurate database of facilities in North Dakota reporting under the Emergency Planning and Community Right-To-Know Act (EPCRA). We are trying to identify facilities that are no longer owned or operated by your company or corporation.

If you received a letter for Reporting Year 2008/CY2009 and you no longer own or operate this facility or facilities, (i.e., the business is closed, was sold to another person or company or corporation, merged with another company or corporation, combined any facilities, etc.), we request you provide us with the following information:

- The name of the new owner/company/corporation
- The point of contact (POC) for this new owner/company/corporation
- The mailing address for this new owner/company/corporation
- The telephone number for this new owner/company/corporation
- The e-mail address for the new owner/company/corporation

With this information, we can then provide accuracy of information for first responders and individuals seeking right-to-know information.

If you have any questions, contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov, or at 701-328-8100.



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This is a guide on how to fill out the Tier II Inventory form. **DO NOT FILL OUT THIS GUIDE!** If you have any questions about this guide, call the Hazardous Chemicals Preparedness & Response Program personnel at (701) 328-8100.

GUIDE TO UNDERSTANDING TIER II FORMS

■ Introduction

Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA) is the Emergency Planning and Community Right-To-Know Act (EPCRA). The Act establishes requirements for industry regarding emergency planning and “community right-to-know” reporting on hazardous chemicals. Section 312(a) states: “The owner or operator of any facility which is required to prepare or have available a material safety data sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under the Act (15 U.S.C. 651 et seq.) shall prepare and submit an emergency and hazardous chemical inventory form.

This form, known as a Tier II report, **MUST** be provided to each of the following: the appropriate Local Emergency Planning Committee (LEPC), State Emergency Response Commission (SERC), and the fire department with jurisdiction over the facility”. When properly prepared, the inventory form contains vital information Local Emergency Planning Committees and State Emergency Response Commissions utilize for emergency planning purposes and that first responders such as law enforcement officials, emergency medical technicians, and of course, fire departments utilize for response purposes.

On the Tier II form, the facility is required to provide the chemical identity, hazards associated with the chemical, hazards associated with the chemical, maximum and average amounts stored on-site, and general storage locations.

On the attached pages we have broken the Tier II form down by section and provided information, which should assist you in completing the Tier II report.

Detailed instructions for completing Tier II forms also accompany those forms. Tier II forms should always be typed or neatly printed to ensure accurate legibility.

Hazardous Chemical Preparedness and Response Program Fee(s):

The North Dakota Hazardous Chemical fee is \$25.00 per substance per facility as reported on the Tier II form. There is a maximum fee of \$150.00 per facility. The fee, payable to the North Dakota Department of Emergency Services, **MUST BE SUBMITTED** with your Tier II report. **DO NOT** send the hazardous chemical fee under separate cover. We are unable to accept credit card payments.

■ **Owner/Operator Block:**

Name: Enter the full name of the owner or operator. This can be the corporate offices.

Phone: Enter the telephone number of the facility.

Mailing Address: Enter the address where you receive your mail. DO NOT use the facility address, unless you want all EPCRA correspondence to go to this facility, and not to the main office. A post office box number is acceptable here.

■ **Emergency Contact Block:**

Name: Enter the name and title of at least one emergency contact for the facility. This SHOULD be a local individual with a local telephone number. This person should have the authority and expertise to provide guidance if emergency responders need assistance in responding to a chemical incident at the facility.

Phone: Use the day or office telephone number of the emergency contact.

24-Hour Phone Number: Provide a 24-hour number where emergency assistance will be available. THIS REQUIREMENT IS MANDATORY.

Owner/Operator Name	
Name _____	Phone _____
Mail Address _____	
Emergency Contact	
Name _____	Title _____
Phone _____	24-Hour Phone _____
Name _____	Title _____
Phone _____	24-Hour Phone _____

■ **Reporting Period and Duplicate Information:**

List the year for which the facility is reporting. The reporting period is a calendar year – from January to December. As an example, for the report due on March 1, 2009, the reporting year is 2008, not 2009.

REPORTING PERIOD From January 1 to December 31, 2008

XX
XXX

If you are reporting the same information that you reported last year, you should mark this box. You must still complete the entire form. This information will assist the LEPC, fire department, or SERC for data entry purposes. We want to eliminate dual facility entries, which make one facility show up as a non-reporter and require costly follow-up.

Check if information below is identical to the information submitted last year.

■ **Chemical Description Block:**

CAS Number: Chemical Abstract Service Registry Number. This number can be found in section 1 of the Material Safety Data Sheet (MSDS), or in the Title III, List-Of-Lists. If no CAS number is found for the chemical, leave this space blank.

Trade Secret: You may claim a trade secret exemption for any chemical you think will damage you competitively if the name is revealed. The criteria for this exemption are extremely narrow and the penalty for claiming a trade secret exemption erroneously is large. If you think you may qualify for a trade secret, contact our EPCRA staff for further assistance.

Chemical Name: List the chemical name of the substance(s). You can find the name on the container label, the List-of-Lists, or the MSDS. If the substance is a mixture, you may report either the mixture or separate components.

Chemical Form/EHS: Mark the form of the chemical; solid, liquid, or gas, pure, or mixture. If the chemical is an extremely hazardous substance (EHS), or an EHS is present in a mixture, then the EHS name must be listed, and the EHS block checked on the form.

Chemical Description										
CAS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Trade Secret	<input type="text"/>
Chemical Name _____										
Check all That apply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Pure	Mix	Solid	Liquid	Gas	EHS				
EHS Name _____										

■ **Physical and Health Hazards Block:**

The various hazards for the substance should be marked. The Material Safety Data Sheet (MSDS) should provide information on which hazards apply to the substance.

Physical And Health Hazards	
<input type="checkbox"/>	Fire
<input type="checkbox"/>	Sudden Loss of Pressure
<input type="checkbox"/>	Reactivity
<input type="checkbox"/>	Immediate (Acute)
<input type="checkbox"/>	Delayed (Chronic)
<input type="checkbox"/>	

■ **Inventory Block:**

Maximum Daily Amount: Use the code number from the table below that represents the maximum quantity stored on-site at any one time. All amounts should be calculated in pounds.

Average Daily Amount: Use the code number that represents an estimate of the average quantity stored on-site each day.

Days On-Site: Write in the number of days that the chemical was located on site during the reporting year.

INVENTORY CODES – RANGE IN POUNDS

01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1,000,000,000	> 1,000,000,000

INVENTORY	
<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>	Max Daily Amount (code)
<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>	Avg. Daily Amount (code)
<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/>	No. of Days On-site (days)

■ **Storage Location Block:**

Storage Location: Using the codes from the table below, list the location, container type and condition of substance storage on the facility. **DO NOT PUT THE FACILITY LOCATION HERE.** If a site map is attached, site coordinates may be listed. There is room to list 6 separate locations per chemical. Confidentiality for locations may be claimed, but **MUST BE** listed on a separate page. If you want the chemical storage location on the facility site to be confidential, make sure you clearly state this on the form, and in a cover letter accompanying the report.

STORAGE CODES

- | | | | |
|---|-----------------------------|---|-------------------------|
| A | ABOVE GROUND TANK | K | BOX |
| B | BELOW GROUND TANK | L | CYLINDER |
| C | TANK INSIDE BUILDING | M | GLASS BOTTLES OR JUGS |
| D | STEEL DRUM | N | PLASTIC BOTTLES OR JUGS |
| E | PLASTIC OR NONMETALLIC DRUM | O | TOTE BIN |
| F | CAN | P | TANK WAGON |
| G | CARBOY | Q | RAIL CAR |
| H | SILO | R | OTHER |
| I | FIBER DRUM | | |
| J | BAG | | |

PRESSURE RANGES:

- 1 AMBIENT PRESSURE
- 2 ABOVE AMBIENT PRESSURE
- 3 BELOW AMBIENT PRESSURE

TEMPERATURE RANGES:

- 4 AMBIENT TEMPERATURE
- 5 ABOVE AMBIENT TEMPERATURE
- 6 LESS THAN AMBIENT TEMPERATURE
- 7 CRYOGENIC CONDITIONS

Storage codes and Locations (Non-Confidential)																						
Storage Locations																						
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■ **Certification Line:**

Fill in the name and title of the certifying official along with the date signed. The owner, operator, or officially designated representative MUST certify by signature that all information included in the Tier II submission is true, accurate, and complete. Also, enter the total number of pages included in the report as well as all attachments. Submissions to the SERC, LEPC and fire department MUST HAVE an original signature on at least the first page of the report. Copies of the signature can be on any additional pages. You can certify multiple submissions with a single cover letter that meets the above requirements. If you elect this option, each Tier II submission covered by the letter must have a facsimile or stamped signature on it as well.

Certification		
_____	_____	_____
Name and Official Title Signed	Signature	Date

XX

OPTIONAL ATTACHMENTS BLOCK:

A site plan, site coordinates, and precautionary measures may be attached to the form to assist the emergency responders. This is mandatory if the facility has reportable quantities of EHS present. After the first filing, the site plan does not have to be submitted annually unless there are changes to it.

Optional Attachments	<input type="checkbox"/>	I have attached a site plan
	<input type="checkbox"/>	I have attached a list of site coordinates Abbreviations.
	<input type="checkbox"/>	I have attached a description of dikes and Other safeguard measures.

Tier Two EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY <i>Specific Information by Chemical</i>	Facility Identification Name _____ Street _____ City _____ County _____ State _____ Zip _____ SIC Code _____ Dun & Brad Number _____	Owner/Operator Name Name _____ Phone () _____ Mail Address _____ e-mail _____
	FOR OFFICIAL USE ONLY	Emergency Contact Name _____ Title _____ Phone () _____ 24 Hr. Phone () _____ Name _____ Title _____ Phone () _____ 24 Hr. Phone () _____

Important: Read all instructions before completing form Reporting Period From January 1 to December 31, 20 ____ Check if information below is identical to the information submitted last year.

Chemical Description	Physical and Health Hazards <i>(check all that apply)</i>	Inventory	Container Type Pressure Temperature	Storage Codes and Locations (Non-Confidential) <i>Storage Locations</i>	Optional												
CAS _____ Trade Secret _____ Chem. Name _____ <i>Check all that apply</i> <input type="checkbox"/> Pure <input type="checkbox"/> Mix <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> EHS EHS Name _____	<input type="checkbox"/> Fire <input type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (acute) <input type="checkbox"/> Delayed (chronic)	Max. Daily Amount (code) _____ Avg. Daily Amount (code) _____ No. of Days On-site (days) _____	<table border="1" style="width:100%; height: 40px;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>													_____ _____ _____ _____	<input type="checkbox"/>
CAS _____ Trade Secret _____ Chem. Name _____ <i>Check all that apply</i> <input type="checkbox"/> Pure <input type="checkbox"/> Mix <input type="checkbox"/> Solid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <input type="checkbox"/> EHS EHS Name _____	<input type="checkbox"/> Fire <input type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (acute) <input type="checkbox"/> Delayed (chronic)	Max. Daily Amount (code) _____ Avg. Daily Amount (code) _____ No. of Days On-site (days) _____	<table border="1" style="width:100%; height: 40px;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>													_____ _____ _____ _____	<input type="checkbox"/>
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Certification (Read and sign after completing all sections) I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.	Optional Attachments <input type="checkbox"/> I have attached a site plan <input type="checkbox"/> I have attached a list of site coordinate abbreviations <input type="checkbox"/> I have attached a description of dikes and other safeguards measures
Name and official title of owner/operator OR owner/operator's authorized representative _____ Signature _____ Date signed _____	



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■ **COMMON PRODUCT INFORMATION LIST**

<u>Product/Trade Name</u>	<u>Wgt/Gal</u>	<u>CAS #</u>	<u>Equivalency</u>	<u>Threshold</u>
Argon	11.63 lbs	#7440-37-1	860 gals =	10,000 lbs
Gasoline (all blends)	6.00 lbs	# 8006-61-9	1,600 gal =	10,000 lbs
Diesel Fuel/Fuel	6.75 lbs	# 68476-34-6	1,400 gal =	10,000 lbs
Diesel Fuel/Fuel	6.75 lbs	# 68334-30-5	1,400 gal =	10,000 lbs
Motor Oil	7.41 lbs	# 64742-65-0	1,350 gal =	10,000 lbs
Ethyl Glycol/Antifreeze	9.29 lbs	# 107-21-1	1,000 gal =	10,000 lbs
Sulfuric Acid/Battery Acid(EHS)	10.74 lbs	# 7664-93-9	46.6 gal =	500 lbs
Propane	4.92 lbs	# 74-98-6	2,050 gal =	10,000 lbs
Xylene	7.17 lbs	# 1330-20-7	1,394 gal =	10,000 lbs
Kerosene	6.66 lbs	# 68476-30-2	1,501 gal =	10,000 lbs
Chlorine	11.66 lbs	# 7782-50-5	9 gal =	100 lbs
Anhydrous Ammonia	5.68 lbs	# 7664-41-7	88 gal =	500 lbs
Carbofuran/Furadan(EHS)	Liquid	# 1563-66-2	10 lbs	
	Solid	# 1563-66-2	10,000 lbs =	10,000 lbs
Terbufos/Counter(EHS)	9.26 lbs	# 13071-79-9	10.79 gal =	100 lbs
Phosgene(EHS)	11.93 lbs	# 75-44-5	10 lbs =	10 lbs
Oxygen	9.50 lbs	# 7782-44-7	10,000 lbs =	10,000 lbs
Mineral Spirits	6.50 lbs	# 64741-96-4	10,000 lbs =	10,000 lbs
Hydrogen Chloride (EHS)	8.75 lbs	# 7647-01-0	500 lbs =	500 lbs
Produced Hydrocarbons/ Crude Oil	111.90 lbs	# 8002-05-9	840.33 gal =	10,000 lbs

THIS LIST IS NOT ALL-INCLUSIVE. THERE ARE OVER 500,000 CHEMICALS THAT ARE SUBJECT TO TIER II REPORTING. THIS IS JUST AN EXAMPLE OF SOME CHEMICALS AND THEIR WEIGHTS. If you store any of the above substances/chemicals in the threshold planning quantity (TPQ), for any length of time, or if you store other substances/chemicals which OSHA requires a Material Safety Data Sheet (MSDS) for your workers and this amount is 10,000 lbs or more; then you **must file** a Tier II report. A Tier II report is also required for any of the over 300 extremely hazardous substances (EHS) over the threshold planning quantity (TPQ). An extremely hazardous substance (EHS) is normally one, which causes immediate health or environmental dangers or proven long-term health risks. **Refer to the attached list of EHS chemicals.** If you have any of these, or are not sure, please contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at (701) 328-8100.



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■ EPCRA FACT SHEET FOR NORTH DAKOTA

Penalties for non-compliance with EPCRA requirements can be as high as \$40,000 (\$25,000 federal) and (\$15,000 state), per day per incident.

Threshold Planning Quantities (TPQs) are based on the highest quantity present at the facility at any one time during the calendar year.

The Tier II report is due March 1st annually, and is for the previous calendar year. The Tier II fee is \$25.00 per “reportable” substance/chemical per facility, with a maximum of \$150.00 per facility.

- Each type of gasoline, such as regular, premium and super unleaded and ethanol and or methanol, can be reported separately, **BUT** is considered as **one** substance/chemical for fee payment. If your aggregate total of gasoline meets or exceeds the Threshold Planning Quantity (TPQ), you must report all types present, even if you have less than the TPQ of some. The same applies to diesel fuel, fuel oil, heating oil, etc.
- Lubricants, other fluids and anti-freeze received, stored and sold in containers of the size generally available for distribution to the general public, such as quart, gallon and five quart, are excluded from reporting requirements. Those substances received in bulk, **ARE NOT EXEMPT**, even if they are later re-distributed into the smaller containers.

Lubricants and other fluids are reported separately and fee payment is required for each, because they have distinctly different characteristics and properties. The same applies to ethylene glycol and propylene glycol.

Sulfuric acid/battery acid is classified as an extremely hazardous substance (EHS). If you have a reportable amount of this substance/chemical at your facility, you **MUST** notify your Local Emergency Planning Committee (LEPC), (through the County Emergency Manager), that you have an EHS substance present and designate a liaison person to communicate with the LEPC to ensure plans are in place to respond to a possible release/spill of this substance/chemical. This requirement is in addition to reporting sulfuric acid on the Tier II report.

The North Dakota Hazardous Chemicals Preparedness and Response Program is part of the North Dakota Disaster Act, and makes the provisions of EPCRA, part of the North Dakota Century Code. If you wish to review the North Dakota Disaster Act or the federal law, please contact our office.

SARA Title III, Section 312 General Information:

- Annual reports and hazardous chemical fees are due by March 1st
- MSDS sheets **ARE NOT** required with your report.
- Use of the standard federal Tier Two form (enclosed) or the Tier2 Submit reporting form is requested.
- We **WILL ACCEPT** Tier II Submit reporting Tier II's
- We **WILL NOT ACCEPT** the Tier II Win Tier II product from Jordan Systems
- The original report and hazardous chemical fee is to be mailed to the address listed above. **DO NOT** send your hazardous chemical fee payment under separate cover. **PLEASE** include your fee payment with your original report.
- A copy of your Tier Two report form **must be** submitted to your County Emergency Manager and to your local fire department.
- Any report missing information will be returned for completion.
- ND Department of Emergency Services website for hazardous chemical information and documents is:

<http://www.nd.gov/des/documents/saratitle3.html>

FEES: All fees, payable by check or money order, are to be made payable to "North Dakota Department of Emergency Services." **NOTE: WE ARE UNABLE TO ACCEPT CREDIT CARD PAYMENTS.**

- The North Dakota Hazardous Chemical fee is \$25.00 per substance per facility as reported on the Tier Two form. There is a maximum fee of \$150.00 per facility.
- You **MUST FILE** a separate Tier Two report for each site that has a separate physical location.
- If you are using a computer generated Tier Two report form, every three chemicals are counted as one page.

QUESTIONS:

Contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at (701) 328-8100.



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■ STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES LISTING

This listing has been compiled citing the most prevalent Standard Industrial Classification (SIC) Codes reported by businesses and facilities in North Dakota, in accordance with the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA). It is provided to help you in determining the appropriate SIC code for reporting on the Tier II.

If you cannot find your SIC code in this listing, contact either Ray DeBoer, Roxann Hopfauf, or Brandon Hoechst of our staff at (701) 328-8100.

Major Group 07 – AGRICULTURAL SERVICES

■ CROP SERVICES

0721

Crop Planting, Cultivating & Protecting: Primarily engaged in performing crop planting, cultivating & protecting services. Aerial dusting & spraying

■ LANDSCAPE AND HORTICULTURAL SERVICES

0782

Lawn and Garden Services: Establishments primarily engaged in performing a variety of lawn and garden services. Establishments primarily engaged in the installation of artificial turf are classified in Construction, Industry 1799.

Major Group 13 – OIL AND GAS EXTRACTION

■ CRUDE PETROLEUM & NATURAL GAS

1311

Crude Petroleum & Natural Gas: Primarily engaged in operating oil & gas field properties. Such activities may include exploration for crude petroleum & natural gas; drilling, completing, & equipping wells; operation of separators, emulsion breakers, desilting equipment, & field gathering lines for crude petroleum; & all other activities in the preparation of oil & gas up to the point of shipment from the producing property. Also included are establishments, which have complete responsibility for operating oil & gas wells for others on a contract or fee basis.

■ NATURAL GAS LIQUIDS

1321

Natural Gas Liquids: Primarily engaged in producing liquid hydrocarbons from oil & gas field gases. Establishments recovering liquefied petroleum (LP) gases incidental to petroleum refining or to the manufacturing of chemicals are classified in Manufacturing, Major Group 28 or 29.

■ OIL AND GAS FIELD SERVICES

1381

Drilling Oil and Gas Wells: Primarily engaged in drilling wells for oil or gas field operations for others on a contract or fee basis. This industry includes contractors that specialize in spudding in, drilling in, re-drilling, and directional drilling.

- 1382 **Oil & Gas Field Exploration Services:** Primarily engaged in performing geophysical, geological, and other exploration services for oil & gas on a contract or fee basis.
- 1389 **Oil & Gas Field Services, Not Elsewhere Classified:** Primarily engaged in performing oil and gas field services, not elsewhere classified, for others on a contract or fee basis. Services included are excavating slush pits and cellars; grading, and building of foundations at well locations; well surveying; running, cutting, and pulling casing tubes, and rods; cementing wells; shooting wells; perforating well casings; acidizing and chemically treating wells; and cleaning out, bailing, and swabbing wells. Establishments which have complete responsibility for operating oil and gas wells for others on a contract or fee basis are classified according to the product extracted rather than as oil and gas field services. Establishments primarily engaged in hauling oil and gas field supplies and equipment are classified in Division E, Transportation and Public Utilities.

Major Group 14 - MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS

■ **SAND AND GRAVEL**

- 1442 **Construction Sand and Gravel:** Establishments primarily engaged in operating sand and gravel pits and dredges, and in washing, screening, or otherwise preparing sand and gravel for construction uses.
- 1446 **Industrial Sand:** Establishments primarily engaged in operating sandpits and dredges, and in washing, screening, and otherwise preparing sand for uses other than construction, such as glassmaking, molding, and abrasives.

Major Group 16 – HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION- CONTRACTORS

■ **HIGHWAY AND STREET CONSTRUCTION, EXCEPT ELEVATED HIGHWAYS**

- 1611 **Highway & Street Construction, Except Elevated Highways:** General & special trade contractors primarily engaged in the construction of roads, streets, alleys, sidewalks, guardrails, parkways & airports. County shops, etc.

Major Group 20 – FOOD AND KINDRED PRODUCTS

This major group includes establishments manufacturing or processing foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, vegetable and animal fats and oils, and prepared feeds for animals and fowls. Products described as dietetic are classified in the same manner as nondietetic products (e.g., as candy, canned fruits, cookies). Chemical sweeteners are classified in Major Group 28.

■ **MEAT PRODUCTS**

- 2011 **Meat Packing Plants:** Establishments primarily engaged in the slaughtering, for their own account or on a contract basis for the trade, of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other

products. Also included in this industry are establishments primarily engaged in slaughtering horses for human consumption. Establishments primarily engaged in slaughtering, dressing, and packaging poultry, rabbits, and other small game are classified in industry 2015; and those primarily engaged in slaughtering and processing animals not for human consumption are classified in Industry 2048. Establishments primarily engaged in manufacturing sausages and meat specialties from purchased meats are classified in Industry 2013; and establishments primarily engaged in canning meat for baby food are classified in Industry 2032.

2013

Sausages and Other Prepared Meat Products:

Establishments primarily engaged in manufacturing sausages, cured meats, smoked meats, canned meats, frozen meats, and other prepared meats and meat specialties, from purchased carcasses and other materials. Prepared meat plants operated by packing houses as separate establishments are also included in this industry. Establishments primarily engaged in canning or otherwise processing poultry, rabbits, and other small game are classified in Industry 2015. Establishments primarily engaged in canning meat for baby food are classified in Industry 2032. Establishments primarily engaged in the cutting up and resale of purchased fresh carcasses, for the trade, (including boxed beef) are classified in Wholesale Trade, Industry 5147.

2015

Poultry Slaughtering and Processing: Establishments primarily engaged in slaughtering, dressing, packing, freezing, and canning poultry, rabbits, and other small game, or in manufacturing products from such meats, for their own account or on a contract basis for the trade. This industry also includes the drying, freezing, and breaking of eggs. Establishments primarily engaged in cleaning, oil treating, packing, and grading of eggs are classified in Wholesale Trade, Industry 5144; and those engaged in the cutting up and resale of fresh purchased carcasses are classified in Wholesale and Retail Trade.

■ **DAIRY PRODUCTS**

This industry group includes establishments primarily engaged in: (1) manufacturing creamery butter; natural, processed, and imitation cheese; dry, condensed, and evaporated milk; ice cream and frozen dairy desserts; and special dairy products, such as yogurt and malted milk; and (2) processing (pasteurizing, homogenizing, vitaminizing, bottling) fluid milk and cream for wholesale or retail distribution. Independently operated milk receiving stations primarily engaged in the assembly and reshipment of bulk milk for use in manufacturing or processing plants are classified in Industry 5143.

2021

Creamery Butter: Establishments primarily engaged in manufacturing creamery butter.

2022

Natural, Processed, and Imitation Cheese: Establishments primarily engaged in manufacturing natural cheese (except cottage cheese), processed cheese, cheese foods, cheese spreads, and cheese analogs (imitation and substitutions). These establishments also produce byproducts, such as raw liquid whey. Establishments primarily engaged in manufacturing cottage cheese are classified in Industry 2026, and those manufacturing cheese-based salad dressings are classified in Industry 2035.

2063 **Beet Sugar:** Primarily engaged in manufacturing sugar from sugar beets.

■ **BEVERAGES**

2086 **Bottled and Canned Soft Drinks and Carbonated Waters:** Primarily engaged in manufacturing soft drinks and carbonated waters. Establishments primarily engaged in manufacturing fruit and vegetable juices are classified in Industry Group 203; those manufacturing fruit syrups for flavoring are classified in Industry 2087; and those manufacturing nonalcoholic cider are classified in Industry 2099. Establishments primarily engaged in bottling natural spring waters are classified in Wholesale Trade, Industry 5149.

■ **MISCELLANEOUS FOOD PREPARATIONS AND KINDRED PRODUCTS**

2098 **Macaroni, Spaghetti, Vermicelli, and Noodles:** Primarily engaged in manufacturing dry macaroni, spaghetti, vermicelli, and noodles, Establishments primarily engaged in manufacturing canned macaroni and spaghetti are classified in Industry 2032, and those manufacturing dried noodles, such as Chinese noodles, are classified in Industry 2099.

2099 **Food Preparations, Not Elsewhere Classified:** Primarily engaged in manufacturing prepared foods and miscellaneous food specialties, not elsewhere classified, such as baking powder, yeast, and other leavening compounds; peanut butter; packaged tea, including instant; ground spices; and vinegar and cider. Also included in this industry are establishments primarily engaged in manufacturing dry preparations, except four mixes, consisting of pasta, rice, potatoes, textured vegetable protein and similar products which are packaged with other ingredients to be prepared and cooked by the consumer.

Major Group 22 – TEXTILE MILL PRODUCTS

■ **BROADWOVEN FABRIC MILLS, MANMADE FIBER AND SILK**

2211 **Broadwoven Fabric Mills, Cotton:** Establishments primarily engaged in weaving fabrics more than 12 inches (30.48 centimeters) in width, wholly or chiefly by weight of cotton. Establishments primarily engaged in weaving or tufting carpet and rugs are classified in Industry 2273; those making tire cord and fabrics are classified in Industry 2296; and those engaged in finishing cotton broadwoven fabrics are classified in Industry 2261.

2221 **Broadwoven Fabric Mills, Manmade Fiber & Silk:** Establishments primarily engaged in weaving fabrics more than 12 inches (30.48 centimeters) in width, wholly or chiefly by weight of silk & manmade fibers including glass. Establishments primarily engaged in weaving or tufting carpets & rugs from these fibers are classified in Industry 2273; those manufacturing tire cord & fabrics are classified in Industry 2296; & those engaged in finishing manmade fiber & silk broadwoven goods are classified in Industry 2262.

■ **MISCELLANEOUS TEXTILE GOODS**

2295

Coated Fabrics, Not Rubberized: Establishments primarily engaged in manufacturing coated, impregnated, or laminated textiles, and in the special finishing of textiles, such as varnishing and waxing. Establishments primarily engaged in rubberizing purchased fabrics are classified in Industry 3069, and those engaged in dyeing and finishing textiles are classified in Industry Group 226 or Industry 2231.

Major Group 27 – PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

■ **NEWSPAPERS: PUBLISHING, OR PUBLISHING AND PRINTING**

2711

Newspapers: Publishing, or Publishing and Printing: Primarily engaged in publishing newspapers, or in publishing and printing newspapers. These establishments carry on the various operations necessary for issuing newspapers, including the gathering of news and the preparation of editorials and advertisements, but may or may not perform their own printing. Commercial printing is frequently carried on by establishments engaged in publishing and printing newspapers, but even though the commercial printing may be of major importance, such as establishments are included in this industry. Establishments not engaged in publishing newspapers, but which print newspapers for publishers, are classified in Industry Group 275. News syndicates are classified in Services, Industry 7383.

Major Group 28 – CHEMICALS AND ALLIED PRODUCTS

■ **CHEMICALS AND ALLIED PRODUCTS**

2813

Industrial Gases: Establishments primarily engaged in manufacturing industrial gases (including organic) for sale in compressed, liquid, and solid forms. Establishments primarily engaged in manufacturing fluorine and sulfur dioxide are classified in Industry 2819; those manufacturing household ammonia are classified in Industry 2842; those manufacturing other ammonia are classified in Industry 2873; those manufacturing chlorine are classified in Industry 2812; and those manufacturing fluorocarbon gases are classified in Industry 2869. Distributors of industrial gases and establishments primarily engaged in shipping liquid oxygen are classified in Wholesale Trade, Industry 5169; Acetylene argon, carbon dioxide, dry ice (solid carbon dioxide), gases, industrial: compressed, liquefied or solid, helium, hydrogen, neon, nitrogen, nitrous oxide & oxygen (compressed & liquefied).

■ **AGRICULTURAL CHEMICALS**

2873

Nitrogenous Fertilizers: Establishments primarily engaged in manufacturing nitrogenous fertilizer materials or mixed-fertilizers from nitrogenous materials produced in the same establishment. Included are ammonia fertilizer compounds and anhydrous ammonia, nitric acid, ammonium nitrate, ammonium sulfate and nitrogen solutions, urea, and natural organic fertilizers (except compost) and mixtures. Ammonia liquor, ammonium nitrate & sulfate, anhydrous ammonia, aqua ammonia, made in ammonia

plants, fertilizers, mixed: made in plants producing nitrogenous fertilizer materials, fertilizers: natural (organic), except compost, nitric acid, nitrogen solutions (fertilizer), plant foods, mixed: made in plants producing nitrogenous fertilizer materials, urea,

2874

Phosphatic Fertilizers: Primarily engaged in manufacturing phosphatic fertilizer materials, or mixed fertilizers from phosphatic materials produced in the same establishment. Included are phosphoric acid; normal, enriched, and concentrated superphosphates; ammonium phosphates; nitro-phosphates; and calcium meta-phosphates. Ammonium phosphates, diammonium phosphates, fertilizers, mixed: made in plants producing phosphatic fertilizer materials, phosphoric acid, plant foods, mixed: made in plants producing phosphatic fertilizer materials. Superphosphates, ammoniated and not ammoniated.

2875

Fertilizers, Mixing Only: Primarily engaged in mixing fertilizers from purchased fertilizer materials. Compost, fertilizers, mixed: made in plants not manufacturing fertilizer materials, potting soil, mixed.

2879

Pesticides and Agricultural Chemicals, Not Elsewhere Classified: Primarily engaged in the formulation and preparation of ready-to-use agricultural and household pest control chemicals, including insecticides, fungicides, and herbicides, from technical chemicals or concentrates; and the production of concentrates which require further processing before use as agricultural pesticides. This industry also includes establishments primarily engaged in manufacturing or formulating agricultural chemicals, not elsewhere classified, such as minor or trace elements and soil conditioners. Establishments primarily engaged in manufacturing basic or technical agricultural pest control chemicals are classified in Industry Group 281 if the chemicals are inorganic and in Industry Group 286 if they are organic. Establishments primarily engaged in manufacturing agricultural lime products are classified in Major Group 32.

■ MISCELLANEOUS CHEMICAL PRODUCTS

2892

Explosives: Primarily engaged in manufacturing explosives. Establishments primarily engaged in manufacturing ammunition for small arms are classified in Industry 3482, and those manufacturing fireworks are classified in Industry 2899.

2899

Chemicals and Chemical Preparations, Not Elsewhere Classified: Primarily engaged in manufacturing miscellaneous chemical preparations, not elsewhere classified, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry sours, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, metal, oil and water treating compounds, waterproofing compounds, and chemical supplies for foundries.

Major Group 29 – PETROLEUM REFINING AND RELATED INDUSTRIES

■ PETROLEUM REFINING

2911 **Petroleum Refining:** Primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation or straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes. Establishments of this industry also produce aliphatic and aromatic chemicals as byproducts. Establishments primarily engaged in producing natural gasoline from natural gas are classified in mining industries. Those manufacturing lubricating oils and greases by blending and compounding purchased materials are included in Industry 2992. Establishments primarily re-refining used lubricating oils are classified in Industry 2992. Establishments primarily engaged in manufacturing cyclic and acyclic organic chemicals are classified in Major Group 28.

■ ASPHALT PAVING AND ROOFING MATERIALS

2951 **Asphalt Paving Mixtures & Blocks:** Primarily engaged in manufacturing asphalt & tar paving mixtures; & having paving blocks made of asphalt & various compositions of asphalt or tar with other materials.

■ MISCELLANEOUS PRODUCTS OF PETROLEUM AND COAL

2992 **Lubricating Oils and Greases:** Primarily engaged in blending, compounding, and re-refining lubricating oils and greases from purchased mineral, animal, and vegetable materials. Petroleum refineries engaged in the production of lubricating oils and greases are classified in Industry 2911.

Major Group 32 – STONE, CLAY, GLASS, AND CONCRETE PRODUCTS

■ GLASS PRODUCTS, MADE OF PURCHASED GLASS

3231 **Glass Products, Made of Purchased Glass:** Primarily engaged in manufacturing glass products from purchased glass and primarily engaged in manufacturing optical lenses, except ophthalmic, are classified in Industry 3827, and those manufacturing ophthalmic lenses are classified in Industry 3851.

■ CONCRETE PRODUCTS – CEMENT, HYDRAULIC

3241 **Cement, Hydraulic:** Primarily engaged in manufacturing hydraulic cement, including portland, natural, masonry, and pozzolana cements.

■ STRUCTURAL CLAY PRODUCTS

3251 **Brick and Structural Clay Tile:** Primarily engaged in manufacturing brick and structural clay tile. Establishments primarily engaged in manufacturing clay firebrick are classified in Industry 3255; those manufacturing non-clay firebrick are classified in Industry 3297; those manufacturing sand lime brick

are classified in Industry 3299; and those manufacturing glass brick are classified in Industry 3229.

3252 Ceramic Wall and Floor Tile: Primarily engaged in manufacturing ceramic wall and floor tile. Establishments primarily engaged in manufacturing structural clay tile are classified in Industry 3251, and those manufacturing drain tile are classified in Industry 3259.

3255 Clay Refractories: Primarily engaged in manufacturing clay firebrick and other heat resisting clay products. Establishments primarily engaged in manufacturing nonclay refractories and all graphite refractories, whether of carbon bond or ceramic bond, are classified in Industry 3297.

3259 Structural Clay Products, Not Elsewhere Classified: Primarily engaged in manufacturing clay sewer pipe and structural clay products, not elsewhere classified.

■ CONCRETE, GYPSUM, AND PLASTER PRODUCTS

3271 Concrete Block and Brick: Primarily engaged in manufacturing concrete building block and brick from a combination of cement and aggregate. Contractors engaged in concrete construction work are classified in Division C, Construction and establishments primarily engaged in mixing and delivering ready-mixed concrete are classified in Industry 3273.

3272 Concrete Products, Except Block and Brick: Primarily engaged in manufacturing concrete products, except block and brick, from a combination of cement and aggregate. Contractors engaged in concrete construction work are classified in Division C, Construction, and establishments primarily engaged in mixing and delivering ready-mixed concrete are classified in Industry 3273.

3273 Ready-Mixed Concrete: Primarily engaged in manufacturing portland cement concrete manufactured and delivered to a purchaser in a plastic and unhardened state. This industry includes production and sale of central-mixed concrete, shrink-mixed concrete, and truck-mixed concrete.

3274 Lime: Primarily engaged in manufacturing quicklime, hydrated lime, and “dead-burned” dolomite from limestone, dolomite shells, or other substances.

3275 Gypsum Products: Primarily engaged in manufacturing plaster, plasterboard, and other products composed wholly and chiefly of gypsum, except articles of plaster or paris and papier-mache.

■ ABRASIVE, ASBESTOS, AND MISCELLANEOUS NONMETALLIC MINERAL PRODUCTS

3297 Nonclay Refractories: Primarily engaged in manufacturing and crucibles made of materials other than clay. This industry includes establishments primarily engaged in manufacturing all graphite refractories, whether of carbon bond or ceramic bond. Establishments primarily engaged in manufacturing clay refractories are classified in Industry 3255.

3298

Nonmetallic Mineral Products, Not Elsewhere Classified: Primarily engaged in the factory production of goods made of plaster of paris and papier-mache, and in manufacturing sand lime products and other nonmetallic products, not elsewhere classified.

Major Group 35 – INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT

■ **FARM AND GARDEN MACHINERY AND EQUIPMENT**

3523

Farm Machinery and Equipment: Primarily engaged in manufacturing farm machinery and equipment, including wheel tractors, for use in the preparation and maintenance of the soil; planting and harvesting of the crop; preparing crops for market on the farm; or for use in performing other farm operations and processes. Included in this industry are establishments primarily engaged in manufacturing commercial mowing and other turf and grounds care equipment. Establishments primarily engaged in manufacturing farm hand tools are classified in Industry Group 342, and those manufacturing garden tractors, lawnmowers and other lawn and garden equipment are classified in Industry 3524.

Major Group 36 – ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT

■ **ELECTRONIC COMPONENTS AND ACCESSORIES**

3671

Electron Tubes: Establishments primarily engaged in manufacturing electron tubes and tube parts. Establishments primarily engaged in manufacturing X-ray tubes and parts are classified in Industry 3844.

3672

Printed Circuit Boards: Establishments primarily engaged in manufacturing printed circuit boards.

Major Group 37 – TRANSPORTATION EQUIPMENT

■ **MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT**

3711

Motor Vehicles and Passenger Car Bodies: Primarily engaged in manufacturing and assembling complete passenger automobiles, trucks, commercial cars and buses, and special purpose motor vehicles, which are for highway, use. This industry also includes establishments primarily engaged in manufacturing chassis and passenger car bodies. Such establishments may also manufacture motor vehicle parts, but establishments primarily engaged in manufacturing motor vehicle parts except chassis and passenger car bodies are classified in Industry 3714. Establishments primarily engaged in manufacturing truck and bus bodies and in assembling them on purchased chassis are classified in Industry 3713; those manufacturing motor homes on purchased chassis are classified in Industry 3716; those manufacturing motorcycles are classified in Industry 3751; those manufacturing industrial tractors are classified in Industry 3537; those manufacturing other wheel tractors, except contractors off-highway types, are classified in Industry 3523; those manufacturing tracklaying and contractors' off-highway type tractors are classified in Industry 3531; those

manufacturing combat tanks and self-propelled weapons are classified in Industry 3795; and those manufacturing stamped body parts for passenger cars are classified in Industry 3465.

- 3712** **Truck and Bus Bodies:** Primarily engaged in manufacturing truck and bus bodies and cabs for sale separately or for assembly on purchased chassis, or in assembling truck and bus bodies on purchased chassis. Establishments primarily engaged in manufacturing complete trucks and buses are classified in Industry 3711; those manufacturing stamped body parts for trucks and buses are classified in Industry 3465; those manufacturing truck trailers and demountable cargo containers are classified in Industry 3715; those manufacturing cabs for agricultural tractors are classified in Industry 3523, those manufacturing cabs for industrial trucks are classified in Industry 3537; and those manufacturing cabs for off-highway construction trucks are classified in Industry 3531.
- 3713** **Motor Vehicle Parts and Accessories:** Primarily engaged in manufacturing motor vehicle parts and accessories, but not engaged in manufacturing complete motor vehicles or passenger car bodies. Establishments primarily engaged in manufacturing or assembling complete automobiles and trucks are classified in Industry 3711; those manufacturing tires and tubes are classified in Industry 3011; those manufacturing automobile glass are classified in Major Group 32; those manufacturing automobile stampings are classified in Industry 3465; those manufacturing vehicular lighting equipment are classified in Industry 3647; those manufacturing ignition systems are classified in Industry 3694; those manufacturing storage batteries are classified in Industry 3691; and those manufacturing carburetors, pistons, piston rings, and engine intake and exhaust valves are classified in Industry 3592.
- 3714** **Truck Trailers:** Primarily engaged in manufacturing truck trailers, truck trailer chassis for sale separately, detachable trailer bodies (cargo containers) for sale separately, and detachable trailer (cargo containers) chassis, for sale separately.
- 3715** **Motor Homes:** Primarily engaged in manufacturing self-contained motor homes on purchased chassis. Establishments engaged in manufacturing self-contained motor homes on chassis manufactured in the same establishment are classified in Industry 3711. Establishments primarily engaged in manufacturing mobile homes are classified in Industry 2451; and those manufacturing travel trailers and pickup campers are classified in Industry 3792. Establishments primarily engaged in van conversion on a custom basis are classified in Services, Industry 7532.

Major Group 42 – MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING

■ PUBLIC WAREHOUSE & STORAGE

- 4221** **Farm Product Warehousing & Storage:** Primarily engaged in the warehousing & storage of farm products. - Elevators

- 4222 **Refrigerated Warehousing & Storage:** Primarily engaged in the warehousing & storage of perishable goods under refrigeration.
- 4225 **General Warehousing and Storage:** Primarily engaged in the warehousing and storage of a general line of goods. The warehousing of goods at foreign trade zones is classified in Industry 4226. Field warehousing is classified in Services, Industry 7389.
- 4226 **Special Warehousing and Storage, Not Elsewhere Classified:** Establishments primarily engaged in the warehousing and storage of special products, not elsewhere classified, such as household goods, automobiles (dead storage only), furs (for the trade), textiles, whiskey, and goods at foreign trade zones.

Major Group 45 – TRANSPORTATION BY AIR

- **AIR TRANSPORTATION, SCHEDULED & AIR COURIER SERVICES**

- 4512 **Air Transportation, Scheduled:** Primarily engaged in furnishing air transportation over regular routes & on regular schedules.

- **AIR TRANSPORTATION, NONSCHEDULED**

- 4522 **Air Transportation, Nonscheduled:** Primarily engaged in furnishing nonscheduled air transportation. Also included in this industry are establishments engaged in furnishing air taxi services and helicopter passenger transportation services.

- **AIRPORTS, FLYING FIELDS, AND AIRPORT TERMINAL SERVICES**

- 4581 **Airports, Flying Fields, and Airport Terminal Services:** Primarily engaged in operating and maintaining airports and flying fields; in servicing, repairing (except on a factory basis), maintaining, and storing aircraft; and in furnishing coordinated handling services for airfreight or passengers at airports. This industry also includes private establishments primarily engaged in air traffic control operations. Government air traffic control operations are classified in Public Administration, Industry 9621. Aircraft modification centers and establishments primarily engaged in factory type overhaul or aircraft are classified in manufacturing, Major Group 37, and flying fields maintained by aviation clubs are classified in Services, Industry 7997.

Major Group 46 – PIPELINES, EXCEPT NATURAL GAS

- **PIPELINES, EXCEPT NATURAL GAS**

- 4612 **Crude Petroleum Pipelines:** Primarily engaged in the pipeline transportation of crude petroleum. Field gathering lines are classified in Mining, Major Group 13.
- 4613 **Refined Petroleum Pipelines:** Primarily engaged in the pipeline transportation of refined products of petroleum, such as gasoline and fuel oil.

4619 **Pipelines, Not Elsewhere Classified:** Primarily engaged in the pipeline transportation of commodities, except crude petroleum, refined products of petroleum, & natural gas.

Major Group 48 – COMMUNICATIONS

■ **TELEPHONE COMMUNICATIONS**

4812 **Radiotelephone Communications:** Primarily engaged in providing two-way radiotelephone communications services, such as cellular telephone services. This industry also includes establishments primarily engaged in providing telephone paging and beeper services and those engaged in leasing telephone lines or other methods of telephone transmission, such as optical fiber lines and microwave or satellite facilities, and reselling the use of such methods to others.

4813 **Telephone Communications, Except Radiotelephone:** Primarily engaged in furnishing telephone voice and data communications, except radiotelephone and telephone answering services. This industry also includes establishments primarily engaged in leasing telephone lines or other methods of telephone transmission, such as optical fiber lines and microwave or satellite facilities, and reselling using the use of such methods to others.

■ **RADIO AND TELEVISION BROADCASTING STATIONS**

4833 **Television Broadcasting Stations:** Primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included here are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified in Services, Industry 7812. Establishments primarily engaged in furnishing cable and other pay television services are classified in Industry 4841.

Major Group 49 – ELECTRIC, GAS, AND SANITARY SERVICES

■ **ELECTRIC SERVICES**

4911 **Electric Services:** Engaged in the generation, transmission, and/or distribution of electric energy for sale.

■ **GAS PRODUCTION AND DISTRIBUTION**

4922 **Natural Gas Transmission:** Engaged in the transmission and/or storage of natural gas for sale.

4923 **Natural Gas Transmission & Distribution:** Engaged in both the transmission and distribution of natural gas for sale.

4924 **Natural Gas Distribution:** Engaged in the distribution of natural gas for sale.

4925

Mixed, Manufactured, or Liquefied Petroleum Gas

Production and/or Distribution: Engaged in the manufacture and/or distribution of gas for sale, including mixtures of manufactured with natural gas. Establishments distributing (LP) gas in steel containers are classified in Retail Trade, Industry 5984.

■ **COMBINATION ELECTRIC AND GAS, & OTHER UTILITY SERVICES**

4931

Electric & Other Services Combined: Primarily engaged in providing electric services in combination with other services, with electric services as the major part through less than 95% of the total.

4932

Gas & Other Services Combined: Primarily engaged in providing gas services in combination with other services, with gas services as the major part through less than 95% of the total.

4939

Combination Utilities, Not Elsewhere Classified: Primarily engaged in providing combinations of electric, gas & other services, not elsewhere classified.

■ **WATER SUPPLY**

4941

Water Supply: Primarily engaged in distributing water for sale for domestic, commercial, and industrial use. Systems distributing water primarily for irrigation service are classified in Industry 4971.

■ **IRRIGATION SYSTEMS**

4971

Irrigation Systems: Primarily engaged in operating water supply systems for the purpose of irrigation. Establishments primarily engaged in operating irrigation systems for others, but which do not themselves provide water, are classified in Agricultural Services, Industry 0721.

Major Group 50 – WHOLESALE TRADE-DURABLE GOODS

■ **LUMBER AND OTHER CONSTRUCTION MATERIALS**

5032

Brick, Stone, & Related Construction Materials: Primarily engaged in the wholesale distribution of stone, cement, lime, construction sand, & gravel; brick (except refractory); asphalt & concrete mixtures; & concrete, stone, & structural clay products (other than refractories).

■ **MACHINERY, EQUIPMENT, AND SUPPLIES**

5082

Construction and Mining (Except Petroleum) Machinery and Equipment: Establishments primarily engaged in wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-moving equipment and other specialized machinery and equipment used in the construction, mining, and logging industries. Establishments engaged in marketing oil well machinery and equipment are classified in Industry 5084.

5083

Farm and Garden Machinery and Equipment: Establishments primarily engaged in the wholesale distribution or agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden; and dairy and other livestock equipment.

■ MISCELLANEOUS DURABLE GOODS

5093

Scrap and Waste Materials: Primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waster materials. This industry includes auto wreckers engaged in dismantling automobiles for scrap. However, those engaged in dismantling cars for the purpose of selling secondhand parts are classified in Industry 5015.

Major Group 51 – WHOLESALE TRADE-NONDURABLE GOODS

■ GROCERIES AND RELATED TOPICS

5143

Dairy Products, Except Dried or Canned: Establishments primarily engaged in the wholesale distribution of dairy products, such as butter, cheese, ice cream and ices, and fluid milk and cream. This industry does not include establishments primarily engaged in pasteurizing and bottling milk, which are classified in Manufacturing, Industry Group 202. Establishments primarily engaged in the wholesale distribution of dried or canned dairy products are classified in Industry 5149.

■ FARM-PRODUCT RAW MATERIALS

5153

Grain and Field Beans: Primarily engaged in buying and/or marketing grain (such as corn, wheat, oats, barley & unpolished rice); dry beans; soybeans, and other inedible beans. Country grain elevators primarily engaged in buying or receiving grain from farmers are included, as well as terminal elevators and other merchants marketing grain.

■ CHEMICALS AND ALLIED PRODUCTS

5169

Chemicals & Allied Products, Not Elsewhere Classified: Establishments primarily engaged in the wholesale distribution of chemicals & allied products, not elsewhere classified, such as acids, industrial & heavy chemicals, dyestuffs, industrial salts, rosin, & turpentine.

■ PETROLEUM AND PETROLEUM PRODUCTS

5171

Petroleum Bulk Stations & Terminals: Primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum (LP) gas, from bulk liquid storage facilities.

5172

Petroleum & Petroleum Products Wholesalers, Except Bulk Stations & Terminals: Primarily engaged in the wholesale distribution of petroleum & petroleum products, except those with bulk liquid storage facilities. Included are packaged and bottled petroleum products distributors, truck jobbers, and others

marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

■ **MISCELLANEOUS NONDURABLE GOODS**

5191

Farm Supplies: Primarily engaged in the wholesale distribution of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds, and other farm supplies, except grains.

Major Group 54 – FOOD STORES

This major group includes retail stores primarily engaged in selling food for home preparation and consumption. Establishments primarily engaged in selling prepared foods and drinks for consumption on the premises are classified in Major Group 58, and stores primarily engaged in selling packaged beers and liquors are classified in Industry 5921.

■ **GROCERY STORES**

5411

Grocery Stores: Stores commonly known as supermarkets, food stores, and grocery stores, primarily engaged in the retail sale of all sorts of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry.

Major Group 55 – AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS

■ **GASOLINE SERVICE STATIONS**

5541

Gasoline service stations: Primarily engaged in selling gasoline and lubricating oils. These establishments frequently sell other merchandise, such as tires, batteries, and other automobile parts, or perform minor repair work. Gasoline stations combined with other activities, such as grocery stores, convenience stores, or carwashes, are classified according to their primary activity.

Major Group 59 – MISCELLANEOUS RETAIL

■ **NONSTORE RETAILERS**

5984

Liquefied Petroleum Gas (Bottled) Dealers: Establishments primarily engaged in the retail sale of bottled or bulk liquefied petroleum (LP) gas.

Major Group 73 – BUSINESS SERVICES

■ **SERVICES TO DWELLINGS AND OTHER BUILDINGS**

7342

Disinfecting and Pest Control Services: Establishments primarily engaged in disinfecting dwellings and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings. Establishments primarily engaged in pest control for lawns or agricultural production are classified in Division A, Agriculture.

Major Group 79 – AMUSEMENT AND RECREATION SERVICES

■ **MISCELLANEOUS AMUSEMENT AND RECREATION SERVICES**

7991

Physical Fitness Facilities: Establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning, whether or not on a membership basis. Also included in this industry are establishments providing aerobic dance and exercise classes. Sports and recreation clubs are classified in Industry 7997 if operated on a membership basis, and in Industry 7992 or 7999 if open to the general public. Health resorts and spas providing lodging are classified in Major Group 70. Establishments that promote physical fitness through diet control are classified in Industry 7299.

Major Group 80 – HEALTH SERVICES

■ **NURSING AND PERSONAL CARE FACILITIES**

8051

Skilled Nursing Care Facilities: Primarily engaged in providing inpatient nursing and rehabilitative services to patients who require continuous health care, but not hospital services. Care must be ordered by and under the direction of a physician. The staff must include a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs.

8052

Intermediate Care Facilities: Primarily engaged in providing inpatient nursing and rehabilitative services, but not on a continuous. Staffing must include 24-hour per day personnel with a licensed nurse on duty full-time during each day shift. At least once a week, consultation from a registered nurse on the delivery of care is required. Included are facilities certified to deliver intermediate care under the Medicaid program.

8059

Nursing and Personal Care Facilities, Not Elsewhere Classified: Primarily engaged in providing some nursing and/or health related care to patients who do not require the degree of care and treatment that a skilled or intermediate care facility is designed to provide. Patients in these facilities, because of their mental or physical condition, require some nursing care, including the administering of medications and treatments or the supervision of self-administered medications in accordance with a physician's orders. Establishments primarily engaged in providing day-to-day personal care without supervision of the delivery of health services prescribed by a physician are classified in Industry 8361.

■ **HOSPITALS – 806**

This group includes establishments engaged in providing diagnostic services, extensive medical treatment including surgical services, & other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds, & equipment & facilities to provide complete health care.

- 8062 **General Medical and Surgical Hospitals:** Establishments primarily engaged in providing general medical and surgical services and other hospital services. Specialty hospitals are classified in Industry 8063 and 8069.
- 8063 **Psychiatric Hospitals:** Establishments primarily engaged in providing diagnostic medical services and inpatient treatment for the mentally ill. Establishments, known as hospitals, primarily engaged in providing health care for the mentally retarded are classified in Industry 8051.
- 8069 **Specialty Hospitals, Except Psychiatric:** Establishments primarily engaged in providing diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental. Psychiatric hospitals are classified in Industry 8063.

Major Group 82 – EDUCATIONAL SERVICES

- **ELEMENTARY AND SECONDARY SCHOOLS**

- 8211 **Elementary & Secondary Schools:** Elementary & secondary schools furnishing academic courses, ordinarily for kindergarten through grade 12. Included in this industry are parochial schools and military academies furnishing academic courses for kindergarten through grade 12, and secondary schools which furnish both academic and technical courses.

- **COLLEGES, UNIVERSITIES, PROFESSIONAL SCHOOLS, AND JUNIOR COLLEGES**

- 8221 **Colleges, Universities, & Professional Schools:** Colleges, universities, and professional schools furnishing academic courses and granting academic degrees.
- 8222 **Junior Colleges & Technical Institutes:** Junior colleges and technical institutes furnishing academic, or academic and technical, courses and granting associate academic degrees, certificates, or diplomas.

Major Group 83 – SOCIAL SERVICES

This major group includes establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and the disadvantaged.

- **RESIDENTIAL CARE - 836**

- 8361 **Residential Care:** Primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. Boarding schools providing elementary and secondary education are classified in Industry 8211. Establishments primarily engaged in providing nursing and health-related personal care are classified in Industry Group 805.

Major Group 86 – MEMBERSHIP ORGANIZATIONS

■ RELIGIOUS ORGANIZATIONS - 866

- 8661** **Religious Organizations:** Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities. Other establishments maintained by religious organizations, such as educational institutions, hospitals, publishing houses, reading rooms, social services, and secondhand stores, are classified according to primary activity. Also included in this industry are religious groups which reach the public through radio or television media. Establishments of such religious groups which produce taped religious programming for television are classified in Industry 7812, and those which produce live religious programs are classified in Industry 7922. Establishments of such groups which operate radio or television stations are classified in Communications, Major Group 48.

Major Group 89 – PRIVATE HOUSEHOLDS

■ SERVICES, NOT ELSEWHERE CLASSIFIED - 899

- 8999** **Services, Not Elsewhere Classified:** Establishments primarily providing services, not elsewhere classified, such as authors, lecturers, radio commentators, song writers, weather forecasters, writers, and artists working on their own account. Establishments primarily providing commercial art services are classified in Industry 7336.

Major Group 95 – ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS

■ ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS

- 9512** **Land, Mineral, Wildlife, and Forest Conservation:** Government establishments primarily engaged in regulation, supervision & control of land use, including recreational areas; conservation & preservation of natural resources; control of wind & water erosion; & the administration & protection of publicly & privately owned forest lands, including pest control. Planning, management, regulation, & conservation of game, fish, & wildlife populations, including wildlife management areas & field stations; & other matters relating to the protection of fish, game, & wildlife are also classified here.

Major Group 96 – ADMINISTRATION OF ECONOMIC PROGRAMS

■ REGULATION AND ADMINISTRATION OF TRANSPORTATION PROGRAMS

- 9621** **Regulation & Administration of Transportation Programs:** Government establishments primarily engaged in regulation, licensing, planning, inspection & investigation of transportation services & facilities.

- **REGULATION & ADMINISTRATION OF COMMUNICATIONS, ELECTRIC, GAS & OTHER UTILITIES**

9631

Regulation & Administration of Communications, Electric, Gas & Other Utilities: Government establishments primarily engaged in regulation, licensing and inspection of communications, electric (including nuclear), gas, water, sewer, and other utilities. Operators of utilities are classified in Transportation and Public Utilities, Division E.

- **REGULATION OF AGRICULTURAL MARKETING AND COMMODITIES**

9641

Regulation of Agricultural Marketing and Commodities: Government establishments primarily engaged in planning, administration, and coordination of agricultural programs for production, marketing, and utilization, including related research, educational, and promotional activities. Establishments responsible for regulating and controlling the grading, inspection, and warehousing of agricultural products; the grading and inspection of foods; and the handling of plants and animals are classified here. Government establishments primarily engaged in administration of programs for developing economic data about agriculture and trade in agricultural products are classified in Industry 9611. Government establishments primarily engaged in programs for conservation of agricultural resources are classified in Industry 9512. Government establishments primarily engaged in programs to provide food to people are classified in Industry 9441.

Major Group 97 – NATIONAL SECURITY AND INTERNATIONAL AFFAIRS

- **NATIONAL SECURITY**

9711

National Security: Establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities. Air Force, Army, Marine Corps, National Guard, Military Training Schools & Navy.



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■ **REPORTING REQUIREMENTS CHECKLIST**

Have you provided the following documentation?

_____ Tier II Hazardous Chemical Inventory Report Form (Tier II), with original signature and date

_____ Hazardous Chemical Inventory Fee Statement with check or money order in the correct amount, payable to the "North Dakota Department of Emergency Services". **NOTE: WE ARE UNABLE TO ACCEPT CREDIT CARD PAYMENTS AT THIS TIME.**

Local, State and Federal Government entities, as well as schools, are Exempt from paying the hazardous chemical fee.

SEND TO: North Dakota Department of Emergency Services
Hazardous Chemicals Preparedness &
Response Program Coordinator
P.O. Box 5511
Bismarck, ND 58506-5511

_____ Copy of Hazardous Chemical Inventory Report Form (Tier II)

SEND TO: Your local Emergency Planning Committee (LEPC); (Send the Tier II to the county emergency manager) - County emergency manager listing included in packet.

_____ Copy of Hazardous Chemical Inventory Report Form (Tier II)

TO: Your local fire department



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HAZARDOUS CHEMICAL INVENTORY FEE & CERTIFICATION STATEMENT

NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES Phone: (701) 328-8112
NORTH DAKOTA DIVISION OF HOMELAND SECURITY
Hazardous Chemicals Preparedness and Response Program Coordinator
P.O. Box 5511
Bismarck, ND 58506-5511

See reverse side for instructions.

Mail completed form, fee and Tier II reporting form to the address listed above by March 1.

A. Facility Name
Street Address:
City, State, Zip Code to include Zip plus 4:
Contact for Correspondence on Fees & Tier II Report(s):
Name: Phone:

B. Fee Determination

The ND Hazardous Chemical fee is \$25.00 per substance per facility as reported on the Tier II form. There is a maximum fee of \$150.00 per facility. Check the appropriate box below based on the number of chemicals reported on the "Tier II Emergency and Hazardous Chemicals Inventory Report Form".

Table with 2 columns: Check Appropriate Box, Pay This Amount. Rows include 1 Chemical (\$25.00), 2 Chemicals (\$50.00), 3 Chemicals (\$75.00), 4 Chemicals (\$100.00), 5 Chemicals (\$125.00), 6 Chemicals or more (\$150.00).

FEE DUE: \$ _____

NOTE: WE ARE UNABLE TO ACCEPT CREDIT CARD PAYMENTS.
Make checks or money order payable to: ND Department of Emergency Services

Name and official title of owner/operator or owner/operator's authorized representative.

Signature

Date Signed

INSTRUCTIONS

NDCC 37-17.1-07.1 requires that a facility annually pay a fee when it submits the emergency and hazardous chemical inventory report form, required under Section 312 of Title III of the Federal Superfund Amendments and Reauthorization Act of 1986. Determine the fee owed on this form, after you have completed the “Emergency and Hazardous Chemical Inventory Report Form”.

SECTION A – FACILITY IDENTIFICATION

Facility means, “all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by a person which controls, is controlled by, or under common control with, such person)”.

Facility Name – Enter the business name of the facility.

Street Address, City, State, & Zip Code – Enter the street address, city, state, and zip code of the facility location. For oil wells, list the legal description (i.e., NW/4 Sec. 15, T150N-R86W)

Contact/Phone Number – Enter the name and telephone number of the person at your facility most familiar with this form.

SECTION B – FEE DETERMINATION

The fee is based on the number of chemicals reported on the “Tier II, Emergency and Hazardous Chemical Inventory Report Form”. The Hazardous Chemical Inventory Fee is: \$25.00 per substance per facility, with a maximum of \$150.00 per facility. Count the number of chemicals reported on that form and check the appropriate box.

The “Emergency and Hazardous Chemical Inventory Report Form” and “Hazardous Chemical Inventory Fee Statement” are due by March 1 of each year. **NOTE: We are unable to accept credit card payments.** Checks or money orders should be made payable to the “North Dakota Division of Emergency Management”, and mailed with the Tier II, Emergency and Hazardous Chemical Inventory report form and fee statement to:

**NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
Hazardous Chemicals Preparedness and Response Program Coordinator
P.O. Box 5511
Bismarck, ND 58506-5511**

If you need help in completing this form, or any other form associated with Tier II reporting, contact either Ray DeBoer - rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov, or at 701-328-8100.



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**STATE OF NORTH DAKOTA
TIER II FILING COVER SHEET
TIER TWO REPORTING WHEN USING TIER2 SUBMIT**

Please complete the following Owner/Operator and Facility information, sign the certification section and return this form with your fee and magnetic media submission by March 1, 2009 to: **North Dakota Department of Emergency Services, Hazardous Chemicals Preparedness & Response Program Coordinator, P.O. Box 5511, Bismarck, ND 58506-5511. For Fed Ex or UPS send to: ND Department of Emergency Services, Fraire Barracks Lane, Bldg #35, Fraire Barracks, Bismarck, ND 58504.** The software package currently accepted by the North Dakota Department of Emergency Services for use in electronic Tier Two reporting is the Environmental Protection Agency's **Tier2 Submit**. If your Local Emergency Planning Committee (LEPC) and your local fire department are not capable of accepting magnetic media, you must provide them with printed copies of your North Dakota Tier Two form(s). You may print them from the TIER 2 software program.

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted on the magnetic media file for the facilities listed on this certification and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and Official Title of Authorized Representative - Please Type or Print Legibly

Name _____ Title _____ Telephone: () _____

Signature (Required) _____ Date Signed _____

Data Processing Contact: _____ Telephone: () _____

Number of 3.5" Diskette(s) or CD's enclosed: _____

Owner/Operator: _____

Address: _____

City/State/Zip: _____

Name of North Dakota Facility	City	Zip Code	Number Of Chemicals

Total Number of Facilities Reported: _____ Total Fee Enclosed: \$ _____

Please make checks payable to the **North Dakota Department of Emergency Services**

NOTE: WE ARE UNABLE TO ACCEPT CREDIT CARDS FOR PAYMENT



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■ NORTH DAKOTA GUIDE FOR REPORTING FOR THE OIL FIELD INDUSTRY

- If you are reporting several contiguous leases as a single facility, make sure you provide an aggregate total for each chemical on the facility. This will help determine whether you meet or exceed the threshold planning quantity (TPQ).
- If you are reporting a field of contiguous leases, you must also provide a list with the names of the wells and/or tank batteries in the facility, their location by county and their township/range locations. You must also provide a map or sketch of the facility detailing the locations of the lease boundary lines and the wells and/or tank batteries.
- A generic Tier II form for multiple facilities with the same chemical(s) **WILL NOT** be accepted. It is acceptable to use a Tier II form of your design. **NOTE: It must contain the same information as the federal form, and be properly certified (signed and dated in a certification block) that has the same wording as the federal Tier II form.** We will accept the Tier2 Submit reporting form. Please print this in landscape form. **NORTH DAKOTA ENCOURAGES THE USE OF TIER2 SUBMIT SOFTWARE.** **NOTE: This software can be downloaded free of charge from the EPA website at: <http://www.epa.gov/osweroe1/content/epcra/statetier2.htm#northdakota>**
- Facility owners/operators are required to file Tier II reports when service or drilling companies have been on their properties with hazardous chemical(s) at or above the threshold planning quantity (TPQ) at any time during the reporting year. Service or drilling companies should file reports only for their own facilities.
- If you have any amount of hydrogen sulfide (H₂S) present on a facility at any time during the reporting year, make sure the fire district and the Local Emergency Planning Committee (LEPC) are informed. This is necessary even if the TPQ is not reached and there is no Tier II reporting requirement. (If you elect to report hydrogen sulfide on your Tier II, you will not be required to include a fee for this, **unless the quantity meets, or exceeds the TPQ**).
- If you did not receive a copy of the document entitled “Oil & Gas Production Industry Guidelines”, and you would like to have a copy of this document, contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at (701) 328-8100.



■ **Lead/Acid Batteries for Tier II Reporting in North Dakota**

Why is it important to report lead/acid batteries on a Tier II Inventory report?

Lead/acid batteries pose a substantial risk to the community at large and to emergency responders in a fire or other emergency. It is important to note that the sulfuric acid contained in these batteries has been listed by the U.S. Environmental Protection Agency (EPA) as an Extremely Hazardous Substance. Such listings are based on the following three criteria assessed by EPA:

- Widespread usage (sulfuric acid is the most widely used industrial chemical in the United States);
- High toxicity (sulfuric acid as a liquid or a mist is an extremely corrosive and poisonous material that is also water reactive and a possible cause for fires); and
- Wind dispersion (sulfuric acid can be readily spread by the wind either as a mist or as vapors from a liquid).

In addition, the following federal and state laws require you to notify state and local emergency planners if your facility stores hazardous chemicals above specific reporting thresholds:

- The federal Emergency Planning and Community Right-to-know Act (EPCRA), Sections 311 & 312.

These laws require covered facilities to submit a chemical inventory called a Tier Two report to state and local emergency planners in order to fulfill the notification requirement. In addition, emergency planners rely on Tier Two chemical inventories to develop risk-based emergency response plans. In other words, a facility must report the presence of batteries and sulfuric acid in quantities above Tier Two reporting thresholds because:

- This information has to be communicated to emergency planners and responders so that the proper types of protective gear and equipment can be used in any emergency responses that might involve batteries.
- State and federal laws require facilities to report the storage of significant quantities of hazardous chemicals.

Common Names and Locations for Lead/Acid Batteries

Some common names used to describe lead/acid batteries include: *storage cell, wet cell, gel cell, starved electrolyte cell, absorbed electrolyte cell, flooded cell, sealed cell, Valve Regulated Lead-Acid (VRLA), and maintenance free.*

These batteries may commonly be present in emergency power backup systems which are used for work areas containing communications equipment, computers (including personal computers), emergency lighting, and similar equipment. Batteries are also commonly found in vehicles (including cars, trucks, forklifts, motorcycles, etc.).

Reporting Batteries on the North Dakota Tier Two Report

Owners/operators whose facilities have lead/acid batteries are required to determine whether Tier Two reporting thresholds are exceeded:

- The reporting threshold for pure sulfuric acid is 500 pounds. *(The calculation for the weight of the pure sulfuric acid in batteries appears below, but all sulfuric acid at a facility must be included in determining if the reporting threshold is exceeded.)*
- In addition, if the weight of all of the reportable batteries exceeds 10,000 pounds, then these batteries must be listed on the Tier Two report separately from the sulfuric acid.

Owners/operators should survey all facility equipment and systems containing reportable* batteries to determine whether the reporting thresholds are exceeded for:

- The total weight of pure sulfuric acid contained in all of the reportable batteries, and
- The total weight of all of the reportable batteries.

**See Exemptions to determine if batteries are reportable (not exempt) from Tier Two reporting.)*

To determine if thresholds are exceeded, you will need specific information regarding the *weight of the battery*, the *percent of electrolyte* contained in the battery, and the *percentage of sulfuric acid* present in the electrolyte solution. This information can usually be obtained from the battery manufacturer or supplier, the battery label, or the Material Safety Data Sheet (MSDS) for the battery.

To determine the total weight of pure sulfuric acid contained in a battery, use the following calculation:

$$\begin{array}{l}
 \text{The Weight of the Battery} \\
 \times \quad \% \text{ Electrolyte in Battery} \\
 \hline
 \times \quad \% \text{ Sulfuric Acid in Electrolyte} \\
 \hline
 = \quad \text{Weight of pure Sulfuric Acid}
 \end{array}$$

Research indicates that the quantity of sulfuric acid in batteries varies from one brand to another. The weight of electrolyte in batteries may range from 10- 45% of the total weight of the battery, and the weight of sulfuric acid in battery electrolyte ranges from 20-40%.

If the percentage or concentration of electrolyte is not available for your battery brand, you may estimate the weight of sulfuric acid using the following formula:

$$\begin{array}{l}
 \text{Weight of reportable batteries} \\
 \times \quad 0.18 \\
 \hline
 = \quad \text{(Estimated) Weight of pure Sulfuric Acid}
 \end{array}$$

For example, if your facility has several reportable batteries with a total weight of 5,000 pounds, then an estimate of the total weight of pure sulfuric acid contained in the batteries is:

$$\begin{array}{r}
 5000 \text{ lbs.} \\
 \times \quad 0.18 \\
 \hline
 = 900 \text{ lbs.}
 \end{array}$$

In this case scenario, your facility WOULD be required to report the sulfuric acid (since the weight of pure sulfuric acid has exceeded the 500 lb. threshold), but would NOT be required to report the batteries (since the weight of the batteries did not exceed the 10,000 lb. threshold).

Please note that if a threshold is exceeded at any time during the year, the materials which exceed the threshold must be reported.

Exemptions

There are certain circumstances under which lead/acid batteries may not be reportable on the Tier Two report. The exemptions that may apply to batteries are as follow:

Consumer Product Exemption

To meet this exemption, the battery must meet EITHER of the following criteria:

- Must be used for only personal, family, or household purposes at the facility; OR
- Must be labeled in accordance with the regulations of the Consumer Product Safety Commission (CPSC) and be packaged (prior to installation) for sale to consumers.

In general, the following types of batteries are not consumer products (i.e., not available to the general public) and therefore are not covered by this exemption:

- Large batteries in a building (such as those used for power backup systems for telecommunications, computer systems, and lighting)
- Large batteries in electric forklifts

Batteries in vehicles may be covered by the exemption if they meet either of the two criteria. For a facility that has a fleet of vehicles, the exemption can be met if the batteries are bought from a manufacturer who sells the same product to the general public (i.e., who meets the CPSC labeling requirements). Small batteries in personal computers and other office equipment will also usually meet the criteria for the exemption. However, if either of the criteria is not met, this exemption does not apply.

Transportation Exemption

To meet this exemption, the battery must be in the process of being shipped to another location. The Transportation exemption only applies to materials under active shipping papers, and therefore does not apply to batteries installed in vehicles.

For further assistance on this issue, contact:

North Dakota Department of Emergency Services
Division of Homeland Security
Hazardous Chemicals Preparedness & Response Program
(800) 773-3259 (toll free in North Dakota)
(701) 328-8100, FAX (701) 328-8181

Our staff will be glad to offer any advice or assistance related to filing Tier Two reports in North Dakota.



ND Department of Emergency Services

PO Box 5511

Tel: (701) 328-8100

Email: nddes@nd.gov

Bismarck, ND 58506-5511

Fax: (701) 328-8181

Website: www.nd.gov/des

"Ensuring a safe and secure homeland for all North Dakotans"

Date: January 2, 2008

Dear Facility Owner/Operator:

In the reporting package letter that was mailed out to facility owner/operators during December 2006, and with the document entitled "Reporting Package Distribution and Back to Basics for Tier II Reporting" on the North Dakota Department of Emergency Services website, it was related that Tier II reports that did not contain all of the appropriate information would be returned for completion.

Your Tier II reporting paperwork is missing the following item(s):

- Missing Facility Identification information; such as street address, city, state, county, or zip code.
- Missing the Standard Industrial Classification (SIC) Code or Dun & Brad Number.
- Missing owner/operator information to include mailing address or telephone number.
- Missing Emergency Contact information, such as name of contact or telephone number.
- Missing the Chemical Abstract Service (CAS) number or Chemical name or Chemical EHS name or mixture information.
- Extremely Hazardous Substance (EHS) block not checked.
- Missing Physical & Health Hazard information.
- Missing Inventory information: Max Daily Amount (code), Average Daily Amount (code), or Number of Days On-Site (days).
- Missing Storage Codes (container type, pressure & Temperature) and Locations information.
- Missing information in the **Certification** block at bottom of Tier II, name & official title of owner/operator OR owner/operator's authorized representative, original or stamped signature or date signed.
- Missing site plans or maps of location where chemical is stored.
- Missing check for payment of hazardous chemical fee(s).

If you have any questions concerning Tier Two reporting procedures, contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov of our staff at (701) 328-8100.

Sincerely,

Ray DeBoer, Coordinator
ND Hazardous Chemicals Preparedness & Response Program

Enclosures

John Hoeven
Governor

Major General David Sprynczynatyk
Director - NDDDES

Greg M. Wilz
Director - Division of Homeland Security

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Director - Division of State Radio