

Instructions for completing the Hazardous Chemical Inventory

FEE CALCULATION WORKSHEET

Missouri Revised Statutes 292.606

As set forth in 11 CSR 40-4.050 Hazardous Chemical Fees

*For Missouri's Emergency Planning and Community Right-to-Know Act
EPCRA*

In 1992, the Missouri legislature approved a new law requiring employers that must file Tier Two forms (or hazardous chemical inventory forms) under Missouri's Emergency Planning and Community Right-to Know Act (EPCRA) to submit fees along with those forms (Section 292.606 RSMo). These fees are to support local efforts to prevent and prepare for chemical hazards (65%), provide hazardous materials training (10%), and to implement Missouri's EPCRA program (25%).

I. General

Please read and follow these instructions carefully. If the Fee Calculation Worksheet is not completed correctly, it will be returned to you for corrections and re-submittal. The business owner or operator is responsible for calculating the correct amount of fees to be paid and remitting it. If you have questions or difficulty, contact your industry association for help or call the Missouri Emergency Response Commission at 800-780-1014.

II. Who must pay?

Each business operating in Missouri that is required to file Tier Two forms for facilities in Missouri under the state or federal Emergency Planning and Community Right-to-Know Act (EPCRA) must calculate and submit these fees. Family farm operations and local government facilities are exempt from paying these fees (*11 CSR 40-4.050*). However a signed fee calculation worksheet is still required to be sent to the MERC. A family farm is "an unincorporated farming unit owned or leased by one or more persons residing on the farm or actively engaged in farming." State government facilities are not exempt from paying fees. See the Tier Two form instructions to see which chemicals in what amounts must be reported. If you are exempt from paying fees, please file your Tier Two form indicating "Family Farm" or "Local Government" on page 1. **PIPELINES:** Employers engaged in transporting hazardous chemicals by pipeline, except local gas distribution companies regulated by the Missouri Public Service Commission, shall pay a fee of two hundred fifty dollars (\$250) for each county in which they operate (*11 CSR 40-4.050*).

III. Late Charges:

State law provides for a late charge of 10% of the fees owed, plus 1% per month of the total, will be assessed on payments not received or postmarked by March 1st. (*11 CSR 40-4.050*)

IV. Instructions:

Type or print clearly.

1. Enter the date and worksheet page number in Section 1 of the worksheet. If there is more than one page, indicate the total number of pages.
2. Enter the business name, address, phone number and the name of the person(s) to be contacted if there are any questions about your submittal. Each individual business or corporation must file separately.
3. Complete Columns A through J for each facility reported on Tier Two forms:

COLUMN:

- A. FACILITY COUNTY OR ST. LOUIS CITY: List the County for each of your facilities in alphabetical order.
 - B. FACILITY NAME: List each of your facilities alphabetically by Facility Name within each county.
 - C. FACILITY STREET, CITY: Enter the Street Address and City for each facility.
 - D. FACILITY TYPE, RETAIL PETROLEUM: A “petroleum retail facility” is defined as “a facility where more than 50% of the hazardous materials revenues from the retail sale and delivery of gasoline, diesel fuel and propane to the general public at the facility” (11 CSR 40-4.02). If the facility being reported is a “petroleum retail facility”, enter \$50 in Column D (11 CSR 40-4.050).
 - E. FACILITY TYPE, OTHER: All reporting facilities, except petroleum retail facilities or pipelines, enter \$100 in Column E (11 CSR 40-4.050). Pipelines enter \$250 in Column E (11 CSR 40-4.050).
 - F. REPORTABLE CHEMICALS, #: Count the number of Reportable Chemicals on the Tier Two form for each facility and enter that number in Column F. NOTE: Chemicals listed on the Tier Two form that are less than the reportable quantity should be marked as “Optional Report” and not included when calculating the number of Reportable Chemicals.
 - G. REPORTABLE CHEMICALS, \$: If the number in Column F is three or less, enter \$0 in Column G. If the number in Column F is greater than three, subtract 3 from it and multiply the remainder by \$20.00, entering the total amount in Column G (11 CSR 40-4.050).
 - H. LESS COMBINED PETROLEUM, #: A provision in the Missouri law states that “for the purpose of calculating fees, all grades of gasoline are considered to be one product; all grades of heating oils, diesel fuels, kerosene, naphtha, aviation turbine fuel, and all heavy distillate products except for grades of gasoline are considered to be one product, and all varieties of motor lubricating oil are considered to be one product” (11 CSR 40-4.050). If this situation is applicable to your report, indicate in Column H the difference between the number of Reportable Chemicals as reported on the Tier Two form for the facility and the number of chemicals calculated for the fees. **Example:** if you report fuel oil #5, diesel #2 and naphtha, you can consider these to be one product for the purpose of calculating fees. The difference between the number of Reportable Chemicals (3) and the number of chemicals for the purpose of calculating fees (1) is 2, so 2 would be entered in Column H.
 - I. LESS COMBINED PETROLEUM, \$: If the Reportable Chemicals exceeded 3 in Column F, resulting in additional fees in Column G, multiply the number in Column H by \$20 and enter this amount in Column I. NOTE: you may not deduct more in Column I than the amount shown in Column G.
 - J. CALCULATED AMOUNT: Determine the amount for each facility (Column D or E +G-I). The Calculated Amount for a petroleum retail facility can be no less than \$50.00. The Calculated Amount for Pipelines is \$250.00. The Calculated Amount for all other facilities can be no less than \$100.
4. **Total the Calculated Amount** (Column J) and enter this on Line 4. If you are reporting for more than 7 facilities, carry this total to Line 4 of the subsequent page(s) of the Worksheet needed to include all facilities.

5. **Subtract Federal Transportation Fees.** Petroleum-Related Employers (as defined in *11 CSR 40-4.020*) have the option of subtracting Federal Transportation Fees from the Calculated Amount. In order to deduct transportation fees, you must complete and submit the attached “Petroleum Business Certification” along with a copy of your receipt for payment of the Federal Transportation Fees under section 117(A)(h) of the Federal Hazardous Materials Transportation Act (*11 CSR 40-4.050*). Enter the amount of Federal Transportation Fees paid on Line 5.
6. **Base Amount Owed.** Calculate the Base Amount Owed by subtracting Federal Transportation Fees (Line 5) from the Calculated Amount (Line 4) and enter difference on Line 6. If this is zero (0) or less, enter zero (0) on Line 6. Any one employer shall not be required to pay more than ten thousand dollars (\$10,000) per year in fees to MERC (*11 CSR 40-4.050*). If the total of Line 4 less Line 5 is more than \$10,000, enter only \$10,000 on Line 6.
7. **Optional Distribution Fee** Beginning January 1, 2013 a facility has an option for an additional \$10.00 fee per location to request the MERC to distribute their Tier II’s to both the LEPC and the Fire Department listed on the Tier II. By agreeing to have the MERC distribute your filing will be completed upon completion of the Tier II process. In selecting this option, you agree to pay the additional \$10.00 per location fee. This fee does not apply to the \$10,000 cap.
8. **Late Charges.** A late charge of ten percent (10%) of the fees owed will be assessed for fees that are not paid on time. An additional one percent (1%) per month of fees owed plus late charges will also be assessed for late submittal of fees (*11 CSR 40-4.050*). Complete only if filing and remitting after March 1 for previous calendar year.
9. **Total Amount Owed.** Calculate Total Amount Owed by adding the Base Amount Owed (Line 6), Optional Distribution Fee (Line 7), and Late Charges (Line 8), entering Total Amount in Line 9.
10. **Certification.** Sign and date the Fee Calculation Worksheet Certification statement.

Send a check or money order for the Total Amount Owed along with the Fee Calculation Worksheet(s), Tier Two form(s) and other necessary documents (such as Petroleum Business Certification and USDOT fee receipt, if applicable) to the Missouri Emergency Response Commission, P.O. Box 3133, Jefferson City, MO 65102. Please make check or money order payable to: The MERC.

Thank You!