ND Department of Emergency Services

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Ensuring a safe and secure homeland for all North Dakotans

Legal Notification #3 of Tier II changes – January 3, 2019

Important information, please read this completely. If you are no longer the person responsible for completing the Tier II Report(s) for your company, please pass this information along to the person who will be completing them. If you no longer own this facility, please contact us.

*********If you have submitted you report for this reporting year you do not need to do anything else.**

The only new change that is being implemented this year is: the payment is due within 60 days versus last year at 45 days

- **Tier II Payments** - You have the option to pay your Tier II fees by either check or credit card (Discover, Visa or Mastercard) and have 60 days from the date of the invoice to submit these fees. **Any fees not paid within these 60 days of the date on the invoice will be considered late and will be subject to the fines listed below:**
  - After 60 days from date of invoice – 40 percent of the fee for the facility
  - Additional 30 days after that – an additional 40 percent of the fee for the facility
  - Additional 60 days after original date – fine will be double the fee for the facility
  - After 6 months – company will be turned over to the States Attorney's Office and legal fees will be passed on to the company who is on the invoice and is delinquent

**All other information listed below is NOT new, just listed as reminders.

The annual Tier II Report is due **March 1, 2019** for reporting year 2018.

You will find a copy of the report that you submitted last year when you login using the ND Department of Emergency Services Hazardous Chemicals Preparedness and

Response Program web- based Tier II reporting software. Access to the software is located on the NDDES website: http://www.nd.gov/DES/planning/haz-chem/default.asp

Reminders when reporting:

- **The Physical and Health Hazards** have been broken into two separate categories by the US Environmental Protection Agency– **categories and descriptions are listed below:**

Physical Hazards

Flammable (gases, aerosols, liquids, or solids)
Gas under pressure
Explosive
Self-heating
Pyrophoric (liquid or solid)
Oxidizer (liquid, solid or gas)
Organic peroxide

Self-reactive
Pyrophoric gas
Corrosive to metal
In contact with water emits flammable gas
Combustible Dust
Hazard Not Otherwise Classified (HNOC)

Health Hazards

Carcinogenicity
Acute toxicity (any route of exposure)
Reproductive toxicity
Skin Corrosion or Irritation
Respiratory or Skin Sensitization
Serious eye damage or eye irritation
Specific target organ toxicity (single or repeated exposure)
Aspiration Hazard
Germ cell mutagenicity
Simple Asphyxiant
Hazard Not Otherwise Classified (HNOC)

- **Report filing deadline** - Any report that is **not filed by the deadline of March 1, 2019,** will be subject to a fine. The fines will be implemented as follows:
  - First day report is late – fine is 40 percent of the fee for the facility
  - After 30 days – an additional fine of 40 percent of the fee for the facility will be added
  - After 60 days – fine will be double the fee for the facility
  - After 6 months – company will be turned over to the States Attorney's Office and legal fees will be passed on to the company who has not filed and is delinquent
- If you have further questions please contact the Hazardous Chemical Officer at 701-328-8216. Also visit our website for further instructions: https://www.nd.gov/DES/planning/haz-chem/default.asp

- **Separating reports by county - All companies** that have facilities in different counties are required to split them by county and submit each county as a report.
  - You will need to make a copy of your report that was submitted for each county that you have facilities in and rename each copy: Company name - County.

- You will be able to rename them under non-submitted reports: click on edit report information.
- When you go into non-submitted reports, you will click on add/remove facilities on report- once in here you can either uncheck all facilities and then select the ones for that county **or** you can uncheck (individually) the ones that don't belong in the county.
- Once this is completed then you will submit those reports for each county.
- If your reports are filed individually, you do not need to combine them together.

- **Archiving of past reports** – login under ND Tier II Filing: Manage Companies and Facilities
  - click on Past reports
  - Under Submitted reports you will see the reports that you have submitted for the past 2 years
  - On the top there is now an All Past Reports and this will have every report listed that you have filed over the years
- **NAICS changes for RY2017** – these changes will be implemented in the 4th quarter of the year you can see the changes by going to the document attached or by viewing online at:

  https://www.naics.com/changes-from-2012-2017-naics-structures-highlights-highlights/

- **Use previous report instead of creating a new one.** You are able to go to past reports and then create a copy of the report you previously submitted and edit the report from there. This will keep the facility id number the same each year.
- **Facility Maps:** Due to the amount of facility maps being submitted without accurate information of where on site the chemical is being stored, we will only be allowing certain types of maps with certain labels. The following types of maps will be the only ones authorized for inclusion on the Tier II report- *(tanks and warehouses must be labeled)*
  See attached examples.
  - ✓ Google Earth Maps
  - ✓ CAD maps
  - ✓ Hand drawn maps
  - ✓ Pdf files

  If the map does not clearly identify where the chemicals are on the site, the report will be returned to you for correction.

- **GPS Information:** We have added a mapping capability within the report to help ensure the accuracy of the site location. The pin is movable. We expect that you review the map and move the pin if needed to the proper location to ensure accuracy. Place the pin on the main building or office on the site and the system will automatically fill in your latitude and longitude. It may be easier to put the map in satellite view instead of street view to see the buildings and location better. If you do not have a physical address you will need to enter your latitude and longitude and set the map marker from that.
- **Physical Address (street address) and Legal Description:** Due to the changing world of 911 and getting quicker response to facilities NDDES is requiring both physical address and legal description.

  Legal Description must be reported in the following order- **DO NOT USE** commas or any other delineation (example: / ; #. , etc.) between the legal description order.

  T145N R103W S9

  Physical Description is the actual address. If you need to obtain an address for a facility you will need to contact the 911 Coordinator in the county. If an address cannot be obtained then enter the **County** in which the facility is in, in this box.
- **Contact Information:** We have several reports with out of date contact information. This information is very important for emergency responders to contact personnel when an emergency occurs. Contacts such as owner operator, facility emergency coordinator, facility emergency contacts as well as tier II submitter will be required to be reviewed and updated. Also please check phone numbers as reviewers will be randomly checking on some contacts. Any contacts that are listed as 24 hour that cannot be reached will be returned and asked to be updated.
- **Check that the county is correct.** If you forget to do this, it will default to Adams County which is the first on the list.
- **When reviewing chemicals,** there is a box to check if a chemical falls below the reportable amounts (threshold planning quantity (TPQ), but you still wish to include it on the report.
- **Production/Salt water must now be reported** if it meets or exceeds the threshold planning quantity (TPQ) and production/saltwater that is made up and injected into a production or exploration site is subject to reporting with a threshold planning quantity (TPQ) of 10,000 pounds.

- **Copies of your reports need to be mailed to the LEPC's (Emergency Managers) and local fire departments.** Both lists can be found under links on our website at: http://www.nd.gov/DES/planning/haz-chem/default.asp.

If you no longer need to report this facility, please send a letter to: NDDES, Attn: Roxann Hopfauf, PO Box 5511, Bismarck, ND 58506-5511 or e-mail – rhopfauf@nd.gov , indicating this and the reason why.

If you have any questions concerning Tier II reporting procedures, contact either Jeff Thompson – jathompson@nd.gov, Randy Jacobson – rjacobson@nd.gov or Roxann Hopfauf – rhopfauf@nd.gov, or at (701) 328-8100.

Thanks, have a fantastic day!