

Wake County LEPC Right-to-Know Guidelines

Retail Gas Stations

The Wake County Local Planning Committee ("WC LEPC") **does not observe** the federal reporting thresholds for gasoline (75,000 gallons) and diesel fuel (100,000 gallons) at retail gas stations. The WC LEPC requires retail gas stations in Wake County to submit a Tier II for gasoline or diesel fuel stored in amounts of 55 gallons or 500 pounds at any one time, whichever is the greater amount. This 55/500 threshold is the same as that currently specified in the North Carolina Hazardous Chemicals Right To Know Act, NC General Statutes Section 95-194.

The WC LEPC has chosen to adopt the lower threshold for gasoline and diesel fuel under the authority granted to it by 40 CFR Section 370.20(b)(5), 40 CFR Section 370.25 (c) and Section 303(d)(3) of EPCRA. The LEPC finds that the lower thresholds are necessary to assist in the development and implementation of its emergency response planning obligations under EPCRA. In the preamble to EPA's final regulation establishing the higher thresholds for gasoline and diesel fuel, EPA recognized the right of LEPC's to adopt lower thresholds (including zero) for reporting gasoline and diesel fuel under the provisions of 40 CFR 370.20. [See 64 Federal Register 7031, February 11, 1999].

The WC LEPC is also adopting the 55/500 threshold to make the LEPC's new SARA On-line Reporting System consistent with the North Carolina Hazardous Chemicals Right To Know Act. That Act establishes the 55/500 threshold for facilities to report to local fire departments. Since facilities using the new SARA On-line Reporting System, will satisfy their reporting obligation to the local fire department under the NC Hazardous Chemicals Right To Know Act, the LEPC must use the 55/500 threshold specified in that Act.