



# ***LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) HANDBOOK REGION 6***

**March, 2005**

***Parts of this handbook have been extracted from the State of Texas' "Local Emergency Planning Committee (LEPC) Handbook: A Primer for Local Planning for Hazardous Materials," developed by the State Emergency Response Commission by the Texas Department of Public Safety's Division of Emergency Management.***

***EPA is grateful for the use of the Primer in the development of this handbook. Additionally, this handbook has also been compiled from information obtained from Handbooks of the States of Arkansas, Kansas, Nebraska, Ohio, Missouri, Florida, Wyoming, and Maine.***

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# **Section I: Introduction**

## **A. History and Background**

This handbook is designed for Local Emergency Planning Committees (LEPCs) in Region 6. The LEPC is a product of federal legislation passed in the wake of the Bhopal disaster in India, where thousands of people died because of an accident involving hazardous chemicals.

To prevent similar occurrences in our communities, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), in 1986.

EPCRA establishes requirements for businesses, and federal, state, and local governments regarding emergency planning and community right-to-know (CRTK) reporting for hazardous chemicals.

The CRTK provision in EPCRA helped increase awareness (see Appendix H) about the presence of chemicals in their communities and releases of these chemicals into the environment.

Many State legislatures also enacted CRTK laws consistent with federal law. As a result, States and communities, working with industry, are better able to protect public health and the environment. Two of the 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 the community's needs, and
- Provide the public with a right-to-know attitude to identify, quantify, locate, and determine the physical and chemical properties of hazardous substances in the community.

## **B. Why this handbook ?**

The U.S. EPA, other federal agencies, state agencies, and the chemical industry are cooperating with local communities to make EPCRA and related state laws effective. However, the ultimate responsibility for the success of EPCRA rests with the LEPCs. The LEPCs are the link between citizens, industry, and the government.

Because LEPCs are most familiar with the hazards in their community, and because local citizens tend to be the first responders for chemical emergencies, LEPCs are in the best position to assist local governments in developing plans to respond to hazardous material emergencies. This handbook has been developed to provide LEPCs with the guidance needed to make EPCRA work.

## **Section II: Local Emergency Planning Committees (LEPCs)**

### **A. General**

The role of LEPCs is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness. Local governments are responsible for the integration of hazmat planning and response within their jurisdiction.

This includes ensuring the local hazard analysis (see Appendix I) adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

It's necessary for industry to be a part of that planning process to ensure facility plans are compatible with local emergency plans.

Every regulated facility is responsible for identifying a facility emergency coordinator; reporting hazmat inventories annually to the LEPC, SERC, and local fire department; providing MSDSs or a list of hazardous chemicals; allowing local fire departments to conduct on-site inspection of hazmat facilities; and providing annual report of toxic chemicals released to EPA and the State.

LEPCs are crucial to local hazardous materials planning and community right-to-know programs. The membership comes from the local area and should be familiar with factors that affect public safety, the environment, and the economy of the community.

That expertise is essential as the LEPC advises the writers of the local emergency management plan, so that the plan is tailored to the needs of the planning district.

In addition to its formal duties, the LEPC can serve as a focal point in the community for information and discussion about hazardous substance emergency planning, and health and environmental risks.

Citizens may expect the LEPC to reply to questions about chemical hazards and risk management actions. Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the district.

Each member must realize that he or she represents 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 should organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

## **B. Primary LEPC Responsibilities**

As mentioned in Section I, 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.

LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs are listed below. The citations are from EPCRA, Public Law 99-499. Each LEPC:

- Shall review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303 (a)).
- Shall make available each MSDS, chemical list described in Section 311(a)(2) or Tier II report, inventory form, and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC (Section 324(a)).
- Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information (Section 301(c)).
- 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 (Section 303(d)).
- Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304(b)(1)(a)).
- Shall be given follow-up emergency information as soon as practical after a release, which requires the owner / operator to submit a notice (Section 304(c)).
- 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 (Section 311(a)).
- Shall, upon request by any person, make available an MSDS to the person in accordance with Section 324 (Section 311(a)).
- Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).



- Shall respond to a request for Tier II information no later than 45 days after the date of receipt of the request (Section 312(e)).
- May commence a civil action against an owner or 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) (Section 32 6(a)(2)(B)).

### **C. Additional LEPC Responsibilities**

- Shall appoint a Chairperson, an Information Coordinator, and establish rules by which the committee shall function (Section 301 (c)).
- Rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, and response to such comments by the committee. Other considerations that the LEPC should make in rulemaking are:
  - Term of office
  - Removal from the LEPC
  - Authority of the LEPC
  - Immunity for LEPC Members
- Shall notify the SERC of nominations for changes in the LEPC. The LEPC shall notify the SERC of address changes for LEPC chairpersons.
- Shall evaluate the need for resources necessary to develop, implement, and exercise the emergency management plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources (Section 30 3(a)).
- 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 (Section 324(b )).

### **D. LEPC Structure**

#### **1. Membership**

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

- Elected state or local officials
- Emergency medical personnel
- Fire fighting
- Health officials
- Emergency management personnel
- Law enforcement
- Community groups
- Local environmental groups
- Transportation personnel
- 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, a group may be represented by more than one member. Ideally, members should be interested in emergency programs and community right-to-know activities.

Members who do not have a background in hazardous materials should be encouraged to attend a hazardous materials awareness course.

## **2. Appointments**

The LEPC shall 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 LEPCs have chosen political leaders; others have selected chairs from emergency management, environmental groups, industry, or civic organizations.

Important factors to consider are the leader's availability, credibility, 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.

Positions not required by law, but which have proven useful are: Vice-Chairperson, Secretary-Treasurer, and Chairpersons of standing committees (See Appendix C for sample position descriptions).

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 LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters .

The SERC is responsible for maintaining a listing of LEPC memberships. The SERC provides this information to the public, industry, federal agencies, and other state agencies and states.

It is therefore important that your LEPC membership is current and the SERC is kept abreast of all membership changes (See Appendix M for information about updating your LEPC membership information).

### **3. Subcommittees**

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process 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 depends solely on the needs of the LEPC and its members.

Subcommittees may be formed and disbanded as occasions arise to accomplish initial and on-going tasks. Subcommittee membership need not 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?

On larger LEPCs, subcommittee chairpersons may sit on an Executive Committee with the LEPC Chairperson. 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 existing response equipment in the community;
- identifying financial resources;
- coordinating with other LEPCs and the SERC;
- conducting a hazard analysis (see Appendix I);
- managing and providing information for citizens;
- providing information to facilities;
- promoting public awareness (see Appendix H) of EPCRA, community chemical hazards, and emergency response expected from the public.

Suggested subcommittees for the LEPC are:

- A Planning Subcommittee, whose responsibilities may include:
  - developing and assisting in the revision of the hazardous material response portion of the emergency operations plan;
  - establishing a vulnerability zone determination methodology;
  - reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with EHSs; and
  - reviewing the LEPC plan annually.

- A Public Information Subcommittee, whose responsibilities may include:
  - writing and publishing public notices;
  - establishing an information retrieval system; and
  - performing citizen / neighborhood outreach to inform them of plans and other information that is available.
  
- A Training and Exercising Subcommittee, whose responsibilities may include:
  - conducting a training needs assessment;
  - requesting training grants to provide needed training;
  - coordinating training programs; and
  - establishing an exercise schedule.

Once an assessment has been done by the LEPC and basic subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expand needs / ideas generated from the current LEPC membership. Some examples include:

- An Executive Subcommittee, whose responsibilities may include:
  - appointing chairpersons for each subcommittee;
  - developing LEPC long-term goals;
  - tending to LEPC member needs;
  - reviewing LEPC membership terms and soliciting volunteers to fill vacancies;
  - being familiar with state, local, and federal laws which impact the hazardous material planning process; and
  - developing a work plan with timetables for the other subcommittees.
  
- A Resource Development Subcommittee, whose responsibilities may include:
  - researching the community's resources for emergency response (e.g., various types of equipment, facilities, and expertise available);

- identifying alternative resources upon which the community may draw in time of emergency or disaster;
- updating the local Resource inventory;
- identifying other volunteer or in-kind assistance contributions (e.g., private sources such as local business / industry, non-profit agencies, etc.), which may be used for various types of response.
- An Emergency Response Subcommittee, whose responsibilities may include:
  - developing emergency response procedures for local government personnel that may be utilized in hazardous materials responses; and establishing local Incident Command System (ICS) procedures to strengthen and coordinate local government emergency response.
- A Finance Subcommittee, whose responsibilities may include:
  - management of the LEPC budget; and
  - examining and recommending the use of funds.
- A Business / Industry Outreach Subcommittee, whose responsibilities may include:
  - developing initiatives that will encourage active participation by the community's commercial businesses and industrial facilities.

Updating reports on Sub-Committee meetings can be made at the regularly scheduled LEPC meetings.

#### **E. By-laws (See Appendix C for Sample By-Law)**

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

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

## **F. Meetings**

The frequency of LEPC meetings is not mandated. In order to keep the LEPC functioning effectively, regularly scheduled meetings which address diverse issues and work toward progress on key concerns are essential.

Circumstances may change frequently, along with key phone numbers and contacts.

Regular meetings also offer the opportunity for the LEPC to broaden its role in the community.

A meeting of the LEPC may be subject to the State Open Meetings Act. LEPCs should confer with their county attorney on the requirements of Open Meetings, as appropriate. Meetings should follow an organized format. Robert's Rules, or some other guidelines, can be utilized.

A well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed at the meeting.

If time constraints are a factor, each agenda item may be assigned a time limit. The key to this strategy is adhering to the time limit assigned for each issue. Each committee member should be sent, if feasible, a copy of the agenda one-to-two weeks prior to the scheduled meeting.

Additionally, send any information pertinent to the upcoming meeting along with the agenda.

This way, members can prepare themselves for the meeting in advance and meetings should be more productive. Again, LEPC chairpersons should determine how requirements under State Meeting rules apply to LEPC meetings.

Posting of meeting times and locations, oral public comments, and recording of meeting minutes may all be subject to State rules.

LEPCs are encouraged to seek topics, speakers, invitations from facilities and response organizations and opportunities to expand knowledge from a wide variety of sources.

While LEPCs should strive to establish a regularly scheduled meeting, LEPCs can also benefit from moving meetings to different locations and times. Some LEPCs meet at industry sites where a regular meeting is held, followed by a tour of the site's operations.

This has proved to be a very successful LEPC activity for those LEPCs who have embraced the "facility visit" approach. Additionally, meetings may be held alternatively during the day and evening to accommodate the needs of committee members and the interested public.

## **G. Administration**

LEPCs are challenged with having to administer a program with little or no budget (in many cases), and no fixed facility provided to work from.

Despite this, they are required by law to respond to public inquiries about hazardous chemicals in their communities within a reasonable amount of time, no later than 45 days.

They can accomplish this through efficient record keeping and using suitable work space provided by government or industry members on the committee. Co-locating the LEPC with the Emergency Management Agency office, or a local fire or police department, can be beneficial to each organization.

### **1. Maintenance of Records**

At a minimum, LEPCs should maintain the following records:

- Copy of local emergency management plans and pertinent annexes;
- Material Safety Data Sheets (MSDS) or information on where to obtain them;
- Initial and follow-up hazardous chemical spill release reports;
- Records of LEPC and committee meetings;
- LEPC membership list;
- Tier II reports for covered facilities.

### **2. Information Resources**

The EPCRA law has existed for over fifteen years. During this period, the resources available to the LEPCs have increased greatly. Today, assistance is available from all levels of government and from industry in various media formats.

The good news is, that with the exception of some computer software, most of this information is available free to LEPCs. See Appendix F for an extensive listing of resources available to LEPCs.



## **H. Public Inquiries and Awareness (see Appendix H)**

EPCRA requires LEPCs to establish procedures for receiving and processing requests from the public for information under Section 324 within 45 days after date of receipt of the request.

This includes responding to requests for Tier II information under Section 312.

We have seen that EPCRA was specifically written with the citizens in mind.

It is based on the principle 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.

According to a national LEPC survey conducted by George Washington University in 1994, and updated in 1999, LEPCs generally receive few requests for data submitted by industries.

There appears to be minimal public interest in the data generated under EPCRA. Therefore, LEPCs must strive to devise more creative ways to disseminate and interpret information on chemical risk to the public. Appendix H provides ideas on how to conduct awareness projects for the public.

## **I. Funding LEPC Activities**

When Congress passed EPCRA, it did not provide funding for LEPCs. In 1995, EPA Region 6 conducted a survey to determine the sources of funding used by LEPCs.

The amounts of funding ranged from no funding at all to budgets of over \$ 100,000. On the average, annual LEPC budgets ranged from \$ 3,000 to \$ 5,000.

The cost of implementing EPCRA at the LEPC level will vary, depending on the extent of program development, as well as other factors. Communities have found a wide range of solutions to the funding problem. Examples of some can be found in Appendix D.

## **J. Maintain a Healthy LEPC**

Research shows that the most successful LEPCs have the following attributes:

- they have clearly defined goals;
- members are trained in the law and know what is expected of them;

- the right people with responsibilities and interests from broad-based community representation (not dominated by one segment) are appointed;
- members are committed and interested because they:
  - feel useful and believe they are helping the community;
  - have been given tasks according to their interests and expertise;
  - have been given challenging tasks;
  - are recognized for their contributions; and
  - have a chance to develop their own skills.
- they have “packaged” themselves as to their purpose and value and sold this package to the executive level to gain its support;
- they maintain a working relationship with the state level agencies responsible for the program, and with their peers in other districts;
- meetings are scheduled at regular, convenient times;
- the meetings adhere to the agenda and are concerned with common interests; and
- they have strong leadership and designated staff.

## **Section III: Reporting Requirements for Facilities with Hazardous Materials**

### **A. 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 (EPCRA) and the Risk Management Plans (RMP) under the Clean Air Act of 1990 (112(r)). Some chemicals appear in several of these lists. These lists are:

- Extremely Hazardous Substances (EHSs)
- Hazardous Substances
- Hazardous Chemicals
- Toxic Chemicals
- List of Toxics and Flammables

Each of these is described in detail in Appendix E.

### **B. Hazardous Chemical Inventory Reporting**

#### **1. General**

There are fixed facilities in almost every county which use, produce, and/or store hazardous chemicals. LEPCs need to be aware of all the facilities in their district, and especially the ones handling EHSs.

These facilities may be privately or government owned and all may be subject to some provisions of the law. Federal facilities also must comply with the provisions of EPCRA.

#### **2. Hazardous substance inventory reports**

##### **a. Emergency Preparedness Phase**

##### **(1) Identification of facilities subject to Special Planning Requirements:**

- Emergency planning letter submitted to the SERC and the LEPC when the facility has sufficient EHS's to warrant reporting.

- All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.

## **(2) Annual Chemical Inventory Reporting**

- Covered facilities must submit Tier Two forms to the SERC, LEPC, and to local Fire Departments (by March 1 of each calendar year)
- If requested, covered facilities must submit MSDS's to the above agencies.

## **(3) Annual Toxic Chemical Release Reporting**

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

### **b. Emergency Response Phase: Spill or Release Reporting by the Covered Facilities or Transporters**

- Covered facilities or transporters must make immediate notification to an emergency 24-hour phone number designated by each LEPC, the SERC, and the NRC.
- Written follow-ups must be filed with the SERC and LEPC. See Appendix E for a detailed description of reporting.

### **c. Risk Management Programs [ Clean Air Act Section 112(r)]**

- Important provisions in the 1990 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 LEPCs to be familiar with these federal rules since they will clearly be affected by them. See Appendix E for a detailed description of reporting requirements. As a minimum, LEPCs 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 with which the facility emergency response plan is “coordinated.”

Facilities may have approached LEPCs with requests for the mentioned coordination.

- LEPCs should familiarize themselves with those emergency response plans.
- LEPCs 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 you will read about future changes planned to improve safety.

- LEPCs 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 – LEPCs should discuss these directly with the facility.]

## **Section IV: Emergency Management 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 321 of EPCRA states that nothing in EPCRA will preempt any state or local law.

Thus, existing State law governs local emergency management planning as long as it meets the requirements of EPCRA.

Prior to the enactment of EPCRA, most State emergency management statutes tasked cities and counties with providing for emergency management planning within their jurisdictions.

Local jurisdictions were therefore responsible for integrating the EPCRA planning requirements into existing multi-hazard plans .

Under State guidelines, communities develop emergency management plans to meet the response and recovery needs during emergencies involving natural hazards, national security, and technological and man-made hazards.

#### **2. Federal Requirements**

States in Region 6 have determined that planning by local emergency management jurisdictions will meet the requirements of EPCRA if it integrates EPCRA requirements into the existing multi-hazard functional plan.

A basic emergency management plan and the following annexes that meet state planning standards normally will fulfill the requirement for local emergency planning under Section 303 of EPCRA:

- Annex \_\_\_ : Warning
- Annex \_\_\_ : Shelter and Mass Care
- Annex \_\_\_ : Evacuation
- Annex \_\_\_ : Emergency Public Information

- Annex \_\_\_ : Resource Management
- Annex \_\_\_ : Hazardous Materials Response

### **3. State / Federal Requirements**

The LEPC planning envisioned by EPA and the SERC 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 assisted local governments in carrying out emergency planning related to hazardous materials. In this capacity, the LEPC is an important ingredient useful to all local responders.

EPCRA requires that each emergency response plan include:

- 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 response plans to emergency medical personnel, fire service, and law enforcement agencies.

### **B. Hazards Analysis (see Appendix I)**

As you will notice while reading the criteria for developing a hazardous materials response annex, some of your key tasks will be to identify facilities containing extremely hazardous substances or to identify transportation routes likely to be used for the transportation of these substances.

A hazard analysis will help you identify these and other hazards in your community. Planner should try to answer the following questions:

- What are the major chemical hazards in our community ?
- How can we determine the area or population likely to be affected by a release?
- What emergency response resources (personnel and equipment) does our community need ?
- What kind of training do local responders need ?
- How can we help prevent chemical accidents ?

The hazard analysis process can assist local planners in answering these and other important planning questions. See Appendix I for more details on conducting an analysis.



## **Section V: Hazmat Response Options**

### **A. Local Government Response to Hazardous Substance Incidents**

#### **1. General**

Both federal and state statutes indicate the person responsible for the spill must respond and remove the hazardous materials.

Local governments, however, must be prepared to implement appropriate notification and response actions in order to save lives and property during a spill involving hazardous materials. The capabilities to do this vary greatly; however, state and federal resources are available to assist local governments.

#### **2. Local Response**

##### **a. Firefighters and HAZMAT teams**

Most jurisdictions assign the responsibility of hazardous substance spills response to the local or district fire department. Proper training and equipment necessary for hazardous substance response is costly in manpower and dollars, so capabilities varies considerably throughout the Region.

A cautionary approach is taught to emergency responders whereby they should recognize immediately whether their team has the proper training or protective equipment to handle the incident.

Some jurisdictions have special HAZMAT teams which can respond to incidents where general firefighters cannot.

The maintenance of these teams is costly, and some jurisdictions have passed city ordinances which allow annual permit fees to be collected from businesses which use, store, transport, or generate hazardous materials in order to fund these specialty teams.

State hazardous substance experts can be called in to provide supplemental technical advice to local responders upon request.

##### **b. Incident Command System (ICS)**

Under 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response, OSHA requires the use of the Incident Command System (ICS) by private organizations responding to hazardous substance spills.

EPA's 40 CFR 311 refers response actions and related worker safety and health for state and local employees to the OSHA citation.

The designated, or local senior emergency response official on-scene, is usually the Incident Commander (IC).

State and federal On-Scene Coordinators (OSC), if applicable, are expected to work within the Incident Command System at all incidents, and are considered to be resources for the IC.

### **c. HAZMAT contractors**

Some jurisdictions have contracted with private industry for the provision of emergency response or remediation services at hazardous substance spill sites.

If the jurisdiction is willing to bear the cost of these contracts, they should arrange for them prior to an incident, and incorporate these contracted services into the local emergency management plan.

Many states maintain a contractor database of companies that have requested to be listed as providers of various HAZMAT services within the state. Although they usually do not license, certify, recommend, or otherwise regulate these vendors, the state may be able to provide a list of contractors.

## **B. Reimbursement to Local Governments for Emergency Response to Hazardous Substance Incidents**

The National Contingency Plan (40 CFR Part 300.700 – Activities by Other Persons) makes it clear that

- (1) “ ... Responsible parties shall be liable for all response costs incurred by the United States government or a state or an Indian tribe not inconsistent with the NCP...” and
- (2) “ ... Responsible parties shall be liable for necessary costs of response actions to releases of hazardous substances incurred by any other person consistent with the NCP...”

This powerful language ensures that local governments can pursue payment to cover the costs for a hazardous materials release, where the response was needed to protect health of community persons, or the environment.

A sample Letter for Potential Reimbursement from a responsible party is included in Appendix N. However, there are situations where a responsible party is not identified, or does not have the resources to pay for the necessary costs of the community.

In these situations, it is important that the LEPC to know about the following program.

Section 123 of CERCLA authorizes EPA to reimburse local governments for expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats.

These measures must be necessary to prevent or mitigate injury to human health or the environment from a release or threatened release of a hazardous substances, pollutant, or contaminant.

This specific program is called the Local Governments Reimbursement (LGR) Program.

Through this program, EPA has reimbursed local governments for releases from transportation accidents, dumped wastes, tire fires, and contamination from drug labs. Release of oil or oil-related products are not covered, unless the oil is mixed with a hazardous substance.

For a fact sheet on this program, see Appendix S.

## **Section VI: Exercising the Plan and Exercise Evaluation**

EPCRA requires each LEPC plan to “present methods and schedules for exercising emergency response plans to emergency medical personnel, fire service, and law enforcement agencies.”

Each LEPC, therefore, must develop and conduct an exercise to test and validate the various plan sections which relate to the local agencies, departments, and organizations within the district to satisfy exercise requirements.

The LEPC must decide what objectives to test, select the type of exercise, the basic scenario, the participants, and when to conduct the exercise.

The LEPC should appoint an Exercise Design Team to actually develop the exercise, including the scenario, messages, incident site, and control measures. The Team should consist of individuals experienced with the functions of the organizations, agencies, and facilities involved in the exercise.

One member should be designated as Team Chief or Leader and be responsible for submitting appropriate progress reports to the LEPC.

The Team may want to meet initially with the Exercise Officer for the State Emergency Management Agency to seek guidance and to ensure that exercise directives and procedures are understood.

Obviously, the local Emergency Management Officer will also have a major impact and input into this process. The LEPC should provide the SERC notice of the exercise.

This permits the State to participate, as appropriate. There are various courses, exercise guidance, and evaluation documents available to assist the LEPC with exercises.

No-notice exercises should be avoided, as the benefits to be gained through a carefully orchestrated planned exercise far outweigh those expected from no-notice drills.

The primary federal guidance documents that can be obtained are:

- FEMA’s CHER-CAP Hazardous Materials Exercise Evaluation Manual
- NRT-2: Developing a Hazardous Materials Exercise Program

An LEPC can obtain a copy of each of these from your State Emergency Management Office, or the EPA / FEMA Regional Offices.

## A. Exercise Development Suggestions

- Utilize the training and experience of all representatives of the LEPC and of others in the community in the planning of the exercise. The LEPC should start planning many months prior to the expected date of the exercise to determine the type, scale, and objectives of the exercise.
- Appoint an Exercise Design Team and provide them guidance on what type of exercise the LEPC wishes them to develop.
- Have the Team Leader provide the LEPC periodic briefings and identify any needs or requirements the LEPC should know. Note: The Team members should not participate directly in the exercise as players, but should serve as Controllers during the exercise.
- Arrange for a meeting between the Team and the State Emergency Management Office for guidance to insure the exercise meets all applicable State planning and exercising requirements.
- Insure that all participating departments, agencies, and organizations:
  - are aware of the exercise
  - wish to participate
  - receive general information on the exercise
  - know what will be expected of them during the exercise.

The LEPC may wish to schedule pre-exercise training and/or drills to assist individuals or organizations prepare for the exercise.

Some obvious ground rules must be observed:

- The exercise will terminate if a real emergency occurs during the exercise.
- Safety of the public, responders, and simulated “casualties” must take precedence over all other exercise considerations and actions.
- Any participant has the authority and the responsibility to stop the exercise if an unsafe act or condition is observed.
- Any observation that may improve the emergency response or the planning for actual response is welcome in the exercise critique following the exercise.

## **B. Exercise Design Course, Review of Exercises, Credit**

The State Emergency Management Offices periodically teach a FEMA certified course in designing, conducting, and evaluating exercises. Interested individuals can contact their Community Emergency Management Officer for course information, dates, and applications.

State Emergency Management Offices will normally provide an evaluator for exercises conducted in communities. However, the LEPC should provide sufficient evaluators, who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review.

LEPCs may request exercise credit for their local emergency management office for an actual incident which occurred in, or affected, the district. This credit, if granted, may be used to satisfy the annual exercise requirement for emergency management offices.

When the LEPC conducts a Full-Scale exercise, there should be an announced public critique. This critique should be scheduled by the LEPC, and could be done in conjunction with another LEPC function, such as a LEPC meeting, or it could be scheduled separately.

Critiques and debriefings are important to the participants as well as the LEPC. The participants want to know what the evaluator(s) observed and the recommendations they have.

Debriefings should be conducted immediately following the exercise, usually at the site while all participants are still present.

Critiques bring the participants together and allow them to listen to the comments of the evaluators as they critique all participating organizations. A public critique is required after each full-scale exercise.

Finally, the LEPC should assemble the various heads of the participating agencies, departments, groups, or organizations to discuss the exercise.

They should discuss how the exercise actions met or conflicted with procedures outlined in the plan.

They should identify any plan shortcomings or errors in their areas and what changes, if any, to the plan are in order. Any changes recommended will be presented to the LEPC, and should be reviewed for possible inclusion in the next plan update.

## **Section VII: LEPC Training and Education Programs**

### **A. General**

EPCRA requires that each LEPC plan “describe a training program for emergency response personnel (including schedules).”

These programs should be made available for all emergency response, management, and facility personnel. Additionally, the LEPC should train its own members in their respective areas of responsibility.

It should also provide assistance to the Community Emergency Management Office in training such groups as the EOC staff, officials, and others regarding hazardous materials plans, exercises, and other activities.

### **B. Program Considerations**

The LEPC must:

- determine what training needs exist,
- identify personnel to be trained,
- obtain funding (See Appendix D),
- identify training facilities, and
- identify instructors available to best meet and accomplish the training requirements for its community.

The LEPC should consider the implementation of a training and education program for the district which includes training already scheduled and conducted by the Community Emergency Management Office, the various first response agencies and organizations, as well as other training activities relating to hazardous materials preparedness and response.

The LEPC should coordinate with the various district associations (Fire, EMS, Law, medical), to combine training efforts. Combining training sessions has many benefits, such as:

- attracting more participants,
- cost savings,

- training more people with fewer instructors, and
- the students become acquainted with other individuals with their organization's roles and responsibilities.

### **C. Organization for Training**

Each LEPC will have to determine how the district can best organize, set-up, and conduct a productive training and education program. Each district is different, and each LEPC should develop a program which benefits its people in accordance with State and Federal training standards.

The following is one way a LEPC might approach the establishment of the training and education program. This concept is offered to help LEPCs design a program to fit their situation.

Appoint a Training and Education Sub-Committee. This group should contain, at least, representatives from the Fire, Law Enforcement, Facility, EMA, and EMS organizations. The Sub-Committee might be chaired by the Vice-Chair of the LEPC. Their task is to:

- identify what the district's training needs are,
- what training is currently available,
- what the training goals are of the various organizations, and
- present their recommendations to the entire LEPC.

The LEPC should consider its direct and indirect roles in training and education within the District.

#### **1. Direct role**

- Provide appropriate orientation and training of the LEPC's members, explaining their duties and responsibilities.
- Identify training requirements of the various agencies, organizations, departments, and groups within the district that they represent so they can consider how to meet these needs.
- Identify the training goals for the various organizations, agencies, departments, and groups within the district.
- Survey the district to identify the current training levels of the various agencies, departments, organizations, and groups within the district to accurately estimate the type, cost, and availability of training needed.



- Identify training programs available to support these requirements, including training to be provided by the local instructors, state and federal agencies, and the private sector.
- Provide training and/or orientation for public officials, first response type organizations, churches, schools, service organizations, and others.
- Provide a schedule for training activities for the current year and at least a rough outline of plans and goals for the following year.
- Provide funding support for training through the use of LEPC training funds and by obtaining additional funds from grants, private or industrial sources.
- Provide a reference library containing publications, audio-visual material, and other items for training use. It should be at a location available during normal working hours.

A current listing of reference and training documents available should be provided to the various emergency response organizations, agencies, and departments.

## **2. Indirect role**

- Assist the leadership of the various response and support organizations, within the district to meet training standards prescribed for their personnel.
- Ensure that these “employers” are aware of training requirements and standards, and that they maintain appropriate training records for their personnel.
- Assist these organizations by obtaining training funds for their use by applying for various grants under programs, such as SERC and HMEP grants.

The LEPC role should include the following:

- Establish liaison, through the appropriate LEPC members, with the various agencies, departments, organizations, and other groups (amateur radio, community groups, and others) within the district to determine their training interests, to discuss training requirements, and determine needs and goals for the groups.

The LEPC Training and Education Sub-Committee should keep the LEPC’s membership advised of their activities and findings.

- Regularly discuss training needed, planned courses, and requests from the groups. The LEPC could create and make available a consolidated training schedule of the district on a quarterly or bi-annual basis.

They may be able to assist agencies with training records for the individuals in an agency.

- Assist all emergency response organizations to obtain training information through Fire Associations, EMA Director's office, the SERC, and other State, Federal, and private sources.

The LEPC might decide to utilize its own funds to purchase training materials, aids, and/or equipment for various organizations, agencies, departments, or groups.

#### **D. Continual Training and Education Programs**

The various training and education programs conducted or arranged by the LEPC for EMA and LEPC staff and officials should be considered as on-going programs based on the assessment of the need.

The Training and Education Sub-Committee should carefully review training already provided, assess current/future needs and develop their programs accordingly.

The Training Sub-Committee should be familiar with 29 CFR 1910.120(e) which requires initial, management and supervisor, emergency response, and refresher training.

The LEPC should develop, maintain, and distribute a schedule of all Sub-Committee meetings and training sessions hosted or conducted by the LEPC or others.

(All training which could be of interest to LEPC members, or other individuals, groups, departments, organizations, or agencies affected by hazardous materials matters should be included).

The LEPC should also request that other departments, organizations, and agencies within the district provide them with copies of their training schedules.

This procedure will keep the LEPC informed of on-going training programs within the county and would in turn help the LEPC recognize how the organizations are training and who may need attention and/or assistance from the LEPC.

Training of all personnel is important, but the training of individuals that must respond to a hazmat incident is critical. This is not only because of concern for the individual responder's health and welfare, but for the communities as well.

All emergency responders must be properly trained and equipped if they are to successfully handle chemical accidents.

The LEPC has a responsibility to coordinate, support, and assist the various agencies, departments, organizations, and groups with their training programs.

### 3. Possible Training Courses

- FEMA

FEMA has developed sixteen short courses to enable LEPCs to put on their own courses using local instructors and expertise. These are:

- Hazardous Materials Workshops ..... G305
- Alert and Notification ..... G305.5
- Community Awareness and Right-to-Know ..... G305.6
- Exercising Emergency Plans Under Title III ..... G305.4
- Facility Coordinator's Role and the LEPC ..... G305.10
- Hazardous Materials Information Management ..... G305.2
- Hazardous Materials Response Team: Should You Have One? ..... G305.14
- Hazardous Materials Risk Communication ..... G305.1
- Hazardous Materials Workshop for EMS Providers ..... G305.8
- Hazardous Materials Workshop for Hospital Staff ..... G305.16
- Hazardous Materials Workshop for Law Enforcement ..... G305.9
- Liability Issues in Emergency Management ..... G305.11
- Overview of Incident Command System ..... G305.7
- Risk Analysis ..... G305.3
- Introduction to Hazardous Materials Preparedness ..... G301

Additionally, FEMA offers independent study courses online helpful to LEPC members. These include:

- IS-1 ..... Emergency Manager: An Orientation to the Position
- IS-2 ..... Emergency Preparedness, USA
- IS-3 ..... Radiological Emergency Management
- IS-5 ..... Hazardous Materials: A Citizen's Orientation
- IS-55 ..... Household Hazardous Materials - A Guide for Citizens
- IS-100 ..... Introduction to Incident Command System
- IS-120 ..... An Orientation to Community Disaster Exercises
- IS-139 ..... Exercise Design
- IS-195 ..... Basic Incident Command System
- IS-242 ..... Effective Communication
- IS-346 ..... An Orientation to Hazardous Materials for Medical Personnel
- IS-700 ..... Basics of National Incident Management System (NIMS)
- IS-800 ..... Basics of the National Response Plan (NRP)

Go to <http://www.training.fema.gov/> for information on FEMA training.

- EPA

The Environmental Response Team offers the following courses which will prove to be helpful to LEPC members.

- 165.4 ..... Air Monitoring for Hazardous Materials
- 165.5 ..... Hazardous Materials Incident Response Operations
- 165.6 ..... Introductory Risk Assessment Guidance for Superfund
- 165.8 ..... Safety and Health Decision-Making for Managers
- 165.9 ..... Sampling for Hazardous Materials
- 165.15 ..... Emergency Response to Hazardous Material Incidents
- 165.21 ..... Chemistry for Environmental Professionals - Fundamentals
- Response Readiness Training
- 165.19 ..... Risk Management Program - Basics
- Health & Safety Eight-Hour Training

Go to <http://www.ert.org/> for information on EPA ERT training.

### **E. Citizen Corp Council and LEPCs**

Following a major disaster, first responders who provide emergency services will not be able to meet the demands placed upon them.

Factors, such as the number of victims, communication failures, and roadblocks may prevent people from accessing the type of services they have come to expect at a moments notice through 911.

People will have to rely on each other for help to meet their immediate needs until professional emergency responders can reach them.

In his 2002 State of the Union address, President Bush placed renewed emphasis on the Citizen Corps initiative, and asked that Americans volunteer their services to help safeguard our country, our communities, their families, and themselves.

Citizen Corps is managed at the state and local level by Citizen Corps Councils that are in various stages of development.

CERT is a program designed to produce organized teams that will be capable of assisting their communities in times of disaster.

It is recommended that your LEPC also be designated as your Local Citizen Corps Council. There are already numerous examples where this relationship is working effectively and reducing redundancy of training and resources.

In the Citizen Corp's Orientation Guide, it is recommended "...You do not need to create a new organization to start Citizen Corps. Leveraging existing resources is strongly encouraged. If your community already has a strong team that brings together all sectors of your community, you may want to ask this group to take on the responsibility of promoting Citizens Corps..." and

"... There may be an existing group in your community that includes many of the appropriate participants, such as LEPCs, that could take the lead in joining with additional relevant parties to implement Citizen Corps."

For more information on these councils and their objectives, visit <http://www.citizencorps.gov>

# **A P P E N D I C E S**

# APPENDIX A: Planning Principles and Perils: A Guide to Effective Planning

## 1. Minimum Requirements For The Plan

Under the federal law each local emergency planning committee (LEPC) is required to develop an emergency response plan and review this plan at least annually thereafter.

In developing this plan, the local committee should evaluate the available resources for preparing for and responding to a potential chemical accident, or an act of nature which involves the spillage of chemical materials into the environment.

The plan should:

- Identify facilities and transportation routes of EHSs and other chemicals;
- Identify additional facilities which could be subjected to additional risk due to their proximity to facilities subject to the requirements mentioned above, such as hospitals, nursing homes, schools, prisons, or others;
- Describe emergency response procedures for handling chemical releases at a facility, both on-site and off-site.

These procedures should be followed by facility owners and operators, local emergency responders and medical personnel responding to the incident;

- Designate a community emergency coordinator and facility coordinator(s) to implement the plan;
- Develop reliable, effective, and timely notification procedures for facility emergency coordinators to convey information to community emergency coordinators and to the public, that a release has occurred;
- Describe methods for determining the occurrence of a release and the probable affected area and population.
- Describe community and industry equipment available for response operations, and identify the persons responsible for the equipment.
- Define training programs for emergency response personnel, and the schedules of training for emergency response and medical personnel.

- Present methods and schedules for exercising emergency response plans to emergency responders, emergency medical personnel, fire service, and law enforcement agencies.
- The plan thus developed shall be reviewed at least once a year, or more often as circumstances within the community or facilities changes.

## **2. Reviewing And Testing The Local Emergency Planning Committee Plan**

The LEPC Plan is required to be reviewed at least once a year. Most planners agree that the best way to review a plan is to test, or exercise, it. There is no requirement that the plan must be tested each year; however, the LEPC is required to establish a schedule for testing the plan.

Obviously, the level of review and testing is dependent on many factors, including cost, personnel required, and other reasons.

Each LEPC, in conjunction with the Emergency Management Office, should determine the level of review and exercise to be conducted each year. In testing the Plan, the following areas should be evaluated to represent the minimum requirements for qualification as an exercise.

In addition, jurisdictions are encouraged to test areas particular to their part of the plan. Reviewers of the Plan should examine the Plan for the following items:

- Does the Plan attempt to reduce the unknown in a situation.
- Are the aims of the Plan to evoke appropriate actions.
- Is the Plan based on what is likely to happen.
- Are the basic tenets of the Plan based on knowledge of actual problems and solutions or upon myths and misconceptions.
- Does the plan operate as a continuous process.
- Does the plan focus on principles rather than concrete details.
- Does the plan overcome resistance in thinking and established methods of response because of limitations of money, time and effort.
- What parts of the Plan are an educational activity.



### **3. Characteristics of a Good Plan**

A good plan should have the following characteristics:

- It should be simple.
- It should provide for accomplishing the mission.
- It should be flexible.
- It is based on facts and solid assumptions.
- It provides for continuity.
- It provides for the use of existing resources.
- It delegates authority while maintaining necessary control.
- It provides for the necessary organization.
- It coordinates all elements of the response.
- It establishes relationships and responsibilities.

### **4. Common Pitfalls in the Planning Process**

- Lack of integration of emergency planning into the facility's total management system.
- Lack of understanding about the different dimensions of emergency planning.
- Managers not involved.
- Top management inflexibility.
- Top management expects immediate results from the planning process.
- Confusing financial projects.
- Planning responsibility wrongly placed in a separate department rather than coordinated through several departments.

- Too much is attempted too soon.
- Failure to operate by the planning process action plan.
- Lack of broad input into the planning process.
- Failure to see the big picture.

## **5. The Top Ten Common Weaknesses of Disaster Planning**

- No systematic collection of information.
- No systematic dissemination of information.
- No provision for establishing on-scene command or management.
- Not able to achieve inter-organizational coordination.
- Specific responsibilities are not described
- Incomplete hazard assessment and analysis.
- The Plan is not exercised.
- No provision for updating or revising the Plan.
- No concern for the users of the Plan.
- Plan is not distributed to agencies involved.

## **6. Warning Signs of Insufficient Preparedness**

- A lack of urgency or priority about emergency planning among management and employees.
- Confusion about roles and commitment to emergency planning.
- Confusion about community roles and responsibilities regarding disaster planning.
- Lack of a viable disaster plan that is part of the daily facility process.

## **7. LEPC Tasks for Emergency Planning**

- Develop a good working relationship between the LEPC and the local fire departments, police departments, emergency medical services, and public works departments.
- Develop a good working relationship between the LEPC and the Local Emergency Management Agency Directors.
- Develop a good working relationship with the Facility Emergency Coordinators.
- Research community capabilities.
- Review, and update, the Resource Management Annex of the local plan.
- Review and suggest revisions to the Communities' Emergency Operations Plan.
- Identify all facilities in the district with chemicals of concern.
- Compile information about transportation routes and facilities within the district.
- Identify facility information necessary for planning.
- Perform community outreach.
- Perform a hazards analysis (see Appendix I) for chemicals of concern at each facility.
- Call together the relevant parties.
- Become familiar with LEPC plan review standards.
- Divide up the work
- Coordinate with other jurisdictions.
- Exercise the plan.
- Get plan signed.
- Submit the plan to the SERC.
- Annually review and update the plan.
- Give Public Notice and hold a meeting.

## **APPENDIX B: Emergency Management Planning Standards and Criteria**

The following information is derived from various state planning standards and criteria, and is provided as a reference for developing an Annex for Hazardous Materials Response and Recovery Plan.

- Authority and References
  - Identifies local, state, and federal authorities providing a basis for carrying out actions in the annex and pertinent references.
- Purpose
  - Includes a mission or purpose statement that describes the reason for development of the annex.
- Explanation of Terms
  - Includes a list of acronyms used in the annex and definitions of essential terms.
- Situation and Assumptions
  - Includes a situation statement describing potential hazards and factors affecting planning and response.
  - Provides summary of the local capability to response to incidents, and includes assumptions used in planning.
  - Identifies local regulated facilities and primary hazard(s) at such facilities.
  - Identifies local transportation routes for hazardous materials, including any approved hazardous cargo routes.
  - Identifies facilities (special facilities, population support facilities, and population concentrations) that may be vulnerable during an incident due to their proximity to regulated facilities or a hazmat transportation route.
  - Includes a map showing the location of regulated facilities, transportation routes, and vulnerable facilities.
  - Identifies evacuation routes from risk areas surrounding regulated facilities.
  - Includes a form at for receiving and disseminating essential information regarding a hazmat incident.

- Concept of Operations
  - Describes the procedures for receiving timely reports of hazmat incidents, and actions taken to mitigate a hazmat incident.
  - Includes a hazmat incident classification scheme.
  - Describes methods for disseminating incident notification to local emergency response elements.
  - Describes methods for determining the area of population affected by a hazmat release.
  - Describes methods to determine appropriate protective actions for the public in the event of a hazmat incident.
  - Describes procedures for warning the public of an incident and communicating appropriate protective actions.
  - Describes obligations of the responsible party and of local government in the recovery from a significant hazmat incident.
- Organization and Assignment of Responsibilities
  - Designates and describes responsibilities of the community emergency coordinator required by EPCRA.
  - Outlines hazmat response actions to be carried out by local officials, departments, and agencies.
  - Outlines response actions expected of regulated facilities and hazmat transporters and responsibilities of other hazmat incident responders.
- Direction and Control
  - Identifies by position the individual responsible for overall management of planning and response activities.
  - Identifies by position the individual(s) responsible for providing direction and control for response to incident.
  - Describes the interface between the Incident Commander and the Emergency Operations Center.
  - Identifies by position the individual(s) authorized to recommend large scale evacuation.
  - Increased Readiness Actions !Describes actions for increased readiness.

- Continuity of Operations
  - Identifies lines of succession for each department head.
- Administration and Support
  - Describes procedures for requesting assistance from the State.
  - Describes local methods of communications during a hazmat incident and identifies local hazmat response resources.
  - Describes mutual aid, industry, and contractor resources which may be available for use during the response to a hazmat incident and who, by position, can activate or request those resources.
  - Describes who is responsible for ensuring emergency responders receive specialized hazmat training and are equipped with personal protective equipment appropriate to their responsibilities in a hazmat incident.
- Annex Development and Maintenance
  - Identifies by title the person responsible for maintaining/revising this annex, and provides for a periodic review of the annex.

For a more detailed review of local emergency plans under the provisions of EPCRA, obtain a copy of the Review of Hazardous Materials Plans (NRT-1a), developed by the National Response Team.

## APPENDIX B: Checklist for the Review of Facility Emergency Response Plans

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | A. Designation of the facility emergency coordinator and the alternate;                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | B. Description of facility emergency warning systems;   |
| <input type="checkbox"/> | <input type="checkbox"/> | C. List of nearby emergency and health personnel;   |
| <input type="checkbox"/> | <input type="checkbox"/> | D. Description of employee training and testing programs as they apply to hazardous materials;          |
| <input type="checkbox"/> | <input type="checkbox"/> | E. List of available response equipment and protective garments;  |
| <input type="checkbox"/> | <input type="checkbox"/> | F. Describe the emergency health treatment procedures for exposure victims;                             |
| <input type="checkbox"/> | <input type="checkbox"/> | G. Include notification, facility, and community evacuation and shelter-in-place procedures;            |
| <input type="checkbox"/> | <input type="checkbox"/> | H. Identify transportation means and routes for extremely hazardous substances to the facility;         |
| <input type="checkbox"/> | <input type="checkbox"/> | I. List the names of all companies providing sudden and non-sudden accidental coverage to the facility; |
| <input type="checkbox"/> | <input type="checkbox"/> | J. List all mutual aid agreements between the facility and responders or public safety agencies.        |

## APPENDIX B: Checklist for the Review of Facility Emergency Response Plans

Pursuant to 29 CFR 1910.120

**YES    NO**

- |                          |                          |        |   |
|--------------------------|--------------------------|--------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | [i]    | Pre-emergency planning and coordination with outside parties.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [ii]   | Personnel roles, lines of authority, training, and communication.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [iii]  | Emergency recognition and prevention.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [iv]   | Safe distances and places of refuge.  |
| <input type="checkbox"/> | <input type="checkbox"/> | [v]    | Site security and control   |
| <input type="checkbox"/> | <input type="checkbox"/> | [vi]   | Evacuation routes and procedures.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [vii]  | Decontamination   |
| <input type="checkbox"/> | <input type="checkbox"/> | [viii] | Emergency medical treatment and first aid.  |
| <input type="checkbox"/> | <input type="checkbox"/> | [ix]   | Emergency alerting and response procedures.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [x]    | Critique of response and follow-up.   |
| <input type="checkbox"/> | <input type="checkbox"/> | [xi]   | Personal protective equipment and emergency equipment.  |
| <input type="checkbox"/> | <input type="checkbox"/> | [xii]  | Emergency response organizations may use the local emergency response plan as part of their emergency response plan to avoid duplication. |



## **APPENDIX C: Sample By-Laws and Rules**

MODEL BYLAWS OF THE \_\_\_\_\_ COUNTY OR DISTRICT LEPC

### **Article I**

This organization shall be known as the \_\_\_\_\_ (Regional, County, Tribal) LEPC

### **Article II**

The purpose of the LEPC are those set out in EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe, or District Commissioners, and/or the SERC. In keeping with the intent of the EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 EPCRA.

The LEPC shall, in addition:

- Receive and process requests for information from the public;
- Notify the public of all LEPC meetings or activities;
- With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis;
- Establish and maintain a data base of hazardous chemical locations and quantities in the district;
- Establish and maintain a computerized system of data management;
- Maintain information on ALL facilities which manufacture, or store, EHSs, and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public, that all meetings, including sub-committee and ad hoc committee meetings, are open to the public.

The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State/Tribal Emergency Response Commission (SERC / TERC), or the County Judge or Tribal Elder.

The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan.

The LEPC shall be instrumental in fulfilling the purpose of the Community Right-To-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored and/or transported within the Planning District.

Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

### **Article III – MEMBERSHIP**

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of EPCRA.

This includes equal representation of elected state and local officials; law enforcement, emergency management, fire–fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel, transportation personnel, broadcast and print media personnel; community groups and owners or operators of local facilities.

The members will be nominated by County / Tribal Commissioners and will be approved by SERC / TERC OF A GIVEN STATE OR TRIBE. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

The membership of the LEPC shall consist of OFFICERS and a Staff. The officers shall consist of a Chairperson, a Vice-Chairperson, an Information Coordinator, and a Secretary-Treasurer. The LEPC staff members may be either salaried or volunteer personnel. Most LEPC's does not have a pay salaried for the staff.

- **Terms of Membership**

The County(Tribe) Commissioners may request that the SERC appoint members for specific terms of office, or the membership of the LEPC may select their officers by ballot or voice vote at a preselected vote event.

- **Terms of Office**

Membership of an LEPC may select the terms of office to be either one or two years. Existing officers may be reelected to their existing offices if they so indicate a willingness to continue.

- The Chairperson

The Chairperson shall preside at all meetings of the LEPC unless they cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation by the existing Chairperson.

The Chairperson shall serve as an ex-officio member of all committees, and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

- The Vice-Chairperson

Upon the resignation, or death, or on the advice of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

- The Secretary-Treasurer

The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents, and other property of the LEPC.

The Secretary-Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

- The Information Coordinator

The LEPC will appoint an Information Coordinator. This person will process requests from the public for information under Section 324, including Tier Two information under Section 312.

The Coordinator will assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator will be a non-voting member of all committees of the LEPC.

- Inactive Members

Appointed members shall be considered inactive when they have missed more than \_\_\_\_\_(insert number) consecutive Committee meetings with out notification to the Committee Chair or staff office of significant reasons why they were unable to attend the meetings.

An annual report listing members declared inactive will be provided to the County (Tribe) commissioners and the SERC.

- Removal of Members

The County (Tribe) may ask that the SERC remove a member.

- Vacancies

Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment of the Chairperson, or by identification of a qualified replacement and nominated, by vote of the membership to fill the position in which such a vacancy exists.

The LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the unexpired term, to the County (Tribal) Commissioners requesting that they nominate this person to the SERC for appointment to the LEPC.

## **Article IV – COMMITTEES**

### **Section 1. Executive Committee.**

The Executive Committee will consist of Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of the four Standing Committees as describe in Section 2.

The Information Coordinator shall serve as a non–voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

### **Section 2. Standing Committees.**

The following Standing Committees shall be established:

(a) Right-To-Know Committee.

This Committee shall be responsible for the formulation of all policies and procedures concerning the public's Right-To-Know program; the formulation of all chemical release reporting procedures the establishment of trade secret protection procedures, and the formulation of all record keeping and information dissemination procedures for the LEPC.

(b) Public Education and Information Committee.

This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

(c) Hazardous Materials Facilities Liaison Committee.

This Committee shall be responsible for procedures for identification and communication with affected facilities.

This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.

(d) Emergency Response and Resources Committee.

This committee will work with the Hazardous Facilities Liaison Committee and with exist emergency response organizations in jurisdictions with the planning district to review and help local emergency management offices(s) test a hazardous substance emergency response plan for the planning district as required by law.

This Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

**Section 3. Ad Hoc Committees.**

The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the LEPC.

Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the LEPC.

**Section 4. Chairperson of the Standing Committees.**

The Chairperson of the Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote.

**Section 5. Membership in Standing Committees.**

All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees.

Final membership of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

## **Section 6. Meetings.**

Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chair of the Committee as deemed necessary. All meetings are open to the public. LEPC meetings in large metropolitan areas are held on a once a month basis.

Some states with low population areas have opted to hold LEPC meetings based upon the population of their counties or districts.

### **(a) Regular meetings.**

The committee shall meet at least quarterly.

### **(b) Special meetings.**

The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of at least 3 members, the Chairperson shall call a meeting with ten (10) days.

### **(c) Hearings.**

The LEPC shall hold such public hearings or forums as it may deem necessary and desirable at such time and places as may be determined by a majority vote of the Committee.

At least one such public hearing, or forum, shall be held each year for the purpose of discussing the Committee's emergency plan with the public, receive and respond to the public comments of the presented plan.

## **Section 7. Quorum.**

A quorum shall consist of a majority of Committee members, excluding those members declared to be inactive. A quorum shall be required to transact business.

Designated representatives must be identified by the primary committee member to the information coordinator or any other board member prior to the meeting. An individual may not be the designated representative for more than one primary board member at a time.

## **Section 8. Agenda.**

Any member may request that the Chairperson place an item on the meeting agenda.

If the Chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of 3 of the membership.

## **Section 9. Rules of Order.**

The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

## **Section 10. Notice of Meetings.**

Notice of time, date, place of meeting, and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff or Chairperson; and to the Clerk of \_\_\_\_\_ County (Tribe) Board of Commissioners in accordance with \_\_\_\_\_.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in \_\_\_\_\_ County (Tribe) in accordance with SARA, Title III (EPCRA) This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

## **Section 11. Voting**

Each committee member, or designated representative, including the Chairperson, shall be entitled one vote. No member shall vote by proxy.

Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them.

All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those committee members or designated representatives present at a duly called meeting.

## **Article V – MISCELLANEOUS PROVISIONS**

### **Section 1. Fiscal year.**

The fiscal year shall be considered to run from October 1 to September 30.

## **Section 2. Indebtedness.**

All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary-Treasurer.

## **Section 3. Approval of Bylaws.**

These bylaws shall become effective upon approval by a majority by those in attendance at the meeting.

## **Section 4. Disqualification.**

Any member who is unable to attend a meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with five or more absences is subject to disqualification at the request of the LEPC to the County Judge and the SERC.

## **Article VI – AMENDMENTS**

### **Section 1. Amendments.**

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting.

Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

## **Article VII – RULES**

EPCRA requires that the LEPC “shall establish rule by which the committee shall function.

Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.”



## **Section 1. Adoption of Rule; Publication of Proposals.**

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

## **Section 2. Method of Initiating Proposed Rule-Making.**

Any member of the LEPC may recommend the initiation of proposed rule-making. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC.

If the Executive Committee, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

## **Section 3. Method of Adopting Final Rules.**

Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any appropriate changes to the proposal.

The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

## **Section 4. Notice of Adoption.**

Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments.

Publication of the final rule shall be in the same manner as that for the proposed rule.

## **Section 5. Emergency Rules.**

In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

## **FINAL RULES**

### **Public Access to Information**

In accordance with Section 324 of the SARA Title III Act, all information obtained from an owner or operator pursuant with EPCRA and any requested Tier Two forms or the MSDS otherwise in possession of the Committee shall be made available to any person submitting a request under this section.

If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All information request to the photocopied by a member of the public, shall be provided a the sole expense of the requestor(s).

The cost of such reproductions shall be set by the Information Coordinator, with the approval of the Executive Committee, at a level which will enable the LEPC to recover all reasonable expenses associated with the processing of the request.

### **Requests for MSDS's and Other Non-Confidential Information.**

Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the Committees Information Coordinator. The facility shall provide the MSDS copy with \_\_\_\_\_ days of the written request.

Any person may request any other non-confidential in formation concerning a facility which may be held by the Committee by submitting a written request to the Committee's Information Coordinator.

### **Requests for Tier Two Information.**

Any person may request Tier Two information with respect to a specific facility by submitting a written request to the committee in accordance wi th the following requirements:

- a. If the Committee does not have in its possession the Tier Two information as requested, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity.

- b. If the request does not meet the requirements, the Committee may request submission of the Tier Two form from the owner or operator of the facility subject to the request if the request includes a general statement of need.

This Document, the Constitution and By-laws of \_\_\_\_\_ (County, Regional or Tribal) LEPC, Adopted at the Regular Meeting of the LEPC on this \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_ Year).

LEPC Chairperson President, County Commissioners or Tribal Elder Date Signed

## **APPENDIX D: Examples of LEPC Funding**

### **A. Volunteers and Donated Services**

Much of the LEPCs' work can be accomplished with little or no funding. Members often donate time and other resources.

Businesses and agencies have also contributed their services. Some LEPCs have found that volunteers can be a great source of manpower.

Senior citizens, for example, have the time to help and their knowledge and experience is invaluable. Prison honor inmates have also been enlisted in LEPC activities with good results.

### **B. Funding from Local Government**

Although LEPCs can accomplish much by using the resources already present in the community, there will still be a need for some funding. Some counties and municipalities have appropriated money from general revenues for this purpose.

City governments may also want to consider the possibility of implementing inspection fees for facilities covered by hazardous material reporting requirements to assist with LEPC expenses.

### **C. Grants**

#### **1. General**

There are limited state and federal funds available to local emergency planners through grant programs.

Authorized by the 1990 Hazardous Materials Transportation Uniform Safety Act, the Hazardous Materials Emergency Preparedness (HMEP) program provides approximately \$5 million a year nationally for emergency response planning and training at the local level.

The U.S. DOT administers this program. The funds come from a yearly registration fee required of transporters of hazardous materials in interstate, intrastate, and international commerce. The state share of this federal grant is usually administered by the State Emergency Management office.

In order to be eligible for receipt of grant funds, an LEPC should be able to establish an active status by maintaining the following:

- Maintenance of an active membership;
- Conduct regularly scheduled meetings;
- Provide quarterly reports of expenditures to the SERC;
- Development and maintenance of a current hazardous materials emergency operations plan, including:
  - Covered facilities, transportation routes, and facilities at risk;
  - Responsible personnel;
  - Notification procedures;
  - Methods for estimating releases and areas likely to be affected
  - All elements of "NRT-1";
  - Emergency equipment and facilities

## **2. Other Federal Assistance**

- FEMA

FEMA also provides funds for local emergency management through its State and Local Assistance (SLA) program. For information about obtaining SLA grants, contact your State Emergency Management Office.

### **D. Supplemental Environmental Projects (SEPs)**

Once an action has been commenced by EPA against a facility for not submitting a Tier Two 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 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 LEPCs in their activities.

These agreements are an appropriate way to enforce EPCRA, since the SEPs can be arranged to aid in its implementation. Through the use of SEPs, facilities have:

- provided emergency or computer equipment to the LEPC,
- provided training to local emergency or planning personnel,
- become active members in the LEPC; and
- prepared compliance articles developed by the facility, which were reviewed by EPA Region 6 for accuracy, and submitted to trade journals.

## **E. Industry Donations**

Some of the most active funding programs in the country for LEPCs, is where industry is present.

As an example, each year, four subcommittees of an LEPC, communications, emergency response, awareness, and transportation, could prepare and submit a budget to the finance subcommittee for review and/or revision.

After approval, budgets are presented to the LEPC for approval. \$5,000 could be donated by the city as an annual contribution plus 50 % of capital projects. The remaining balance is billed to facilities located within the LEPC.

This process has been used since 1988 in many areas. In these areas, the process is based on a head count formula where larger plants pay the majority of the donations.

The money is used for outreach projects each year (bookcovers, calendars, newspaper ads, media training, fall festival, report card envelopes), installing and maintaining alarm systems, and computer equipment.

Another funding option is for the county and city, each provide \$5,000 and industry could voluntarily provide another \$10,000 for use by the LEPC information committee in undertaking public education about community right-to-know.

Industry has contributed this money in the interest of providing the public with a full understanding of the information reported.

Funding for other LEPC activities can come primarily from the city and county.

If LEPCs incorporate as non-profit corporation and receive tax-exempt status, this improves the LEPC's ability to solicit monies from facilities and from the county directly, avoiding the delay of applying for funding through the county government channels.

In order to meet the budget, the LEPC can propose to the Commissioners a dollar matching concept between facilities and the county.

To provide an indication of what each facility's "fair share" of the industry contribution should be, the LEPC should analyze Tier II forms and prepare a scale of suggested contribution amounts.

These contributions can be solicited by a letter sent to each facility and municipality annually. This money does not include "in-kind" donations of equipment and services given to the LEPC in the last several years.

## **F. Other Sources**

EPA has developed and published booklets titled "Successful Practices in Title III Implementation" that document successes and lessons learned from LEPCs all across the country.

From New York to Hawaii, from Florida to Alaska, there are examples of what to do and what not to do when establishing an active LEPC.

Contact your Region 6 EPA office for information on these publications.

There is no question that funds provided to the LEPC can be used for different purposes such as computer equipment, training, exercising, or response equipment.

EPA Region 6 and the SERC is committed to supporting LEPCs by providing funding obtained through enforcement actions, Title III grants, assisting in getting DOT HMEP planning and training grants to LEPCs, and assisting with 305(a) training grants for local officials.

## **APPENDIX E: Description of Chemicals and Substances and Reporting Requirements Under EPCRA and CAA 112(r)**

### **A. Extremely Hazardous Substances (EHSs)**

This list currently contains 356 chemicals. Because of their extremely toxic properties these chemicals were chosen to provide an initial focus for chemical emergency planning.

The presence of EHSs in quantities above the threshold planning quantity (TPQ) or 500 pounds, whichever is greater, requires the submission of a chemical inventory report to the LEPC, local fire department, and SERC.

The EHS list, with TPQ's and RQ's (reportable quantity) are listed in 40 CFR Part 355, Appendices A and B.

Because of the hazards they pose, any release of an EHS, greater than the RQ, must be reported immediately to designated federal, state, and local emergency response officials.

### **B. Hazardous Substances**

These are listed under the Superfund hazardous waste cleanup Act (Section 103 (a)) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The current list contains approximately 720 chemicals (40 CFR Part 302).

Release of these chemicals above certain RQ amounts must be reported immediately to federal, state, and local agencies because they may represent an immediate hazard to the community or environment.

### **C. Hazardous Chemicals**

These are not included on a specific list, but are defined by the OSHA Hazard Communication Standard in 29 CFR Section 1910.1200, as chemicals which represent a physical or health hazard.

Inventories of these chemicals must be submitted to the SERC's, LEPC's, and local fire department if they are present at the facility in quantities of 10,000 pounds or more at any one time during the year.

These chemicals are reported on March the first as the annual TIER II report. MSDSs for these chemicals must also be submitted if requested. EPCRA lists some exemptions to inventory reporting for certain foods, household items, products used in routine agricultural operations, and other substances.



## **D. Toxic Chemicals**

There are now more than 700 chemicals or chemical categories identified as toxic chemicals. They were selected by Congress primarily because of their chronic or long-term adverse effects on human health.

Estimates of the releases of these chemicals into the environment (air, land, or water) must be reported annually to the SERC and the EPA. The list of toxic chemical is contained in 40 CFR Part 372.

## **E. Risk Management Plan List of Toxics and Flammables**

There are a total of 140 regulated substance on the list promulgated in 1994 (77 toxics and 63 flammables). Inventories of these chemicals above established thresholds in a process at a facility trigger the development and submittal of risk management plan (RMP). The list is found in 40 CFR Part 68.

## **Hazardous Materials Reporting Requirements**

### **A. Emergency Preparedness Phase**

- Identification of Facilities Subject to Special Planning Requirements
- What?

Facilities must report that they are subject to the EPCRA emergency planning requirements if they have certain extremely hazardous substances (EHS) listed in 40 CFR 355. Also, facilities subject to special planning requirements must identify who will participate in the emergency planning process as the facility representative and facility emergency coordinator.

- By Whom?

Any facility that produces, uses or stores any of the more than 356 EHSs in quantities greater than the threshold planning quantity (TPQ) listed in 40 CFR 355 at any time. Transportation vessels are exempt.

- Why?

EPCRA Section 302, 40 CFR 355.

- How?

Submit an emergency planning letter (sample can be obtained from State or EPA Region 6)

- To Whom?

The LEPC and the SERC.

- By When?

Within 60 days after a facility acquires EHSs in a quantity greater than the TPQ.

## **B. Annual Chemical Inventory Reporting**

- What?

EHSs in quantities equal to or greater than the TPQs listed in 40 CFR 355, or 500 pounds, whichever is less.

Other hazardous chemicals as defined by OSHA in the Hazard Communication Standard (29 CFR 1910.1200) as presenting a physical or health hazard present in quantities of 10,000 lbs. or more.

No specific list of chemicals is cited, but chemicals are covered if the owner/operator must maintain an MSDS on the material under OSHA rules.

Note: All facility operators are required to provide hazardous chemical information at zero threshold quantities to a fire chief/marshal or representative of a LEPC, upon request.

- By Whom?

Private industry. In some states, public entities are also subject to reporting, based on State reporting requirements. Certain substances are exempt from reporting. Refer to the Tier Two Reporting Form's & Instruction booklet.

- Why?

Section 311 & 312 of EPCRA, 40 CFR 370.20

- How?

Section 311 - A facility should complete a list of chemicals (the Federal or State Tier II form can be used for this purpose) for submission as their EPCRA Section 311 Chemical List Inventory (for first time and update filings).

MSDSs for specific substances should only be submitted upon request of the LEPC, the fire department, or SERC.

Section 312 - A facility should complete a Tier Two form for submission, as their EPCRA Section 312 Emergency and Hazardous Chemical Inventory (at the end of the calendar year).

- To Whom?

Original Tier Two report to the SERC with copies to the LEPC and to the local fire department having jurisdiction over the facility.

- By When?

Section 311: Within 90 days of acquiring new hazardous chemicals.

Section 312: By March 1 of each year for the preceding calendar year. Changes must be submitted within 60 days.

### **C. Yearly Toxic Chemical Release Reporting**

- What?

Facilities must complete a Toxic Chemical Release Inventory Form R with estimates of releases of specifically cited toxic chemicals which enter the environment.

- By Whom?

Manufacturers (SIC Codes 20-39), and other selected industries, which make, process, import or otherwise use a listed toxic chemical in excess of specified quantities and have 10 or more full-time employees.

Toxics are chemicals which have a chronic or long-term adverse effects on human health. Quantities are 25,000 lbs. over a year for usage in the direct processing or manufacturing. The threshold is 10,000 lbs. over a year for substances used in other than direct processing or manufacturing.

- Why?

Section 313 of EPCRA; 40 CFR 372

- How?

File a Form R, available from EPA Region 6, phone 214/665-8013, and the State.

- To Whom?

EPA National Headquarters and the State.

- By When?

By July 1 of each year, reporting on emissions and usage for the preceding year.

#### **D. Emergency Response Phase: Reportable Spills or Release Reporting by Facilities**

- What?

Make notification of any release of a EHS listed in 40 CFR 355 or a hazardous substance listed in 40 CFR 302 which meets or exceeds the threshold reportable quantity (RQ). The owner/operator shall immediately provide the information required under 40 CFR 355.

- By Whom?

For Fixed Facilities. Any facility that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 356 EHSs and CERCLA 302(a) hazardous substances. !For

Transportation Accidents. The carrier that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 356 EHSs and CERCLA 302(a) hazardous substances.

- Why?

Section 304 of EPCRA: 40 CFR 355, CERCLA 40 CFR 302

- To Whom?

The facility must report to:

- The 24-hour emergency phone number designated by the LEPC;
- The SERC at its emergency response number; and
- The National Response Center (NRC) at 800/424-8802.

- By When?

Fixed Facilities must make notifications as soon as they ascertain that a spill or release exceeds the RQ for a substance covered by the law. Follow-up notifications must be made as soon as practical after the release.

Transportation carriers can report a release by notifying 911 or a telephone operator. How Made? Initial notifications should be made by phone.

If the release occurs from a fixed facility, all three agencies listed above must be notified. If the release is transportation related, then a call to 911 or the telephone operator will suffice for LEPC and SERC notification requirements.

The NRC must still be notified by the owner/operator. Copies of written follow-up reports must go to the LEPC and SERC.

## **APPENDIX F: Computer Applications in Hazardous Chemical Emergency Management**

Local Emergency Planning Committees were created into the age of hazard communication, and into an era of tremendous data storage requirements. The most convenient method for data storage is by computer hard drive and diskette retention.

There is no such thing as a “state of the art” personal computer available for purchase in the marketplace today. It is advisable to purchase a computer which:

- Has a very large hard drive memory storage, e.g. > 40 gigabytes,
- Has a high speed microprocessor (Pentium or faster),
- Operates on a WINDOWS system, preferably utilizing Microsoft operating language,
- Can utilize either Microsoft WORD or Corel WORDPERFECT word processing language,
- Operates with a 24-36X CD ROM , or a DVD ROM Reader,
- Functions with a 56K Hz modem, or higher,
- Can use either a Laser or Ink Jet printer,
- Can be used as an INTERNET data receiver, and
- Can utilize data entry via a page scanner (optional).

Pricing for a computer system as described above continues to decrease on a month to month basis. The speed of the microprocessor continue to increase, as does the speed of modem transmission, and the size of the hard drive data storage.

### **Software**

#### **A. General Information**

LEPC's, emergency planners, local fire departments, and emergency responders at local levels have a variety of computer programs and communication means available which can enhance efforts to build a comprehensive emergency plan, improve response capabilities, and increase the understanding of current EPCRA issues.

Following this paragraph are a listing of many different computer programs and how they may be used by emergency management staff of a local Emergency Management Branch of local city governments, or members of the LEPC itself.

Most computer programs are expensive, but some are free or can be purchased by the most budget constrained LEPC.

Some Internet sites may offer free programs. Care must be taken when downloading information from the Internet because of the constant threat of downloading information which contains imbedded viruses.

Care must be taken in the collection of software programs which have been purchased, downloaded, or obtained from the graciousness of friends that newly acquired programs do not consume too much space in the computer hard drive.

Some programs may be read only, but most computer programs available for hazardous material evaluation or data maintenance require large sections of hard drive space.

Certain programs require certain quantities of hard drive storage space for the program/s themselves, and the program in turn reserves another section of hard drive space for work space in performing calculations for which the program was designed.

## **B. Available Programs**

### **CAMEO**

The acronym stands for Computer Aided Management of Emergency Operations. CAMEO is usually obtainable as part of a suite of three interrelated programs designated as the CAMEO - MARPLOT - ALOHA program.

This suite as a joint effort program created by the EPA and NOAA.

The suite is available to LEPC's FOR FREE. Sets of this program are available for either Macintosh computers or computers which operate in a WINDOWS/DOS operating system.

CAMEO is designed to display projections onto a U.S. Census Bureau Map of any given county showing the vulnerability zone around a hazardous chemical release.

A linkage with the ALOHA program will permit an overlay of a plume or footprint of the chemical release on to the map. In addition CAMEO has the capability to map other hazards onto Census Bureau maps such as flood plains, dams, and diking.

CAMEO not only has hazard mapping capability, but also has chemical databases with screens similar to MSDS's available for printout.

MARPLOT is CAMEO's mapping application and operates on both Macintosh and Windows environments. MARPLOT employs area maps under either digitized data generated from the U.S. Bureau of Census TIGER Files, or scanned or drawn images which can be georeferenced.

When using TIGER/Line data, MARPLOT allows users to search and display roadways, street addresses, waterways, railroads, and census blocks and other political boundaries.

Users may design custom map overlays to display facilities and chemical information, evacuation zones, special populations, and hazards analysis vulnerability zones.

ALOHA is designed especially for use by people responding to chemical accidents, as well as for emergency planning and training.

ALOHA can predict the rates at which chemical vapors may escape into the atmosphere from broken gas pipes, leaking tanks, and evaporating puddles. It can then predict how a hazardous gas cloud might disperse in the atmosphere after an accidental chemical release.

Free copies of the CAMEO program for your LEPC can be downloaded by connecting to the CEPPO homepage on the Internet address of: <http://www.epa.gov/ceppo/cameo/>

## **LandView Version 6**

LandView has its roots in the CAMEO software (Computer-Aided Management of Emergency Operations).

CAMEO was developed by the EPA and the NOAA to facilitate the implementation of the Emergency Planning and Community Right-to-Know Act.

This far-reaching law requires communities to develop emergency response plans addressing chemical hazards and to make available to the public information on chemical hazards in the community.

This product contains both database management software and mapping software used in the CAMEO system to create a simple computer mapping system involving two programs - MARPLOT and LandView.

The MARPLOT mapping program allows users to map Census 2000 legal and statistical areas, EPA Envirofact sites, and USGS Geographic Names Information (GNIS) features.



The LandView database system allows users to retrieve Census 2000 demographic and housing data, EPA Envirofacts data and USGS GNIS information.

The GNIS contains over 1.2 million records which show the official federally recognized geographic names for all known places, features, and areas in the United States that are identified by a proper name.

For information obtaining the LandView software visit the website:  
<http://www.census.gov/geo/landview/>

### **C. Listing of References**

These references are a small portion of materials that are available from various private and/or government sources.

This list was developed from listings published by the EPA and FEMA. The LEPC needs to develop its own listing of publications, documents, A/V materials, etc. that it has available or intends to put in its library.

A source of information is the Internet. A vast amount of information is available through bulletin boards and Internet "home pages."

The LEPC user must still purchase, or borrow, a computer system equipped with a large volume printer and pay for telephone line usage or a monthly fee for access to these information sources.

The EPA, as an administrator of EPCRA, has taken the lead in providing electronic information assistance to the SERCs / TERCs, LEPC's, industry, and the public.

CEPPO has developed an extensive home page. Websites of interest to LEPC's include (obviously, this is not all that is out there -- this is meant to simply get an LEPC started):

- CEPPO Homepage <http://www.epa.gov/ceppo/>

CEPPO provides leadership, builds partnership, and offers technical assistance to prevent and prepare for chemical emergencies, respond to environmental crisis and inform the public about chemical hazards in their community.

From this website, you can also request a copy of CAMEO, download the chemical reactivity datasheet, and link to many other important sites for hazardous materials preparedness and response.

- Dept of Transportation Homepage <http://hazmat.dot.gov/>

DOT is responsible for coordinating a national safety program for the transportation of hazardous material by air, rail, highway and water.

- OSHA Homepage <http://www.osha.gov/>

OSHA is responsible to save lives, prevent injuries and protect the health of American's workers.

- NIOSH Homepage <http://www.cdc.gov/niosh/homepage.html>

NIOSH is the only federal institute responsible for conducting research and making recommendations for the prevention of work - related illness and injuries.

- NOAA Homepage <http://response.restoration.noaa.gov/>

NOAA provide information for emergency responders and planners, and working to understand and mitigate the effects of oil and hazardous materials in our waters and along our coasts.

- FEMA Homepage <http://www.fema.gov/>

Provides valuable information and publications concerning emergency management issues, including hazardous materials preparedness at the local level.

- Chemical Safety Board Homepage <http://www.csb.gov>

Site dedicated to the investigation of major chemical accidents, and information on the causes of accidental releases.

# **APPENDIX G: Suggested Profile of the LEPC**

## **Introduction**

The Local Emergency Planning Committee (LEPC) was created to address many of the public safety concerns of industry and the community regarding hazardous materials.

The passage of the *SARA Title III: Emergency Planning and Community Right-To-Know Act of 1986* mandates that facilities that produce, utilize, and/or store certain hazardous materials must report these chemicals to state environmental authorities.

This act has also intensified local governmental authorities' and the community's concern and interest about these facilities.

It encourages these facilities to initiate community awareness about the chemicals they use and to work with local governments, emergency response organizations, and neighborhood groups in developing emergency plans in the event of a hazardous materials incidents at these facilities.

## **Mission Statement**

The mission of the Local Emergency Planning Committee is to protect and serve all citizens by promoting hazardous materials safety in all segments of the community.

This includes providing an advisory, educational, and technical resource for the development and implementation of hazardous safety programs, both locally and countywide.

## **Purpose and Function**

The LEPC shall exist to promote and facilitate the safety of all persons with respect to their potential exposure to hazardous materials that could be released into the environment.

The functions and duties of the LEPC are those authorized by the Board of Commissioners, in accordance with, but not necessarily limited to the provisions of Title III of the Superfund Amendments and Reauthorization Act of 1986.

More specifically the LEPC shall engage in at least the following activities:

- Conduct regular meetings to address all pertinent issues
- Develop and maintain an inventory of known hazardous materials
- Develop and update a hazard/risk analysis
- Develop and periodically update emergency response procedures for off-site emergency response personnel
- Identify private/public sector resources available to deal with hazardous materials emergencies
- Review, process, and respond to requests from the public for pertinent information
- Review, maintain, and process all appropriate reports and records as required by law
- Develop and periodically update emergency warning procedures and evacuation plans
- Coordinate training programs on hazardous materials safety and emergency response procedures
- Coordinate emergency response exercises
- Provide expertise, and assistance to industries and businesses upon request
- Provide community “out-reach” services on hazardous materials safety
- Receive, maintain and disseminate emerging legislation relating to hazardous materials

It is not and never has been the intent that the LEPC be a local regulatory, enforcement, permitting, or policy making body or agency. Further, the LEPC shall not be placed in a position to interfere with the state permitting process.

### **Suggested Standing Subcommittees for each LEPC -- Purpose / Mission**

#### **Legislative and Scientific**

To monitor the status and progress of both existing and proposed legislation/regulations pertaining to hazardous materials safety at the federal, state, and local levels; and to report all developments, changes, or concerns to the LEPC.

Also to monitor, review, and collect scientific research efforts findings and reports on hazardous materials risk and safety; and to provide such information to the LEPC and the outreach subcommittees.

### **Funding (See Appendix D)**

To identify sources of both public and private funding which the LEPC may solicit to further its efforts and then to attempt to obtain such funds.

### **Industrial Outreach**

To identify businesses, industries, and companies who could benefit from the LEPC's efforts and to offer miscellaneous programs and general assistance to them so that they may be in compliance with all applicable legislation/ regulations.

### **Community Outreach**

To identify the overall hazardous materials safety needs of the public at large and to offer training programs, presentations, materials, and general assistance to the citizens.

Also to compile, organize, and maintain specific information on hazardous materials' incidents, releases, and potential problems -- and to disseminate such information upon request from the public.

### **Training and Exercise**

To identify training needs for emergency responders and make provisions to satisfy those needs; and to plan, coordinate and conduct training exercises.

### **Planning**

To review, revise, update and maintain the community's hazardous materials' response plan. Also to review hazardous materials safety/response plans from individual businesses or industries upon request.

### **Budget Review**

To review and oversee all requests for expenditures in excess of (some pre-determined number) as well as all capital items; to make recommendations for approval or denial to the LEPC.

## **APPENDIX H: Community Awareness Projects**

### **A. General**

EPCRA does not require LEPCs to conduct public awareness programs, but it is desirable that LEPCs carry out such programs. The public needs to be aware of the dangers of hazardous substances and the procedures they need to follow in the event of orders for in-place sheltering or evacuation.

Special facilities, such as nursing homes, schools, hospitals, public buildings, senior citizen housing, and others should also be included in emergency planning and awareness programs.

If not already in place, the LEPC needs to develop a program to provide for public education regarding hazardous substances.

An important part of this program is the identification and education of administrators of special facilities and with the education of special populations living independently, such as the hearing impaired, the blind, and the home-bound.

This program could include presentations, audio-visual programs, written notices, pamphlets, and other materials to insure that community residents are aware of actions that may be required in the event of a hazardous materials incident.

The LEPC is encouraged to sponsor speakers for schools, clubs, and other groups, provide written or audio-visual programs, assist local response organizations with their public information programs, and coordinate other activities to take advantage of ongoing special events in the area.

The EPA Region 6 and state agencies may from time to time conduct workshops in your area designed to improve hazardous materials reporting (see Appendix E); the EPA will even mail invitations to the facilities for these workshops.

Federal and state governments and industry can provide LEPCs with a considerable number of documents related to hazardous materials and appropriate community preparedness. Remember, the Federal EPCRA law has not changed much since it was written.

In addition to large quantities of written material about hazardous materials, numerous videos and slide shows have been produced showing the importance of planning for chemical emergencies. These presentations demonstrate successful training and public awareness programs throughout the country.

As a general rule, videos and slide shows can be borrowed or copied for presentation to specific audiences.

Many LEPCs and State and Federal agencies have produced their own public awareness videos and will give copies of these tapes to other LEPCs for the asking.

## **B. Ideas for Outreach**

The following are outreach ideas arranged by potential cost to the LEPC.

- Expensive
  - Newspaper advertisements (other than classified section)
  - Slide shows
  - Video programs
  - Brochures- multi-page, high quality paper, in color
  - Public service announcements (PSAs) professionally written and taped
  - Posters
  - Telephone book insert
  - Billboard messages (or on structures such as oil storage tanks )
  - School/day care educational programs (team effort by teachers & outside trainers)(e.g., 'Wally Wise' shelter-in-place program & 'Kids CAER' educational program)
- Low Cost
  - Pamphlets - two sides, inexpensive paper, in black & white
  - Classified newspaper advertisements
  - Fact sheets
  - Utility bill inserts
  - Supermarket bag inserts

- Bumper stickers
- Peel-off stickers
- Brochures
- Gas pump "toppers" (announcement displayed on the pumps)
- Free
  - Newspaper press releases, articles and special features
  - Newsletter articles in publications of other organizations
  - School poster contest
  - Photo display (using donated photos)
  - PSAs on radio or TV (other than by professional production co.)
  - Speeches to other community organizations
  - Radio, TV interviews, talk programs, community bulletin boards
  - Slide shows, video tapes or films that are borrowed
  - Store window displays
  - Anything borrowed, donated, or distributed free



# APPENDIX I: Description of Hazard Analysis

## A. General

In developing a hazardous materials response annex, the LEPC will need to identify facilities which contain extremely hazardous substances and/or identify transportation routes likely to be used for transportation of these substances.

A hazards analysis will help the LEPC identify these and other hazards in your community. Planners should try to answer the following questions:

- What are the major chemical hazards in our community, and
- How can we determine the area or population likely to be affected by a release, and
- What emergency response resources (personnel and equipment) does our community need, and
- What kind of training do local responders need, and !How can we help prevent chemical accidents?

The three basic references used for hazards analysis are:

- “Off-site Consequence Analysis Guidance”: EPA CEPPO
- “Handbook of Chemical Hazards Analysis Procedures”: FEMA/US DOT/EPA, and
- “Technical Guidance for Hazards Analysis”: FEMA/US DOT/EPA.

The “Handbook of Chemical Hazards Analysis Procedures” is designated as the “Brown Book” and the “Technical Guidance for Hazards Analysis” is designated as the “Green Book” because of the color of the cover.

## B. Purpose and Method

Hazard analysis is a way of identifying the threats that hazardous substances such as ammonia, chlorine, nitrogen tetroxide, hydrofluoric acid, petroleum, or phosphorous pose in the community. Under EPCRA, communities conduct hazards analysis to develop and revise emergency plans.

Emergency plans focus on facilities when EHS’s are present in amounts exceeding the threshold planning quantity (TPQ).

Emergency plans also address other facilities, transportation routes, or hazardous substances that the LEPC has identified as a worthy focus of planning efforts. The Green Book identifies three steps to a community level hazards analysis. These steps are:

- Hazards identification

Identifies the location, quantity, storage conditions, and the specific hazards posed by the hazardous chemicals transported, manufactured, stored, processed, and used in the community.

- Vulnerability analysis

Locates geographical areas and the people, property, services, and areas which may be affected by a release.

- Risk analysis

A judgement made of specific release scenarios based on the likelihood and severity of the release.

The Brown Book describes four steps within the hazards analysis process. The extra step, consequence analysis, is simply the elaboration of the risk-analysis step as mentioned above.

To be successful, hazards analysis MUST be an ongoing process—the three steps should be repeated to address changes in the hazards and other circumstances in the community that affect emergency planning and response.

Coordination among facilities, local planners, and responders during the review process will ensure a thorough evaluation of the hazards and allow planners to focus their efforts on the greatest potential threats to the community.

### **C. A Phased Approach to Hazards Analysis**

Local planners should consider conducting hazard analyses in phases. Such an approach will allow planners to reduce the initial expenditure of valuable resources on analyzing less significant hazards and instead focus their efforts on the most important hazards of the community.

There are three phases to this type of phase evaluation, which are:

- Screening phase

Using readily available information and worst-case assumptions, determine which facilities and hazards in the community should be the subject of a more detailed analysis. LEPC's can use the "Technical Guidance for Hazard Analysis" to complete this phase rather quickly.

- Planning phase

Refining the initial (worst-case) assumptions and get up-to-date information from the priority facilities identified in the screening phase and begin to develop the local emergency plan.

- Scenario phase

For priority facilities and transportation routes, develop a range of specific scenarios that could pose the highest risk. These more detailed scenarios can be used to develop site-specific emergency response plans.

## **D. Major Steps in Hazard Analysis**

Members of the LEPC Hazards Analysis Committee should follow the outline as presented in Section 2 of this appendix. The committee should first determine the hazards which pose a serious threat to the community.

After identifying the chemical hazards in a community, the committee should conduct a vulnerability analysis to estimate who and what is at risk from a potential chemical incident.

Once the hazards and the potential areas of impact for their release have been identified, the third stage in a hazards analysis, risk analysis, can be conducted. Risk analysis is a judgement made by the LEPC based upon estimates of:

- Likelihood of accidental releases from fixed facilities and in transport, and
- The severity of consequences to people, places, and things located within the vulnerable zone.

Risk analysis need not be an extensive exercise in mathematical analysis, but should rely on the knowledge, experience, and common sense of local planners and responders using data gained from hazards identification and vulnerability analysis.

Once the LEPC has completed evaluating the hazards to the community, the information derived from this study can be used to support other local chemical emergency preparedness and chemical accident prevention efforts.

Some of the facilities within the community may be submitting vulnerable zones under the provisions of the Risk Management Program (CAA 112r). LEPC's can use that information to validate their work.

# APPENDIX J: Holding an Effective LEPC Meeting

## A. Public Meetings

Public meetings should be used sparingly. There are times when a public meeting does offer a clear and immediate benefit. LEPCs should hold public meetings to present or review emergency plans.

A large public meeting could be useful after an accident when many people have questions. If a current emergency plan has become controversial, a meeting could offer the community a chance at wider participation in revising it.

The LEPC has many tasks it must perform, the members are volunteers, their time is valuable and to be successful the LEPC must operate in a business like manner. Whenever possible, the site of the meeting should be the same, month after month.

A well thought out agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed at the meeting.

If time constraints are a factor, each agenda item may be assigned a time limit. Send each committee member a copy of the completed agenda prior to the scheduled meeting. The advanced time necessary for the members to review the agenda is one to two weeks.

Send any information pertinent to the upcoming meeting along with the agenda. This way, members can prepare themselves for the meeting in advance.

In order to keep LEPC members motivated, regular scheduling of meetings is essential. Regular meetings offer members the opportunity to continue contingency plan review and revision.

Regular meetings also offer the opportunity for the LEPC to broaden its role in the community to meet the capabilities and the commitment of its members. The following guidelines for conducting a meeting are presented for your review and consideration:

- Before the Meeting
- Have a specific purpose/objective for each meeting
- Identify topics and material to be covered.
- Invite key people, guest speakers / presenters
- Establish an appropriate time frame, and neutral place for meeting.

- Prepare an Agenda
- Notify members hip of meeting times and distribute the agenda (early)
- Make logistical arrangements—space, seating, audio/video, etc.
- Define scope, goals, and objectives of LEPC
  - At the Beginning of the Meeting
    - Start on time
    - Clarify the purpose/objective of the meeting
    - Introduce guests or new personnel
    - Clarify ground rules, i.e. one topic/speakers at a time, etc.
    - Establish time objective
    - Appoint a recorder
  - During the Meeting
    - Make an opening statement, review the minutes of the last meeting
    - Focus on one agenda item at a time, keep the meeting on track
    - Prioritize tasks if the agenda has not already done so
    - Collect and clarify relevant information
    - Maintain control over time and discussions
    - Record ideas and action items
    - Summarize information discussed
    - Reach agreement on specified decisions and actions
    - Keep the meeting moving – do not get distracted or digress off topics

- At the End of the Meeting
  - Review action items and responsibilities (who will do what, when)
  - Summarize and set follow-up date(s)
- After the Meeting
  - Prepare minutes and/or follow-up correspondence if necessary
  - Follow-up on action items
  - Ask yourself, “What went well?” “What could be improved?”

## **B. Guidelines for Individual LEPC Member in Becoming a Better Participant at Meetings**

The LEPC is composed of individuals that represent various types of agencies, departments, organizations, groups or occupations within the planning district, whether the district is a County, a zonal district, a zone within a County, or a Tribal region.

These members must represent their constituents in ALL LEPC activities and must provide a channel of information and coordination.

The following guidelines outline action each individual member should consider in order to become a better informed and more productive participant in the activities of the committee.

- Before the Meeting
  - Review the agenda items, clarify the purpose of the meeting
  - Consider your input in regards to agenda items
  - Gather/prepare any materials/information you may need
  - Arrange material to present in a clear and concise manner
  - Take writing materials with you to the meeting

- During the Meeting
  - Arrive on time
  - Be seated and ready to go at the start time
  - Participate in discussions and activities
  - LISTEN
  - Stay on the subject being presented
  - Present your information and ideas clearly/concisely
  - Avoid side conversations, pay attention, be polite
  - Take your own notes, don't rely on the minutes of the meeting
- At the End of the Meeting
  - Clarify items requiring your actions
  - Ask yourself "Did I represent my constituents?"

## APPENDIX K: LEPC Self-Evaluation Check

### A. Identification of Hazards

- |     |    |     |    |   |
|-----|----|-----|----|---|
| YES | NO | N/A | a) | Our LEPC has identified facilities with extremely hazardous substances.   |
| YES | NO | N/A | b) | Our LEPC has identified facilities with hazardous chemicals.  |
| YES | NO | N/A | c) | Our LEPC has identified major transportation routes for extremely hazardous substances and hazardous chemicals.   |
| YES | NO | N/A | d) | Our LEPC has identified other facilities contributing to or subjected to risk that are in close proximity to those facilities with extremely hazardous substances or hazardous chemicals. |

### B. LEPC Local Emergency Plan Development

- |     |    |     |    |  |
|-----|----|-----|----|--|
| YES | NO | N/A | a) | Our LEPC has included Emergency Response information on those facilities identified in 1a and 1b in our Local Emergency Plan.  |
| YES | NO | N/A | b) | Our LEPC has included emergency response methods and procedures of first responders into our Local Emergency Plan.   |
| YES | NO | N/A | c) | Our LEPC has included emergency response measures used by medical personnel in our Local Emergency Plan.   |
| YES | NO | N/A | d) | Our LEPC has identified emergency equipment available in the community and at the facilities identified in 1a and 1b, as well as the persons responsible for them, and has included this information in our Local Emergency Plan.  |
| YES | NO | N/A | e) | Our LEPC has established plans for shelter-in-place or evacuation. It has established early warning systems and has identified emergency shelters. This information has been included in our Local Emergency Plan.   |
| YES | NO | N/A | f) | Our LEPC has designated emergency coordinators within the community and at facilities having extremely hazardous substances or hazardous chemicals, who will be responsible for implementing the Local Emergency Plan. This information is included in our Local Emergency Plan. |



### **C. Implementing the Local Emergency Plan**

- |     |    |     |    |   |
|-----|----|-----|----|---|
| YES | NO | N/A | a) | Our LEPC has established notification procedures by which facility coordinators, identified in 2f, will notify first responders in the event of an extremely hazardous substance or hazardous chemical emergency. |
| YES | NO | N/A | b) | Our LEPC has established notification procedures by which the public will be notified in the event of an extremely hazardous substance or hazardous chemical emergency.   |
| YES | NO | N/A | c) | Our Local Emergency Plan describes the incident command system to be used in responding to hazardous chemical emergencies.  |

### **D. Hazard Analysis**

- |     |    |     |    |   |
|-----|----|-----|----|---|
| YES | NO | N/A | a) | Our LEPC has established a process to determine whether extremely hazardous substances or hazardous chemicals have been involved in past accidents.                                   |
| YES | NO | N/A | b) | Our LEPC has established a process to determine the level of risk if extremely hazardous substance or hazardous chemicals are involved in an accident.                                |
| YES | NO | N/A | c) | Our LEPC has established a process to determine the areas and populations that will be affected in the event that extremely hazardous substances or hazardous chemicals are released. |

### **E. Emergency Response Exercises**

- |     |    |     |    |   |
|-----|----|-----|----|---|
| YES | NO | N/A | a) | Our LEPC has developed emergency response drills and exercises to evaluate the effectiveness of our Local Emergency Plan. |
| YES | NO | N/A | b) | Our LEPC has established a schedule to regularly conduct drills and emergency response exercises.                         |

## **F. LEPC Organizational Maintenance**

- |     |    |     |    |  |
|-----|----|-----|----|--|
| YES | NO | N/A | a) | Our LEPC regularly schedules, announces, and holds meetings.   |
| YES | NO | N/A | b) | Our LEPC annually reviews, and revises if necessary, our Local Emergency Plan.   |
| YES | NO | N/A | c) | Our LEPC regularly conducts exercises and tests emergency procedures.  |
| YES | NO | N/A | d) | Our LEPC has developed procedures for responding to inquiries concerning extremely hazardous substances or hazardous chemicals in the community. |

## **F. Facility Compliance**

- |     |    |     |    |  |
|-----|----|-----|----|--|
| YES | NO | N/A | a) | Our LEPC actively seeks to increase the number of facilities in our community that must annually report extremely hazardous substances or hazardous chemicals. |
| YES | NO | N/A | b) | Our LEPC regularly contacts each reporting facility to promote better understanding of EPCRA requirements by the facility owner or operator.                   |
| YES | NO | N/A | c) | Our LEPC provides both basic and detailed EPCRA information to new businesses.   |

## **G. Public Awareness**

- |     |    |     |    |   |
|-----|----|-----|----|---|
| YES | NO | N/A | a) | Our LEPC develops articles about EPCRA and prints an annual notice for local news releases.             |
| YES | NO | N/A | b) | Our LEPC provides public service announcements concerning EPCRA to local radio and television stations. |

# APPENDIX L: Detailed “Report Card” for Your LEPC

By Paul Orum, Working Group on Community Right-to-Know & Susan Greenberg, Environmental Health Watch

In 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), which established several thousand LEPCs across the United States.

These LEPCs were intended to identify chemical hazards, plan for emergencies, convey public information, and include all citizens. But are the LEPCs working? Below are some criteria for evaluating a LEPC.

Check each item completed by the LEPC. Items completed:

- 51 to 60 ..... Outstanding
- 41 to 50 ..... Good
- 31 to 40 ..... Progressing
- 21 to 30 ..... Mediocre
- 11 to 20 ..... Inadequate
- 0 to 10 ..... Non-functional

## A. Goals

Established measurable outcome goals for —

- reducing accidents ?
- reducing vulnerability zones and accident potentials ?
- improving emergency response and mitigation ?
- established goals for public access to chemical hazards information ?
- set process objectives (for funding, participation, communication, etc.) and annually evaluated progress toward achieving goals?

## **B. Structure and Process**

- [ ] achieved genuinely broad-based and balanced membership ?
- [ ] secured adequate funding sources and professional staffing (through legislation, agency budgets, donations, etc.) ?
- [ ] adopted a mission statement and by-laws (See Appendix C for Sample By-Laws) ?
- [ ] held regular, well-attended meetings (at least quarterly) ?
- [ ] held formal meetings (advance agenda, written minutes) ?
- [ ] organized active subcommittees and established clear member roles ?
- [ ] maintained policy independence from the host agency ?
- [ ] produced an annual report (covering trends in accidents, hazards, enforcement, drills , site-specific risk reduction, etc.) ?
- [ ] utilized external resources such as other LEPCs and government agencies (e.g., to obtain training materials ?)

## **C. Community Hazards Analysis (For facilities with extremely hazardous substances, EHSs):**

- [ ] developed easily understood community maps showing EHS facilities, vulnerability zones, and transportation routes ?
- [ ] obtained needed EHS facility data through questionnaires, site visits, and document requests (using EPCRA 303(d)(3 ) authority ?
- [ ] obtained EHS facility process hazard analysis (prepared under OSHA's Process Safety Management regulations ) ?
- [ ] asked transportation carriers to identify chemicals and volumes moving through the community ?
- [ ] prepared or obtained "worst-case" and lesser release scenarios at each EHS facility and for transportation ?
- [ ] identified critical facilities, vulnerable environments, and potentially exposed populations (e.g., schools, nursing homes, residential areas, workers on site) ?

- [ ] reviewed hazard analysis with EHS facility managers and workers (including shelter-in-place and evacuation needs) ?
- [ ] established computerized hazards analysis capabilities ?
- [ ] prioritized hazards (e.g., by vulnerability zone) ?

**D. Emergency Response Planning**

- [ ] submitted a site-specific emergency plan to the State Emergency Response Commission ?
- [ ] exercised the emergency plan and corrected identified weaknesses ?
- [ ] ensured coordination between EHS facilities and fire departments, as well as other response organizations (police, hospitals, etc.) ?
- [ ] sponsored training for fire, medical, police, hazmat teams, and other response personnel ?
- [ ] ensured that hazards analyses are incorporated into fire pre-plans ?
- [ ] established alert and warning systems (and coordinated systems among facilities) ?
- [ ] established means to determine the severity of a release, and the area and population likely to be affected ?
- [ ] planned shelters and evacuation routes ?
- [ ] designated community and facility emergency response coordinators ?
- [ ] maintained an inventory of emergency response resources (equipment, facilities and expertise) ?
- [ ] provided education on protective actions (evacuation/shelter-in-place ) ?
- [ ] evaluated the protective capacity of shelter-in-place structures?
- [ ] acknowledged the limits of emergency response capabilities for protecting people, property, and the environment ?

## **E. Accident Prevention**

- [ ] promoted exploration of inherently safer technologies (involving safer chemicals, lower pressure or temperatures, less storage, fewer shipments, etc.) ?
- [ ] promoted other facility safety improvement (e.g., secondary containment, automatic shutoffs, alarms, etc.) ?
- [ ] provided the hazard analysis to planning commissions, zoning boards, public works, citizen advisory councils, and other local entities?
- [ ] acquainted facilities with hazard reduction resources (e.g., financing ) ?
- [ ] held seminars for facility personnel, union health and safety committees, etc. ?
- [ ] analyzed spill reports for response and prevention lessons ?
- [ ] publicized lessons learned and best practices ?
- [ ] given recognition for hazard reduction efforts (e.g., annual awards ) ?

## **F. Community Right-to-Know**

- [ ] publicized availability of right-to-know information ?
- [ ] computerized data for ease of access and analysis ?
- [ ] established a convenient information request process ?
- [ ] provided Tier II chemical storage information as required ?
- [ ] publicized community hazard maps with vulnerability zones through libraries and news media ?
- [ ] publicized options for reducing vulnerable zones (e.g., through safer technologies ) ?
- [ ] ensured that meetings are accessible and well-publicized (time , place, publicity) ?
- [ ] worked with communities concerned about specific sites (e.g., through good neighbor agreements) ?

## **G. Enforcement**

- [ ] publicized reporting (see Appendix E) requirements to covered facilities and transportation carriers ?
- [ ] provided compliance to facilities and carriers ?
- [ ] uncovered and prosecuted non-reporting firms ?
- [ ] pursued beneficial expenditures in settling citizen suits against non-reporting firms ?

## **H. Risk Management Planning**

- [ ] evaluated its own capacity to review hazards and communicate RMP information to the public ?
- [ ] offered compliance assistance to covered facilities ?
- [ ] prepared to incorporate options for reducing vulnerability zones into public communications ?

# APPENDIX M: LEPC Membership Update Form

INSTRUCTIONS: When submitting this form to the State Emergency Response Commission (SERC), always complete BOX A. Complete Box 1 if you are submitting a change for the LEPC Chairperson or Box 2 if you are submitting a change for the Vice Chairperson, if you have one.

Complete BOX A and the next page(s) to add a new member or members or to update information for an existing member or members of your LEPC.

<b>BOX A</b>					
County:			Date:		
Area (if applicable):					
LEPC Chairperson (print name):					
LEPC Approval (signature of Chairperson):					
<b>LEPC MEMBERSHIP CATEGORIES (In accordance with Public Law 99-499, Section 301(c))</b>					
State / Local Official		Print Media		Health	
Emergency Medical Service		Emergency Management		Transportation	
Facility Owner / Operator		Law Enforcement		Broadcast Media	
Environmental Group		Community Group		Other	
Fire		Hospital			
<b>ADVISORY NOTICE:</b> This information may be made available to the public under the State Open Records Act. DO NOT include home addresses or telephone number(s).					



**BOX 1: Chairperson**

Name:	Title:
Employer:	Address:
City, State, Zip:	Telephone Number:
Fax Number:	Email:

Membership Category:

**BOX 2 : VICE - CHAIRPERSON UPDATE (if appropriate)**

Name:	Title:
Employer:	Address:
City, State, Zip:	Telephone Number:
Fax Number:	Email:

Membership Category:

General Membership Update: Complete Box A when Completing this Form
Name:
Employer:
City, State, Zip:
Fax Number:
Membership Category:
Did this person replace a previous member? Is so, who?
Is this person a new member on your LEPC?
Name:
Employer:
City, State, Zip:
Fax Number:
Membership Category:
Did this person replace a previous member? Is so, who?
Is this person a new member on your LEPC?
Name:
Employer:
City, State, Zip:
Fax Number:
Membership Category:
Did this person replace a previous member? Is so, who?
Is this person a new member on your LEPC?

# APPENDIX N: Sample Response Reimbursement Letter for Responsible Party

( Your LEPC or Department Letterhead )

( Date )

[ LEPC Chair Name ]

[ LEPC Address ]

[ Responsible Party ]

[ Responsible Address ]

Re: Invoice for Hazardous Materials Response Date of Incident:

Please consider this letter an invoice for reimbursement in response to the above referenced hazardous materials incident.

The National Contingency Plan (40 CFR Part 300.700 – Activities by Other Persons) makes it clear that...

- (1) Responsible parties shall be liable for all response costs incurred by the United States government or a state or an Indian tribe not inconsistent with the NCP.... and
- (2) Responsible parties shall be liable for necessary costs of response actions to releases of hazardous substances incurred by any other person consistent with the NCP....

The costs relating to the incident are as follows:

1. Personnel Overtime Costs .....	\$1,600.00
2. Medical Monitoring / Treatment .....	\$ 300.00
3. Vehicles and Apparatus .....	\$ 80.00
4. Disposal Material / Supplies .....	\$ 120.00
5. Decon / Disposal .....	\$ 10.00
6. Miscellaneous / Technical / Lab Costs .....	\$ .00
Total: .....	\$ 2,120.00

I hereby certify that all the costs represented above were incurred as a result of response to this incident, and that the response was carried out consistent with the National Contingency Plan, and were necessary to help protect public health or the environment.

I certify that the personnel costs are for overtime pay and recalled personnel. These costs would not have been incurred had the incident not occurred.

Sincerely,

LEPC Chair or Agency Representative

## **APPENDIX O: National Response Plan (NRP)**

The NRP represents a significant first step towards an overall goal of integrating the current family of Federal domestic prevention, preparedness, response, and recovery plans into a single all-discipline, all-hazards plan.

The NRP will be supported by the National Incident Management System (NIMS), a national system that creates standardized incident management processes and procedures. A final NRP will eventually replace the NRP.

### **How the National Response Plan was created**

The NRP was created and vetted by representatives across America including:

- Federal government,
- States and Territories,
- Cities, counties and townships,
- Tribal officials,
- First Responders.

### **What emergency response plans are linked by the National Response Plan**

- Federal Response Plan,
- U.S. Government Interagency Domestic Terrorism Concept of Operations Plan,
- Federal Radiological Emergency Response Plan,
- Mass migration response plans,
- National Oil and Hazardous Substances Pollution Contingency Plan.

## **Key National Response Plan Enhancements - Unifying and Improving the Team**

- National Homeland Security Operations Center (HSOC)

The HSOC will serve as the primary national-level hub for operational communications and information pertaining to domestic incident management. Located at DHS headquarters, the HSOC will provide threat monitoring and situational awareness for domestic incident management on a 24/7 basis.

- Interagency Incident Management Group (IIMG)

The IIMG is made up of representatives from Federal departments and agencies, non-governmental organizations, as well as DHS components to facilitate national situation awareness, policy coordination, and incident coordination.

- Principal Federal Official (PFO).

The Secretary may designate a PFO during a domestic incident to serve as the personal representative of DHS locally during an incident. The PFO will oversee and coordinate Federal incident activities and work with local authorities to determine requirements and provide timely Federal assistance.

- Joint Field Office (JFO)

Federal activities at a local incident site will be integrated during domestic incidents to better facilitate coordination between Federal, state, and local authorities.

The JFO is expected to incorporate existing entities such as the Joint Operations Center, the Disaster Field Office, and other Federal offices and teams that provide support on scene.

## **APPENDIX P: National Incident Management System (NIMS)**

NIMS establishes standardized incident management processes, protocols, and procedures that all responders --Federal, state, tribal, and local -- will use to coordinate and conduct response actions.

With responders using the same standardized procedures, they will all share a common focus, and will be able to place full emphasis on incident management when a homeland security incident occurs – whether terrorism or natural disaster.

In addition, national preparedness and readiness in responding to and recovering from an incident is enhanced since all of the Nation's emergency teams and authorities are using a common language and set of procedures.

### **Advantages of NIMS**

NIMS incorporates incident management best practices developed and proven by thousands of responders and authorities across America.

These practices, coupled with consistency and national standardization, will now be carried forward throughout all incident management processes: exercises, qualification and certification, communications interoperability, doctrinal changes, training, and publications, public affairs, equipping, evaluating, and incident management.

All of these measures unify the response community as never before.

### **Key features of NIMS**

- Incident Command System (ICS)

NIMS establishes ICS as a standard incident management organization with five functional areas – command, operations, planning, logistics, and finance/administration – for management of all major incidents.

To ensure further coordination, and during incidents involving multiple jurisdictions or agencies, the principle of unified command has been universally incorporated into NIMS.

This unified command not only coordinates the efforts of many jurisdictions, but provides for and assures joint decisions on objectives, strategies, plans, priorities, and public communications.

- Communications and Information Management

Standardized communications during an incident are essential and NIMS prescribes interoperable communications systems for both incident and information management.

Responders and managers across all agencies and jurisdictions must have a common operating picture for a more efficient and effective incident response.

- Preparedness

Preparedness incorporates a range of measures, actions, and processes accomplished before an incident happens.

NIMS preparedness measures including planning, training, exercises, qualification and certification, equipment acquisition and certification, and publication management.

All of these serve to ensure that pre-incident actions are standardized and consistent with mutually - agreed doctrine. NIMS further places emphasis on mitigation activities to enhance preparedness.

Mitigation includes public education and outreach, structural modifications to lessen the loss of life or destruction of property, code enforcement in support of zoning rules, land management, and building codes, and flood insurance and property buy-out for frequently flooded areas.

- Joint Information System (JIS)

NIMS organizational measures enhance the public communication effort.

The Joint Information System provides the public with timely and accurate incident information and unified public messages.

This system employs Joint Information Centers (JIC) and brings incident communicators together during an incident to develop, coordinate, and deliver a unified message.

This will ensure that Federal, state, and local levels of government are releasing the same information during an incident.

- NIMS Integration Center (NIC)

To ensure that NIMS remains an accurate and effective management tool, the NIMS NIC will be established by the Secretary of Homeland Security to assess proposed changes to NIMS, capture, and evaluate lessons learned, and employ best practices.



The NIC will provide strategic direction and oversight of the NIMS, supporting both routine maintenance and continuous refinement of the system and its components over the long term.

The NIC will develop and facilitate national standards for NIMS education and training, first responder communications and equipment, typing of resources, qualification and credentialing of incident management and responder personnel, and standardization of equipment maintenance and resources.

The NIC will continue to use the collaborative process of Federal, state, tribal, local, multi-discipline and private authorities to assess prospective changes and assure continuity and accuracy.

# **APPENDIX Q: National Response System (NRS) - National Contingency Plan (NCP)**

## **Beginning of the National Response System**

On March 18, 1967, the tanker Torrey Canyon ran aground off the coast of England, spilling over 100,000 tons of oil that eventually washed ashore, causing massive environmental and economic damage.

In the wake of the disaster, President Johnson ordered DOI and DOT to study America's capabilities to handle such disasters. The report "Oil Pollution: A Report to the President" pointed to the need for action.

The first National Multiagency Oil and Hazardous Materials Contingency Plan (NCP) was completed in September, 1968, and signed by DOI, DOT, DOD, HEW, and the Office of Emergency Planning (OEP).

The NCP assigned duties for emergency responses to the agencies and established a NRS comprised of a hierarchy of coordinating entities.

This system was designed to strengthen the nation's ability in the event of an oil spill emergency along the coasts or waterways. In 1970, the President delegated responsibility for the NCP to the Council of Environmental Quality (CEQ).

Revisions of the NCP also created the National Response Team (NRT), assigning to it duty of an emergency response team whenever an incident exceeded the capabilities of a region, or when an incident affected two or more regions, or when the incident affected national security or presented a major hazard to a substantial number of people.

While the NRT was to coordinate response at a national level and make recommendations to the On-Scene Coordinator (OSC), it did not actively participate in the Federal actions. Its function was to provide advice and coordination rather than to direct the cleanup.

The Regional Response Teams (RRTs) were also created during this revision of the NCP.

In 1971, the NCP was revised again, including the EPA as a member and chair to the NRT. The USCG remained as vice-chair. The NCP has been revised several times since then, strengthening the authority of the NRT, RRTs, and the OSCs, and encouraging the States to participate in the RRTs.

## **CERCLA**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, to address the problems of hazardous substance releases.

The legislation was developed after a number of hazardous waste sites, most notably Love Canal, gained media attention.

The attention given these sites revealed a significant gap in statutory authority; while the Federal government had a mandate to respond to spills of oil and hazardous substances to navigable waters, Federal funded responses to spills or disposals that affected ground water or other surface water sources, air, land, or soils were not covered by any Federal law.

As a consequence, the ability to respond to hazardous incidents was limited. CERCLA provided the Federal government with the authority to clean up hazardous substance releases that affect any environmental media.

The primary limitation of the authority is that CERCLA covers only approximately 725 hazardous substances; oil-based fuels and natural gas fuels are not covered.

Under CERCLA, the government can identify a hazardous release and take removal or remedial action, using the Superfund moneys. The government may sue the responsible parties to recover the cost of the action.

CERCLA also authorizes the federal government to issue administrative orders or to seek a court order directing a potentially responsible party to take appropriate response actions.

CERCLA required revision of the NCP to include coverage of spills to any media of any of over 725 designated hazardous substances. In an Executive Order, the president transferred authority of the NCP to EPA.

While the structure of the NRS did not change with the passage of CERCLA or the adoption of the revised NCP, the actual duties of the various groups necessarily expanded to encompass the much broader range of spills.

The 1985 revisions to the NCP re-established the details of agency participation, which had been deleted in the 1982 revisions.

However, most of the changes to the NCP since the passage of CERCLA have involved the remedial program -- the program to identify, evaluate, and respond to hazardous waste sites -- rather than the emergency response program.

While some Superfund sites require interim response actions, most of the program is directed toward remediation.

## **SARA**

In 1984, the NRT conducted a survey to assess preparedness and response capabilities at the Federal, State, and local level. The survey revealed contingency plans were often poorly done or totally lacking.

Training was limited; responders were frustrated by the low priority given to emergency response training. The survey found capability varied greatly from State to State.

Many had limited amounts of response equipment. The survey also revealed some problems with equipment availability.

Soon after the survey was distributed, the question of preparedness took on increased importance as the disastrous consequences of chemical accidents were demonstrated by the accident in Bhopal, India, where a release of methyl isocyanate killed over 2,000 people.

A subsequent release of aldicarb oxime in West Virginia, intensified concern in the U.S. In 1985, the NRT developed a Preparedness Initiative to support State and local preparedness and response capabilities through the RRTs.

Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986. EPCRA is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA).

EPCRA requires Local Emergency Planning Committees (LEPCs) to develop plans for responding to extremely hazardous substance emergencies and requires facilities to report a variety of information on hazardous chemicals they use or store.

EPCRA required the NRT to publish guidance for the preparation and implementation of the emergency plans that LEPCs are to develop under the statute.

RRTs may review and comment on an emergency plan or other issues related to preparation, implementation, or exercise of such plans upon request of an LEPC. These EPCRA provisions were the first statutory recognition of the NRT and RRTs.

## **The National Response Team**

The NRT's membership consists of 15 federal agencies with interests and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the USCG serves as vice-chair of the NRT.

The NRT is primarily a national planning, policy, and coordinating body and does not respond directly to incidents.

The NRT provides policy guidance to an incident and assistance as requested by an OSC via a RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources, equipment, or coordination with other RRTs .

## **Special Forces**

Assisting the Federal OSC at his request are specialists and specialized teams such as:

- The USCG's National Strike Force (NSF)

The NSF is composed of three strike teams which are extensively trained and equipped to respond to major oil spills and chemical releases.

These capabilities are especially suited to incidents in a marine environment but also include site assessments, safety, action plan development, and documentation for both in land and coastal zone incidents.

- EPA's Environmental Response Team (ERT)

Group of scientists and engineers based in Edison, NJ, and Cincinnati, OH. Capabilities include multimedia sampling and analysis, hazard assessment, cleanup techniques, and technical support.

- USCG's Public Information Assist Team (PIAT)

Unit of public affairs specialists prepared to complement the existing public information capabilities of the OSC.

- Scientific Support Coordinators (SSCs)

NOAA provides SSCs in coastal and marine areas. Serve as members of the OSC's staff as scientific and technical advisors. Capabilities include contingency planning, surface / subsurface trajectory forecasting / hindcasting, resource risk analysis, and liaison to other scientists.

- National Strike Force Coordination Center (NSFCC)

The Oil Pollution Act of 1990 (OPA) requires the establishment of this center in North Carolina, which among other things will administer the USCG Strike Teams established under the NCP, maintain the national inventory for spill response equipment, and develop and implement an exercise / training program for the NRS.

Created by the NCP, the National Response Center (NRC) is charged with receiving reports of all chemical, radiological, etiological, and biological releases regulated by the Clean Water Act (CWA), the Outer Continental Shelf Lands Act, the Fisheries Conservation Act, and CERCLA. Located in the USCG Headquarters Command Center, the NRC immediately relays reports to the cognizant, predesignated federal OSC.

- Regional Response Teams (RRTs)

There are 13 RRTs, one for each of ten federal regions, plus one for Alaska, one for the Caribbean, and one for the Pacific Basin.

Each RRT maintains a Regional Contingency Plan (RCP) and has State, as well as federal government, representation. EPA and the Coast Guard co-chair the RRTs.

Like the NRT, RRTs are planning, policy, and coordinating bodies. The RRT provides assistance as requested by the OSC during an incident. If the assistance requested by an OSC exceeds an RRT's capability, the RRT may request assistance from the NRT.

During an incident, the RRT may be alerted by telephone / Electronic mail and convened in part or in whole by the RRT Co-Chairs. If convened in part, the action may occur at the request of the OSC, in the form of one incident-specific RRT agency(s) which provides the support function need.

RRTs may also provide assistance to State / local government in preparedness, planning, and training for emergency response.

- Federal On-Scene Coordinators

The Federal On-Scene Coordinator is a federal official predesignated by EPA for inland areas and by the Coast Guard for coastal areas (Inland / coastal boundaries are specified in individual RCPs).

The OSC coordinates all federal containment, removal, and disposal efforts during the initial stage of an incident. The OSC is also the point of contact for the coordination of federal efforts with the local community.

The OSC has access to extensive federal resources, including the Special Forces discussed herein. The OSC can also be a source of valuable support and information to the local response community.

### **Region VI Regional Response Team (RRT)**

The RRT agency membership parallels that of the NRT, but also includes state representation. Federal agencies on the RRT include:

EPA  
USCG  
Agriculture (DOA)  
Commerce (DOC)  
Defense (DOD)  
Energy (DOE)  
Interior (DOI)  
Justice (DOJ)  
State (DOS)  
FEMA  
Transportation (DOT)  
Health & Human Services (DHHS)  
Labor (OSHA)  
General Services Administration (GSA)  
Nuclear Regulatory Commission (NRC)

The States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas also have representation on the RRT.

- Duties and Coordination

The RRT provides the appropriate regional mechanism for planning and preparedness activities before a response is taken and for coordination and advice during such response actions.

In the case of discharge of oil, preparedness activities will be carried out in conjunction with Area Committees, as appropriate.

The two principal components of the RRT mechanism are a standing team, which consists of designated representatives from each participating Federal agency, state governments, and local governments (as agreed upon by the states); and incident-specific teams where participation will relate to the technical nature of the incident and its geographic location.

The RRT's functional duties include:

- Review and comment, to the extent practicable, on local emergency response plans or other issues related to the preparation, implementation, or exercises, of such plans upon request of an LEPC;
- Evaluate regional and local responses to discharges or releases on a continuing basis, considering available legal remedies, equipment readiness, and coordination among responsible public agencies and private organizations, and recommend improvements;
- Recommend revisions of the NCP;
- Review OSC actions to ensure the Regional Contingency Plans (RCPs), and Area Contingency Plans (ACPs) are effective;
- Encourage State and local community to improve its preparedness for response;
- Conduct advance pre-authorization for the use of dispersants, surface washing agents, burning agents, bioremediation agents, or other chemical agents;
- Conduct or participate in training and exercises necessary to encourage and evaluate preparedness activities of the response community within the region;
- Be prepared to provide response resources on major discharges or releases outside the region;
- Meet at least semiannually to review response actions carried out during the preceding period, consider changes in the RCP, recommend changes to the ACPs, and meet other pre-planning needs of the region; and
- Insure maximum participation in the national exercise program for announced and surprise exercises.



The RRT may be activated by the Co-Chair as an incident-specific response team when a discharge or release:

- (1) exceeds response capabilities available to the OSC;
- (2) transects state boundaries;
- (3) may pose substantial threat to the public health or environment; or
- (4) is considered a worst case discharge.

The RRT may be activated during any discharge or release upon a request from the OSC, or from any RRT representative, to the Co-Chair of the RRT. When the RRT is activated for a discharge or release, agency representatives will respond to a call by the Chair and may:

- (1) monitor and evaluate reports from the OSC, advise the OSC on the duration and extent of the response, and recommend to the OSC specific actions to respond to the discharge or release;
- (2) request other federal, state, or local governments, or private agencies to provide resources under their existing authorities to respond;
- (3) help the OSC prepare information releases for the public and the NRT; and
- (4) make recommendations to the head of an agency if a different OSC is designated.

When the RRT is activated, States and Indian tribes may participate in all RRT deliberations. State and Indian officials participating in the RRT have the same status as federal members of the RRT.

## **Planning**

There are several levels of contingency plans which support the National Response System: the National Contingency Plan (NCP), the Regional Contingency Plan (RCP), the Federal Response Plan (FRP), Area Contingency Plans (ACPs), State Contingency Plans, and LEPC plans.

Additionally now, the National Response Plan is considered the umbrella plan that will incorporate all the above plans into one cohesive, effective plan. These plans are available for inspection at EPA Regional offices or USCG district offices, or the representative agencies.

The RCP will follow the format of the NCP and be coordinated with state contingency plans, ACPs, and LEPC plans, as well as the NRP. Such coordination should be accomplished by working with the SERCs covered by the RCP.

The RCP addresses specific issues and provides guidance to the OSCs for developing their area plans.

The RCP includes information on all useful resources and facilities in the region, and addresses duties of the RRT, oil response, hazardous substance response, procedures for use of bioremediation agents, dispersants, and other chemicals, summary of the Federal and National Response Plans, duties of the Joint Contingency Plan between U.S. and Mexico, and a summary of Area Contingency Plans.

The ACPs, developed under the Clean Water Act, shall address the removal of a discharge including, worst-case discharge and the mitigation or prevention of a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

The ACP is under the direction of the Area Committee, which in Region VI, is the RRT.

The FRP / NRP is applicable during major emergencies such as hurricanes, earthquakes, volcanic eruptions, and technological disasters. FEMA may activate the FRP in the event of a presidential declaration.

A Federal Coordinating Officer may implement the plan and coordinate response and relief activities.

Delivery of federal assistance is facilitated through 12 functional annexes to the FRP known as Emergency Support Functions (ESFs).

EPA / USCG coordinates activities under the Hazardous Materials annex (ESF #10), which addresses preparedness and response to hazardous materials and oil incidents caused by a natural disaster or other catastrophic event.

Response to an incident will be in accordance with the NCP and RCP. OSCs from EPA / USCG oversee the response activities of these agencies.

# **APPENDIX R: Local Government Reimbursement Program**

## **Who Is Covered?**

If you are a general purpose unit of local government or Federally-recognized Indian Tribe, you are eligible for reimbursement under EPA's Local Governments Reimbursement program.

A general purpose unit of local government includes a town, township, city, municipality, parish, or county. States are not eligible for reimbursement.

## **What Incidents Are Covered?**

Incidents involving releases, or threatened releases, of hazardous substances are covered under the LGR program.

Among other things, EPA has reimbursed local governments for releases from transportation accidents, illegally dumped wastes, tire fires, and contamination from illegal drug labs.

Incidents involving releases of oil or oil-related products are not covered, unless the oil is mixed with a hazardous substance.

## **What Costs Are Covered?**

EPA can reimburse you up to \$25,000 per incident for costs that local governments incur in performing temporary emergency response measures.

Only costs incurred as a direct result of the response are allowable.

To be reimbursed, you must properly document your costs and certify that you do not have money in your budget for these costs. EPA has reimbursed local governments for:

- expendable materials and supplies
- renting or leasing equipment
- special technical and laboratory services

- evacuation services
- decontamination of equipment
- overtime pay for employees
- replacement of equipment lost or destroyed

### **How Do I Apply?**

After an incident, you must complete and submit to EPA a basic, four-page application and provide supporting cost documentation (e.g., receipts, invoices).

You should submit an application for reimbursement within one year of completing the emergency response. Before an emergency response, request an application so you may become familiar with the program. Call the toll-free LGR Helpline at 1-800-431-9209 to request an application.

### **Should I Apply?**

If you meet the following criteria, you should consider applying to EPA to recover your costs.

- You are a local government (e.g., town, township, city, municipality, parish, county, Federally-recognized Indian tribe).
- You responded to a release (or threatened release) of hazardous substances, pollutants, or contaminants to the environment.
- You did not have money in your budget for the response.
- Your local government is NOT responsible for the release.
- You were unable to recover costs from the party responsible for the release, your State government, and your local government insurance.

### **LGR**

Since its inception in 1986, the LGR program has been helping local governments like yours cover the costs of emergency responses. or over a decade, EPA has been working closely with hundreds of local governments to make the LGR program an easy and reliable source of funding.

Just ask anyone who has participated in the program. With more than three million dollars awarded by EPA so far, the LGR program has proven to be a valuable financial resource for local governments.

So the next time you have a hazardous substance emergency, remember the LGR program. We're here to help.

**To Obtain an Application:**

**Telephone:**

Call the LGR Helpline at 1-800-431-9209

**Email:**

Submit an email request to [lgr.epa@epamail.epa.gov](mailto:lgr.epa@epamail.epa.gov)

**Internet:**

Access the LGR website at [www.epa.gov/superfund/programs/er/lgr](http://www.epa.gov/superfund/programs/er/lgr) (electronic applications available) Federal Register: See 63 FR 8284 (February 18, 1998)