

**Local
Emergency
Planning
Committees**

History Lesson



- **December 1984:** Industrial disaster at Union Carbide subsidiary pesticide plant in the city of Bhopal, India
- **October 1986:** Congress passes the Emergency Planning and Community Right-to-Know Act (EPCRA)
 - Commonly known as SARA Title III
- **1987:** Kansas enacts its own Emergency Planning and Community Right-to-know Act laws (KSA Chapter 65, Article 57)

EPCRA

■ Four major provisions

- Emergency Planning—Section 301-303;
- Emergency Release Notification—Section 304;
- Hazardous Chemical Storage Reporting Requirements—Section 311-312; and
- Toxic Chemical Release Inventory—Section 313.

Section 301 of EPCRA

- **Requires the Governor to establish a State Emergency Response Commission**
 - In Kansas, this is the Commission on Emergency Planning and Response (CEPR)
- **The Commission must designate Emergency Planning Districts (EPDs) within the state**
 - In Kansas, each county is an EPD
- **Commission must appoint a LEPC for each district.**

What is a LEPC?

A LEPC IS:

- A committee responsible for EPCRA compliance
- Representatives of different groups and organizations, as described in Section 301(c)
- The link between local governments and industries to enhance hazmat preparedness
- Crucial to all-hazards planning and community right-to-know programs
- A group of volunteers



Purpose of a LEPC

To form a partnership with state, local and tribal government, responders, and industry as an enhancement for prevention, preparedness, response and recovery, planning, exercising and training. Local government is responsible for planning and response within their jurisdiction for ALL hazards.

LEPC Membership

In accordance with Public Law 99-499, Section 301(c)

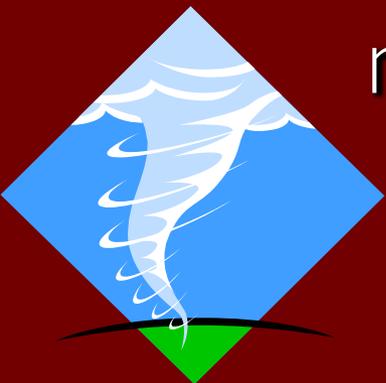
- Elected State or Local officials
- Firefighting
- Transportation
- Hospital
- Broadcast and/or print media
- Local environmental group
- Law enforcement
- Emergency management
- Emergency medical personnel
- Health officials
- Community groups
- Owners/operators of covered facilities

Examples of LEPC Membership

- **Elected official:** County Commissioner, Sheriff, County Clerk, County Attorney, Mayor, etc.
- **Transportation:** County Public Works, School Bus Director, KDOT employee, etc
- **Broadcast/print media:** Emergency Communications Center personnel, radio station, newspapers, ham radio club
- **Environment:** Natural resources conservation, noxious weed dept, extension agent, etc
- **Community Group:** Chamber of Commerce, Red Cross, Senior Services, Salvation Army, Social Service League

LEPC Responsibilities

The LEPC's primary responsibility is to develop an emergency response plan by indentifying the hazards that pose a risk within the community and evaluate the available resources for preparing and responding to a potential natural or manmade disaster.



LEPC Responsibilities

EPCRA, Public Law 99-499, states each LEPC:

1. Shall review the local emergency operation plan at least once a year
2. Shall make available each MSDS, chemical list or Tier II report, inventory form, follow-up emergency notice to the general public.
3. Shall establish procedures for receiving and processing requests from the public for information under Community Right-to Know, including Tier II information
4. Shall receive from each subject facility the name of a facility representative who will participate in emergency planning process

LEPC Responsibilities

5. Shall be informed by county emergency coordinator of hazardous chemical releases
6. Shall be given follow-up emergency notice information as soon as possible after a release
7. Shall receive from the owner/operator of any facility a MSDS for each such chemical (upon request)
8. Shall, upon request by any person, make available an MSDS to the person in accordance with Section 324.

LEPC Responsibilities

9. Shall receive from the owner/operator of each facility a Tier II form
10. Shall respond to a request for Tier II information no later than 45 days after the date of receipt of the request
11. May commence a civil action against an owner/operator of a facility for failure to provide information under section 303(d) or for failure to submit Tier II information under section 312(e)(1).
12. Shall publish an annual notice in local newspapers that the EOP, MSDS, and Tier II forms have been submitted

LEPC Responsibilities

13. Shall appoint a Chairperson, and Information Coordinator, and establish bylaws under which the committee shall function.
14. Shall notify CEPR (KDEM) of nominations for changes in the makeup of the committee (membership updates).
 - **A current membership list should be sent to the CEPR on an annual basis to be considered "ACTIVE"**
15. Shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's EOP.



Bylaws

■ Bylaws should include:

- Provisions for:
 - Public notification of committee activities;
 - Public meetings to discuss emergency plan;
 - Public comments and response to such comments by the committee
 - Distribution of emergency plan
 - Election of officers
- Responsibilities
- Frequency of meetings
- Terms of office
- Authority of the LEPC



LEPC Appointments

- **Chairperson**
- **Information Coordinator**
 - Process requests from the public for information under Section 324, including Tier II information under Section 312.
- **Others** (not required, but have proven to be useful)
 - Vice-Chairperson, Secretary-Treasurer, and Chairpersons of standing committees.

Suggested Subcommittees for a Successful LEPC

■ Executive Subcommittee

- Develop LEPC long-term goals;
- Tend to LEPC member needs;
- Review LEPC membership terms and soliciting volunteers to fill vacancies;
- Be familiar with state, local, and federal laws which impact the hazardous material planning process; and
- Develop a work plan with timetables for the other subcommittees.

■ Planning Subcommittee

- Develop and assist in the revision of the county emergency operations plan;
- Establish a vulnerability zone determination methodology; and
- Review the site-specific Hazardous Materials Response Plans submitted for each facility with EHS.

Suggested Subcommittees for a Successful LEPC

■ Public Information Subcommittee

- Write and publish public notices;
- Establish an information retrieval system; and
- Perform citizen/neighborhood outreach to inform them of plans and other information that is available.

■ Training and Exercising Subcommittee

- Conduct a training needs assessment;
- Request training grants to provide needed training;
- Coordinate training programs; and
- Establish an exercise schedule.

Meetings

- **Frequency is not mandated**
- **Regularly scheduled meetings will keep LEPC active**
- **Should be open to the public**
- **Provide an agenda**



How to Keep Committees Active

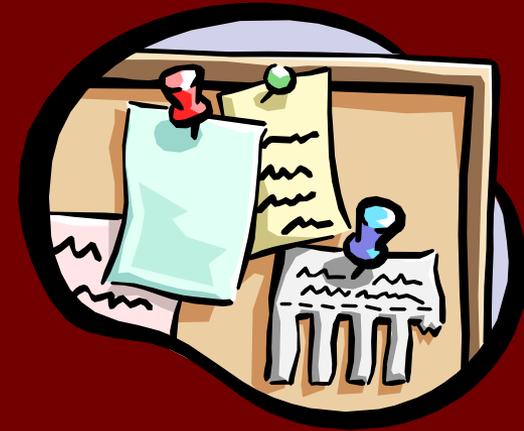
- Conduct annual meeting to review the EOP
- Conduct a meeting near Tier II reporting deadline (March 1)
- Invite guest speakers to address topics of interest to members
- Conduct an after action meeting for incident response
- Conduct a facility process review
- Conduct review of any new regulation or law
- Take a site tour of covered facilities

Suggested LEPC Activities

- LEPC sponsored exercises to validate plans and procedures
 - Exercises with regulated facilities are beneficial to first responders, emergency planners, facility personnel
- Hazards/Vulnerability/Capability Assessments
- Hazardous materials commodity flow study
- Facility surveys/visits
- Establish and maintain a Tier II Database
- LEPC sponsored hazmat training for responders and/or public
- Public Outreach Programs through presentations, displays and lectures to ensure better public awareness in the community

Public Outreach

- Newspaper advertisements
- Brochures & Pamphlets
- Posters & Public Displays
- Telephone book inserts
- Utility bill inserts
- Supermarket bag inserts
- Website
- Hazmat Amnesty Day
- Fact Sheets



LEPC Funding Sources

- **Volunteer and Donated Services**
- **Funding from local government**
- **Grants**



- **HMEP**—provides funding for emergency planning and training at the local level
 - Application period begins mid-July of every year
- **SLA**—provides assistance to counties in developing disaster and assistance plans, programs, capabilities, and organizations
- **Industry donations**

EPCRA Reporting Schedule

- **Section 302 (40 CFR 355)**: One time notification to CEPR (KDHE) and LEPC
- **Section 304 (40 CFR 355)**: Each time a release above a reportable quantity occurs; to LEPC and CEPR (KDEM)
- **Section 311 (40 CFR 370)**: One time submission; update only for new chemicals or information; to CEPR (KDHE), LEPC, and fire department
- **Section 312 (40 CFR 370)**: Annually, by March 1 to CEPR (KDHE), LEPC, and fire department
- **Section 313 (40 CFR 372)**: Annually, by July 1, to EPA and CEPR (KDHE)

Section 302: What Do Facilities Report?

- **EPA's "Extremely Hazardous Substance" List** (Section 302 (40 CFR Part 355))
 - Must report a list of chemicals that meet or exceed the "Threshold Planning Quantity" (TPQ) **within 60 days** after the first shipment or production of the substance on-site.
 - Report to the LEPC, Fire Department, and CEPR
 - The facility must also notify the LEPC of a facility representative who will participate in the emergency planning process (the contact person on the Tier II report)

Section 311 & 312: What Do Facilities Report?

■ Hazardous Chemical Storage Reporting Requirements

- **Tier II Reports:** Required facilities must submit an annual inventory report by March 1st of each year.
 - This inventory report (Tier II) must be submitted to CEPR (KDHE), LEPC, and Fire Department
- **Material Safety Data Sheets (MSDS)**
 - Under OSHA regulations, employers must maintain an MSDS for all hazardous chemicals stored or used in the work place.
 - MSDS must be made available to LEPC, CEPR, or Fire Department upon request



Section 304: Emergency Notification

- **EPCRA Section 304 (40 CFR Part 355)**
 - Must provide initial emergency notification to LEPC and CEPR (KDEM at **1-800-275-0297**)
 - Must provide written notice to the LEPC and the CEPR (KDEM) if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations
 - CERCLA spills must also be reported to the National Response Center at **1-800-424-8802**
 - If the spill enters the soil, groundwater, or waterway, KDHE must also be notified at **785-296-1679**



Section 313: Toxic Release Inventory

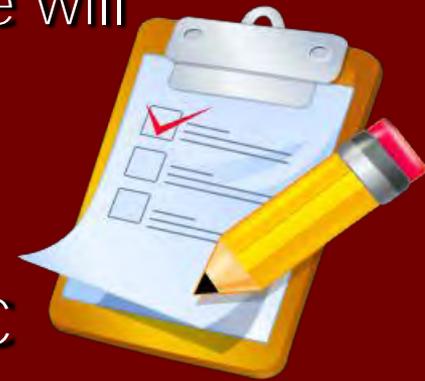


■ Toxic Release Inventory Report (TRI)

- The EPA has established a list of about 700 toxic chemicals or chemical categories
- Selected because of their chronic or long-term adverse effects on human health
- Estimates of the releases of these chemicals into the environment must be reported annually to the CEPR (KDHE) and the EPA.

Where do we go from here?

1. Submit LEPC nomination form to CEPR for approval.
2. Write bylaws or rules by which the committee will function.
3. Elect officers
4. Establish subcommittees (if desired)
5. Identify the goals and objectives for the LEPC
6. Apply for HMEP grant funds for training or planning activities
7. Fulfill federal requirements and responsibilities
8. Initiate suggested LEPC activities and/or public outreach



Helpful Links

- Electronic CFR
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>
- List of Lists
<http://yosemite.epa.gov/oswer/lol.nsf/Alphabet?OpenView&restricttocategory=A&count=200>
- Emergency Planning and Community Right-To-Know
http://www.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_116.html

Contact

Jennifer Clark

LEPC Appointment Subcommittee
Commission on Emergency Planning and Response
Kansas Division of Emergency Management
Technological Hazards Section Chief
2800 SW Topeka Blvd
Topeka, KS 66611

785-274-1394

Jennifer.marie.clark@us.army.mil

Questions?

