

BAXTER COUNTY, ARKANSAS

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

ANNEX L

SECTION I: INTRODUCTION

History and Background

The LEPC is a product of federal legislation passed after the disaster in Bhopal, India, where thousands of people died because of an accident involving hazardous chemicals. To prevent similar accidents in our communities, in 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III. EPCRA establishes requirements for businesses, and for federal, state, and local governments regarding emergency planning and community right to know reporting for hazardous chemicals. This helped increase awareness about the presence of chemicals in their communities and releases of these chemicals into the environment. As a result, states and communities, working with industry are better able to protect public health and the environment. Congress enacted the EPCRA regulations to benefit communities. Two main goals of this law are to:

Provide a basis for each community to develop and tailor a chemical emergency planning and response program to suit their needs, and

Provide the public with a right-to-know attitude to identify the hazardous materials in the community.

SECTION II: LOCAL EMERGENCY PLANNING COMMITTEES (LEPC's)

General

The role of LEPC's is to form a partnership with state and local government, responders, and industry as an enhancement for mitigation, preparedness, response, recovery, planning, exercising and training. Local government is responsible for planning and response within their jurisdiction. This includes ensuring the local hazard analysis adequately addresses any possible incidents that may occur in your jurisdiction; incorporating planning for hazmat incidents into the local emergency operations plan; assessing capabilities and developing response capability using local resources, mutual aid, and contractors; training responders; and exercising the plan.

It is necessary to include all the players to ensure the plan is compatible. Every regulated facility is responsible for identifying a facility emergency coordinator; reporting hazmat inventories annually on a Tier II to the LEPC, local fire department, and Bureau of Hazardous Materials; providing material safety data sheets (MSDS) or a list of hazardous chemicals; allowing local fire departments to conduct on-site inspections of hazmat facilities; and providing to the EPA and the Bureau of Hazardous Materials an annual report (TRI) of chemicals released.

LEPC's are crucial to local planning and community right-to-know programs. The membership comes from the local area and is familiar with factors that affect public safety, the environment, and the economy of the community. This expertise is essential as the LEPC is involved in the writing of the local emergency operations plan.

In addition to its formal duties, the LEPC can serve as a focal point in the community for information and discussion about emergency planning, training and exercising. Citizens may expect the LEPC to answer questions about hazards and risk management actions.

Members of the LEPC represent the various organizations, agencies, departments, facilities and other groups within the jurisdiction. Each member must realize that they represent their organization on the LEPC and that they are responsible for coordinating information and activities from the LEPC to their organization and for providing accurate feedback from their organization back to the LEPC. The LEPC has many responsibilities, mandates, and deadlines. The membership can organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

Primary LEPC Responsibilities

As mentioned in Section 1, the Emergency Planning and Community Right-to-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and a focus for action in matters pertaining to hazardous materials planning. LEPC's also help to provide local governments and the public with information about possible hazards in their communities.

The major *legal* responsibilities cited in EPCRA are listed below:

- Shall review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require.
- Shall make available each MSDS, or TIER II Report, inventory form, and follow-up emergency notice to the general public, during normal working hours at a location designated by the LEPC.
- Shall establish procedures for receiving and processing requests from the public for information including Tier II information.
- Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.
- Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities.
- Shall be given follow-up emergency information as soon as practical after a release, which requires the owner/operator to submit a notice.
- Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described.
- Shall, upon request by any person, make available an MSDS to that person.

- Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form.
- Shall respond to a request for Tier II information no later than 45 days after the date of receipt of the request.
- May commence a civil action against an owner or operator of a facility for failure to provide information, or for failure to submit Tier II information.

Additional LEPC Responsibilities

Shall appoint a Chairperson, and Information Coordinator, and have rules for:

Establishing authority of the LEPC

Immunity for LEPC members

Notifying the Bureau of Hazardous Materials of nominations for changes in the LEPC membership. The LEPC shall also notify the BHM of address changes for LEPC Chairpersons.

Shall evaluate the need for resources necessary to develop, implement, and exercise the emergency operations plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

Shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, follow-up release notifications, and inventory forms have been submitted.

LEPC Structure

1. Membership

As prescribed under Section 301 of EPCRA, as a minimum the LEPC shall include representatives from the following organizations:

- Elected state or local officials
- Emergency Medical Personnel
- Fire Departments
- Health Officials
- Emergency Management
- Law Enforcement
- Community Groups
- Local Environmental Groups
- Broadcast and/or print media
- Hospital personnel
- Owners and operators of covered facilities

A single member may represent more than one of the above groups or organizations. Likewise, more than one member may represent a group. Ideally, members should be interested in emergency programs and community right-to-know activities. If you are not able to get a representative from each of these organizations, do not let that stop you from having meetings. You can provide them with a copy of the minutes, the meeting announcements and agendas, and stay in contact with them.

2. Appointments

The LEPC must appoint a Chairperson and may appoint a Vice-Chairperson and other officers. A term of office should be set, but may vary in length according to the needs of each LEPC. The Chairperson can be any LEPC member. Some LEPC's have chosen political leaders; others have selected chairpersons from Emergency Management, environmental groups, industry or civic organizations. Important factors to consider are the availability, management skills, commitment to the program, and respect from other LEPC members and the community.

EPCRA requires the LEPC to appoint an Information Coordinator. The Information Coordinator's job is to process requests from the Public for information under Section 324, including Tier II information under Section 312. The Information Coordinator can also assist other committee members, and may have another position in the LEPC as well.

Positions not required by law, but which have proved useful are: Vice-Chairperson, Secretary/Treasurer, and Chairpersons of standing committees.

Involving individuals who have expertise in areas of LEPC concern as at large members can be very effective. Although not official members, they can expand the knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

The Bureau of Hazardous Materials is responsible for maintaining a listing of LEPC memberships. The BHM provides this information to the public, industry, federal agencies, and other state agencies and states. It is important that your LEPC membership is kept current and the BHM is kept informed of all membership changes.

3. Subcommittees

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process to move forward more quickly, because the LEPC can work on several projects at one time.

The appointment of a subcommittee chairperson may ensure that work progresses efficiently. The number and type of subcommittees that an LEPC creates should depend solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as needed to accomplish initial and on-going tasks. Subcommittee membership does not need to be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the jurisdiction for additional input and enhanced expertise.

In determining the type and number of subcommittees to establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals. For example, LEPC members should try to answer the following questions:

- What are the goals of the LEPC this year?
 - Do certain topics require much discussion/research?
 - Is it necessary to establish subcommittees?
- Are there enough people, expertise, and leadership among LEPC members to maintain subcommittees?

The LEPC might appoint Subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually.
- Coordinating emergency response capabilities of LEPC member organizations.
- Checking emergency response equipment in the community.
- Identifying financial resources.
- Coordinating with other LEPC's, the Bureau of Hazardous Materials, and the Bureau of Disaster Services Area Field Officers.
- Conducting a hazard analysis.
- Managing and providing information for citizens.
- Providing information to facilities.
- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public.

Some subcommittees your LEPC might designate are:

- A Planning Subcommittee, whose responsibilities may include:
 - Developing and assisting in the review of the Emergency Operations Plan.
 - Reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with Extremely Hazardous Substances (EHS's).
 - Reviewing and updating the Emergency Operations Plan yearly.
- A Public Information Subcommittee, whose responsibilities may include:
 - Writing and publishing public notices.
 - Establishing an information retrieval system.
 - Performing citizen/neighborhood outreach to inform them of plans and other valuable information.
- A Training and Exercising Subcommittee, whose responsibilities may include:
 - Conducting a training needs assessment.
 - Requesting training grants available through the Bureau of Hazardous Materials and other sources to provide needed training.
 - Coordinating training programs.
 - Establishing an exercise schedule.

Once an assessment has been done by the LEPC and basic subcommittees have been formed, the LEPC may want to create additional subcommittees. Some examples are:

- An Executive Subcommittee who may do the following:
 - Appoint chairpersons for each subcommittee.
 - Develop long-term goals for your LEPC.
 - Tend to needs of the LEPC members.
 - Review LEPC membership terms and solicit volunteers to fill vacancies.
 - Be familiar with federal, state, and local laws that impact the LEPC.
 - Develop a work plan with timetables for the other subcommittees.

- A Resource Development Subcommittee, whose responsibility may include:
 - Researching the resources in the community for emergency response.
 - Identifying alternative resources that the community may use in time of emergency or disaster.
 - Updating the local resource inventory.
 - Identifying other volunteer or in-kind assistance contributions (private sources such as business, industry, non-profit agencies etc.)

- An Emergency Response Subcommittee whose responsibilities may include:
 - Developing emergency response procedures for local government personnel that may be utilized in emergency response.
 - Establishing local Incident Command System procedures to strengthen and coordinate local government emergency response.

- A Finance Subcommittee, whose responsibilities may include:
 - Management of the LEPC budget.
 - Examining and recommending the use of funds.

- Business/Industry Outreach subcommittee, whose responsibilities may include:
 - Developing initiatives that will encourage active participation by the commercial businesses and industrial facilities in your community.

Reports on subcommittee activities can be made at the regularly scheduled LEPC meetings.

By-Laws

Rules or by-laws for the LEPC should be established as required in EPCRA Section 301. The by-laws may include the following provisions:

- Public notification of committee activities.
- Public meetings to discuss the emergency plan.
- Public comment and response to these comments.
- Distribution of emergency plan.
- Election of officers.

Meetings

The frequency of LEPC meetings is not mandated. In order to keep the LEPC functioning effectively, regularly scheduled meetings that address local issues and work toward progress on key concerns are important. Circumstances change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC participants to become familiar with each other and their roles in the community. Some LEPC's have their meetings on the same day each month so schedules can be planned in advance. Some have their meetings during the lunch hour and the involved agencies and industry take turns providing lunch during the meeting.

LEPC meetings are open to the State Open Meetings Act. They should follow an organized format such as Robert's Rules, or some other guidelines. A well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed as well as guest speakers. If needed, each agenda item may be assigned a time limit. The key is to follow the agenda and keep the time limits, as they are set.

Each committee member should be sent, if possible, a copy of the agenda one to two weeks before the meeting. With this you can also send any pertinent information to allow the participants to prepare for the meeting. Again, the LEPC Chairpersons should determine how requirements under State Meeting rules apply to LEPC meetings.

Posting of meeting dates, times and locations, oral public comments, and recording of meeting minutes may all be subject to State Rules. LEPC's are encouraged to seek topics, speakers, invitations from facilities and response organizations and other opportunities to expand knowledge from a wide variety of sources. Each meeting should have a record keeper that will produce minutes, and a record of all actions. A copy of these minutes should be provided to all the members and the Bureau of Hazardous Materials.

Although LEPC's should attempt to have regularly scheduled meetings, it may be beneficial to move meetings to different locations within the county. This will allow participants that may not be able to attend at one place and time the opportunity to attend at another.

Administration

Most LEPC's are challenged with having to administer a program with little or no budget, and no office to work from. Despite this, they are required by law to respond to public inquiries about hazardous materials in their communities within 45 days. Keeping efficient records and using workspace provided by a LEPC member organization can still accomplish this. Some LEPC's co-locate with the emergency management program or a local fire or law enforcement department. This can be a benefit to each organization involved.

Maintenance of Records

At a minimum, LEPC's should maintain the following records:

- Copy of Local Emergency Operations Plans and their annexes.
- Material Safety Data Sheets (MSDS) or information on where to obtain them.
- Initial and follow-up hazardous chemical spill reports.
- Records of LEPC and committee meetings (minutes).
- LEPC membership list.
- Tier II reports for covered facilities.

Information Resources

EPCRA has existed for over ten years. During this period the resources available to LEPC's have increased greatly. Today, assistance is available from all levels of government and from industry. The good news is, except for some computer software, most of this information is free to LEPC's.

Public Inquiries and Awareness

EPCRA requires LEPC's to establish procedures for receiving and processing requests from the public for information under Section 312. EPCRA is based on the principal that the more known about hazardous chemicals in the community, the better prepared the community will be to manage these potential hazards and to improve public safety and health.

Funding LEPC Activities

When Congress passes EPCRA, it did not provide funding for LEPC's. On the average, annual LEPC budgets range from \$0 to \$3,000.00.

The cost of implementing EPCRA at the LEPC level will vary. Communities have found a wide range of solutions to the funding. Some examples are:

1. Volunteers and donated services

Much of the work of the LEPC can be accomplished with little or no funding. Committee members often donate time and other resources. Local businesses and agencies have also contributed their services. Some LEPC's have found that volunteers can be a great source of manpower.

2. Grants

- a. General

There are limited state and federal funds available to the LEPC's through grant programs. Authorized by the 1990 Hazardous Materials

Transportation Uniform Safety Act (HMTUSA), the Hazardous Materials Emergency Preparedness (HMEP) Program provides funding nationally for hazardous materials emergency response planning and training at the local level. The U.S. Department of Transportation (DOT) administers this program. The state share of this federal grant is administered by the Bureau of Hazardous Materials.

b. Other Federal Assistance

The Federal Emergency Management Agency (FEMA) also provides funds for local emergency management through its State and Local Assistance (SLA) Program.

3. Supplemental Environmental Projects (SEP's)

Once EPA has taken an action for not submitting a TIER II Chemical Inventory Report (Section 312) or emergency release notification (CERCLA Section 103/EPCRA Section 312), there is an alternative to simply imposing fines on the non-complying facility. Current federal enforcement policy authorizes consideration for mitigating the fines imposed if the offending facility agrees to perform a supplemental environmental project (SEP). Enforcement actions provide an opportunity for the facility to become actively involved in the local planning and response process and to assist the LEPC's in their activities. These agreements are an appropriate way to enforce EPCRA, since the SEP's can be arranged to aid in its implementation. Through the use of SEP's, facilities have:

- Provided emergency or computer equipment to the LEPC
- Provided training to local emergency or planning personnel
- Become active members in the LEPC
- Participated in training exercises
- Provided funding for public outreach

4. Industry Donations

Some of the most active funding programs in the country for LEPC's are through industries that are active members of the LEPC. Industry can provide not only funding for special projects, but equipment, and expertise. There is no question that funds provided to the LEPC can be used for different purposes such as planning, training, and exercising. The Bureau of Hazardous Materials is committed to supporting LEPC's by providing funding obtained through EPA enforcement actions, Title III grant, DOT HMEP Planning & Training grants, and other funding sources that may be available in the future.

SECTION III: REPORTING REQUIREMENTS FOR FACILITIES WITH

HAZARDOUS MATERIALS

What Hazardous Materials are Subject to Regulation?

There are five groups of chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Plans (RMP's) under the Clean Air Act of 1990 (112R). Some chemicals appear in several of these lists. These lists are:

1. Extremely Hazardous Substances (EHS's)
2. Hazardous Substances
3. Hazardous Chemicals
4. Toxic Chemicals
5. List of Toxics & Flammables

Hazard Chemical Inventory Reporting

General

There are fixed facilities in almost every county, which use, produce, and/or store hazardous chemicals. LEPC's need to be aware of all the facilities in their district, and especially the ones handling extremely hazardous substances (EHS's). These facilities may be privately or government owned and they all may be subject to some provisions of the law. Federal facilities also must comply with the provisions of the EPCRA.

Hazardous Substance Inventory Reports

Emergency Preparedness Phase

Identification of facilities subject to Special Planning Requirements:

- a. Emergency planning letter submitted to the BHM and LEPC when the facility has sufficient EHS's to warrant reporting.
- b. All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.

Annual Chemical Inventory Reporting

Covered facilities must submit Tier II forms to the LEPC, local fire departments, and the Bureau of Hazardous Materials by March 1st of each year. If requested, covered facilities must submit MSDS's to the above agencies.

Annual Toxic Chemical Release Reporting

Covered facilities must submit written Toxic Chemical Release Inventory Form R (TRI) by July 1st of each year to EPA Headquarters and to the BHM.

Emergency Response Phase

Covered facilities or transporters must make immediate notification to an emergency 24-hour phone number designated by each LEPC, the BHM, and the National Response Center (NRC). Written follow-ups must be filed with the BHM and the LEPC.

Risk Management Program (Clean Air Act Section 112 R)

Important provisions in the amendments of the Clean Air Act advance the process of risk management planning. The amendments include specific provisions addressing accidental releases of hazardous chemicals.

On June 20, 1996, EPA promulgated rules and guidance for chemical accident prevention. These rules include requirements for sources (facilities) to develop and implement risk management programs that incorporate three elements: a hazard assessment, a prevention program, and an emergency response program. These programs are summarized in a risk management plan (RMP), which was to be submitted to EPA by June 21, 1996.

It is important for LEPC's to be familiar with these federal rules since they will clearly be affected by them. As a minimum, LEPC's can expect to get involved in the following areas of the RMP rule:

- Emergency Response Program of the final rule, which requires the owner or operator of a covered facility to "provide the name and telephone of the local agency which the facility emergency response plan is coordinated." Facilities may have approached LEPC's with requests for the mentioned coordination. LEPC's should familiarize themselves with those emergency plans.
- LEPC's should make a point of reviewing at least the executive summary of all the risk management plans submitted by facilities within their LEPC planning areas. Not only will you find a short summary of the entire facility plan, but also you will read about future changes planned to improve safety.
- LEPC's should review the hazard assessments provided by the facilities. The vulnerable zones may add significantly to the planning efforts of the LEPC. (Because of security concerns, these assessments are not included on the Internet. LEPC's should discuss these directly with the facility.)

SECTION IV: EMERGENCY OPERATIONS PLAN DEVELOPMENT

A. Minimum Requirements for the Plan

1. State Law

Under the federal EPCRA law, each LEPC was to develop an emergency response plan and review it at least annually thereafter. Section 312 of EPCRA states that nothing in

EPCRA will preempt any state or local law. Therefore, existing State Law governs local emergency management planning as long as it meets the requirements of EPCRA.

Under State guidelines, LEPC's develop emergency plans to meet the response and recovery needs during emergencies involving natural hazards, national security, and technological and man-made hazards. (All Hazard Planning)

2. Federal Requirements

The LEPC planning envisioned by EPA was intended to complement the existing planning that state law already required instead of creating a separate process. In most situations, the LEPC did not develop a separate plan, but carried out the emergency planning requirements related to hazardous materials by adding a hazardous materials annex. In this way, the LEPC is an important resource useful to all local responders.

EPCRA requires that each hazardous materials emergency response plan does the following:

- identify facilities and transportation routes of extremely hazardous substances;
- describe emergency response procedures, on-site and off-site;
- designate a community emergency coordinator and facility coordinator(s) to implement the plan;
- outline emergency notification procedures;
- describe methods for determining the occurrence of a release and the probable affected area and population;
- describe community and industry emergency equipment and facilities, and the identity of persons responsible for them;
- outline evacuation plans;
- describe a training program for emergency response personnel (including schedules);
- present methods and schedules for exercising emergency medical personnel, fire services, and law enforcement agencies.

B. Hazard Analysis

As you will notice while reading the criteria for developing a hazardous materials annex, some of your key tasks will be to identify facilities containing extremely hazardous substances (EHS's) or to identify transportation routes likely to be used for the transportation of these substances. A hazard analysis will help identify these as well as the other hazards in your community. Planners should try to answer the following questions:

- What are the major hazards in our community?
- How can we determine the area or population likely to be affected by these hazards?
- What emergency response resources does our community need? (Include personnel and equipment.)
- What kind of training is needed?
- How can we help prevent (mitigate) these hazards? The hazard analysis process can assist local emergency planning committees (LEPC's) in answering these and other important planning questions.