

# Dealership EPA & State Environmental Reporting Requirements



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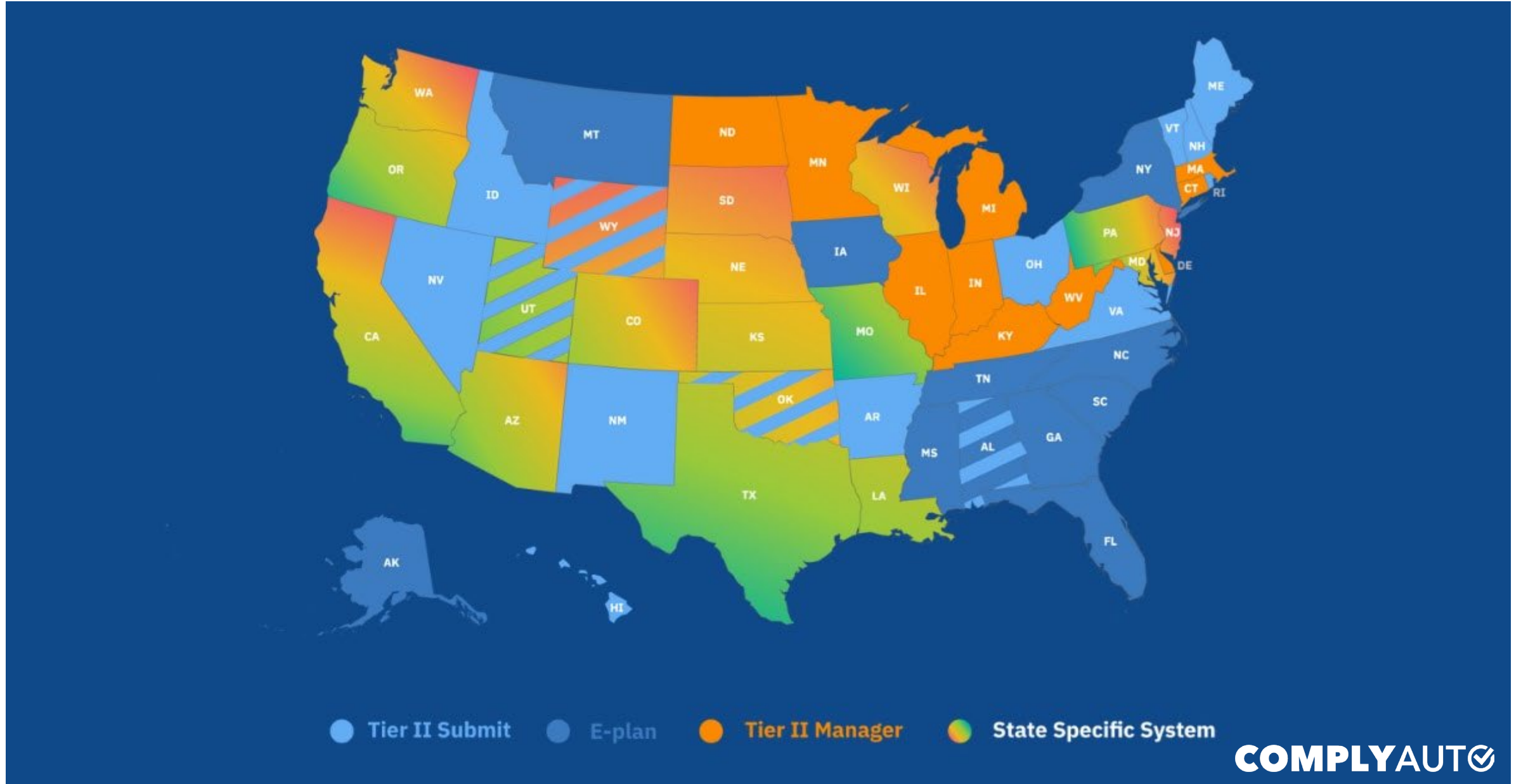
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# EPA Tier II Environmental Reporting:

- Different from “Tier II” SPCC reporting for USTs and ASTs (not covered in this webinar).
- Covered under the Emergency Planning and Community Right-to-Know Act (EPCRA).
- Certain hazardous materials must be reported when thresholds are met using EPA or state-specific software.
- Thresholds vary depending on chemical and its hazard classification (e.g., “Extremely Hazardous Substances” have lower thresholds).
- Often applies to gasoline, lithium-ion batteries, motor oils, hazardous waste, brake cleaners, anti-freeze, used lead-acid batteries, etc.
- Must use EPA Tier II software (or stated designated software) to report.
- Depending on state, additional reports must be made to the local fire department and/or emergency planning committee.
- Fines for non-compliance up to \$164,000 per day.

# Tier II State Specific Systems



## Tier II Season

In general, the deadline to submit Tier II reports is **March 1st** every year. Varies in states like California.

You have from January 1st - March 1st to submit your prior year's report.



# General Reporting Thresholds



General reporting thresholds for **Hazardous Materials (HM)** and **Extremely Hazardous Substances (EHS)**.

- a. 10,000 pounds of HM requires an annual Tier II inventory report, but it varies by state.
- b. Facilities storing or handling any EHS of 500 pounds or its Threshold Planning Quantity (TPQ), whichever is lower, are also required to submit the annual Tier II inventory.

# TPQ: Threshold Planning Quantity

**TPQ** is defined as the maximum allowed quantity of any hazardous substance stored or processed at a facility to minimize the risk should an accidental release occur.

- a. **Hazardous Materials (HM):** The EPA keeps a consolidated list of hazardous materials that are subject to reporting requirements [here](#).
- b. **Extremely Hazardous Substances (EHS):** A list of extremely hazardous materials can be found in the federal regulations [here](#). Remember, EHS are subject to a different reporting threshold: 500 pounds or the facility's TPQ, whichever is lower.



The following states have much lower threshold planning quantities (TPQs) than the standard 10,000 lbs for hazardous materials and 500 lbs or less for extremely hazardous materials (EHSs).

**THIS IS NOT A LIST OF ALL STATE-SPECIFIC REQUIREMENTS**

**California**

Thresholds (ALL CHEMICALS):

- Solids = 500 pounds
- Liquid = 55 gallons
- Gas = 200cu ft

**Delaware**

Thresholds:

- Hazardous Materials = 500 pounds or 55 gallons
- EHS = 500 pounds or 55 gallons or TPQ, whichever is less

**Oregon**

Thresholds: Hazardous Materials and EHSs

- Solids = 500 pounds
- Liquid = 500 gallons
- Vaporous Gas = 500 Cubic feet
- Liquefied or cryogenic gas = 500 gallons

Thresholds: Highly toxic substances or explosives

- Liquid = 5 gallons
- Solid = 10 pounds
- Gas = 20 cubic feet

**Louisiana**

Thresholds:

- Hazardous Materials = 500 pounds or 55 gallons
- EHS = 500 pounds or 55 gallons or TPQ, whichever is less

**Missouri**

Thresholds:

- Explosives and Blasting Agents = 100 lbs and must be reported to the fire department within 24 hours of being at the facility.

**Vermont**

Thresholds: Hazardous Materials and EHSs

- 100 pounds or the TPQ, whichever is less

# EPA Tier II Reporting: Top Three Common

## Examples

Hazardous Material	EPA Reporting Threshold	Common Dealer Use Case	Example Calculations Based on Average Weight
Lead-Acid Batteries (Sulfuric Acid)	500 pounds	Used lead-acid car batteries  Forklift batteries	<b>12 used car batteries</b> x 45 lbs. = 540 lbs.  <b>1 forklift battery</b> = 2,000 lbs.
Gasoline	10,000 pounds	New/waste gasoline	<b>1,612 gal of new/waste gasoline</b> = 10,000 lbs.
Lithium-Ion Batteries (lithium nickel/cobalt-oxide)	10,000 pounds	Electric vehicle batteries	<b>7 new and/or used lithium ion batteries</b> x 1,500 lbs. = 10,500 lbs.

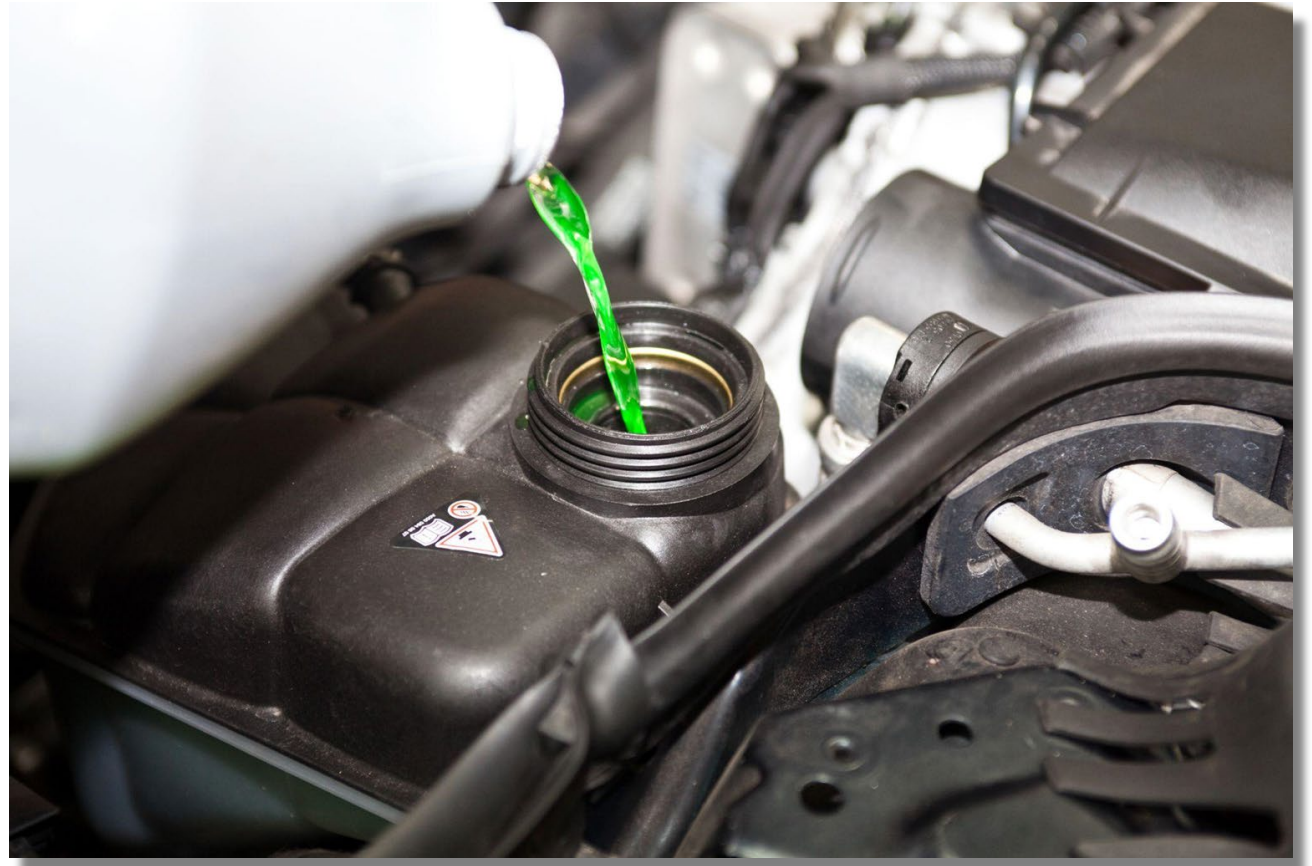
## Common hazardous materials in a dealership that meet reporting thresholds:

### Federal

- Lead-Acid Batteries
- Antifreeze & Coolants
- Fuels (gasoline)
- General Hazardous Waste Storage
- Ice Melt (or de-icer)
- Lithium-Ion Batteries
- Motor Oil

### States with lower thresholds

- Helium (balloons)
- Hydraulic Fluids
- Mechanical Cleaners
- Nitrogen (tire inflation)
- Welding Gasses



# What needs to be reported?

In general, for each hazardous material, you'll have to gather the following information:

- a. Container type
- b. Description of location (e.g., Northeast backroom of parts department)
- c. Current amount observed (e.g., gallons, pounds, cubic feet, tons, etc.)
- d. Average on-site amount
- e. Maximum on-site amount
- f. Maximum amount in largest container

# EPA Tier II Reporting

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

**Reporting Period:** January 1 to December 31, 20\_\_

Tier Two Emergency and Hazardous Chemical Inventory Specific Information by Chemical			For Official Use Only State ID#: Date Received:	
<b>Facility Identification</b>				
Name	Maximum No. of Occupants: <input type="checkbox"/> N/A		<input type="checkbox"/> Manned	<input type="checkbox"/> Unmanned
Street	County	City	State	Zip
Latitude	Longitude	NAISC Code	Phone Number (optional) ( ) -	
Dun & Bradstreet Number	TRI Facility ID: <input type="checkbox"/> N/A	RMP Facility ID: <input type="checkbox"/> N/A		

Dun & Bradstreet Number	<input type="checkbox"/> N/A TRI Facility ID:	<input type="checkbox"/> N/A RMP Facility ID:		
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# Consumer Product Exemption

In general, products packaged and available for consumer retail sale are not covered by these rules (e.g., those in your parts in department). More specifically, the exemption accounts for substances that are present in the same form and concentration as a product packaged for distribution and available for use for the general public.

**New vs Used Lead-Acid Battery Example:** A good example of this are **new** lead-acid batteries. When they are packaged and available for retail sale, they do not count towards the reportability threshold due to their form factor. However, **used** lead-acid batteries that are waiting to be recycled would count because they are not in a “ready for purchase” form and often have significant wear and corrosion.

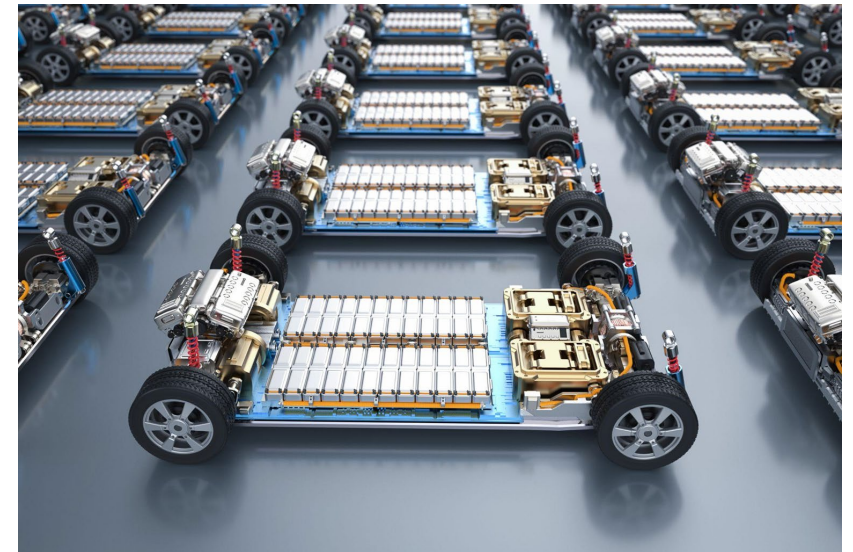
**Motor Oils:** To further illustrate, individual containers of motor oil available for sale in your parts department are not reportable, but drums or tanks in your service department are.



# Electrification Effects: Lithium-Ion Batteries

With aggressive state, federal, and OEM vehicle electrification pressures, more dealers will need to start reporting lithium-ion batteries:

- Contain lithium, cobalt, nickel, and other hazardous materials.
- Often weigh between 1,000 to 2,000 pounds (~5-7 will usually trigger reporting threshold)
- Both new and used lithium-ion batteries (e.g., newly delivered or awaiting pickup from OEM) would need to be reported since they are not packaged or available for sale to an average consumer.
- Batteries are not reportable when installed inside the electric vehicle.
- Lithium-ion batteries can and do catch fire and explode (thermal runaway phenomenon).
- Requires special equipment and extra water to put out lithium-ion fire. 20,000-40,000 gallons of water is required to put out an EV battery fire, which is 40x the average amount of water used to put out similarly sized fires.
- Important to report for first-responder and employee safety.
- Numerous articles and reports of rise in EV battery fires and firefighting concerns.
- Even if not at threshold, you should consider voluntary reporting



## Lithium-ion battery fires are up. Are firefighters ready?




# Safety Data Sheets


**Don't forget that each of these chemicals will need its own Safety Data Sheet!**

## Why do we need a chemical inventory?

- Under OSHA's Hazard Communication Standard, dealers must maintain copies of safety data sheets (SDS) for **all** hazardous chemicals present in their workplace.
- SDS are documents provided by the manufacturer, distributor or importer that communicate information on these hazardous materials to downstream users.




**SDS INFO** ↓  
Access Safety Data Sheets Here



Open Camera & Scan  
to Access Online SDS Library

Log in to [safety.complyauto.com](https://safety.complyauto.com) to add a new SDS or manage your existing library



# Tier II Reporting: Summary

1. Required by state and federal law if thresholds are met.
2. Most dealers meet the threshold due to lead-acid batteries, gasoline, and/or waste oil. Lithium-ion batteries and other chemicals often meet thresholds as well.
3. Reporting deadline is March 1 each year.
4. Often not an issue until an emergency/injury occurs.
5. Purpose is employee, customer, community, and first-responder safety .
6. Can affect workers comp insurance premiums.
7. Penalties range from \$21,000 to \$164,000 per violation, per day for non-compliance
8. Even if thresholds for certain chemicals aren't met, consider voluntary reporting for first responder and employee safety





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# Questions?

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