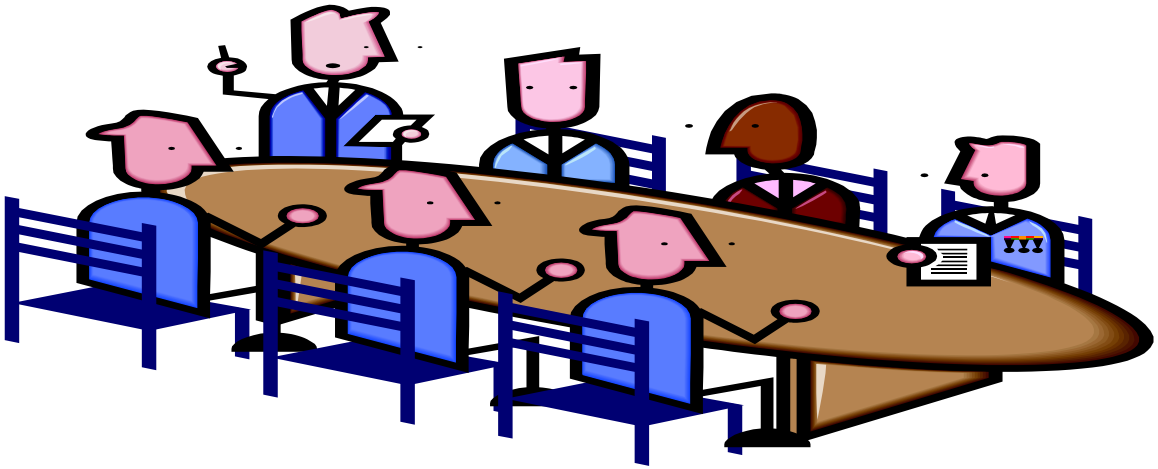
Purpose and Responsibilities of a

Local Emergency Planning Committee



Presented to:

Local Emergency Planning Committee Workshop

November 14, 2012

Emergency Planning Community Right-to-know Act (EPCRA)

- What is EPCRA, where did it come from and why?

Topics of Discussion

- History of EPCRA
- Major Provisions of EPCRA
- The Plan/ESF-10 (Annex P)
- Implementation

Point source pollution – air, water soil

Buried Toxic Wastes - A protest by Love Canal residents, ca. 1978.

I used to play here as a kid, but of course, that was before Humans built that sewer pipe...

Love Canal

- Niagara Falls NY – 36 square block – 900 homes
- Synonymous with toxic waste dumps
- 1890's – canal; William T. Love
- Became place to bury toxic chemicals
- Closed & covered in 1950's
- School forced sale of the ground
- Low income housing
- $129 Million lawsuit

Accidental Releases: Bohpal, India

- 1984
- Union Carbide
- Methyl isocyanate
- 2500 killed/5000 injured

Institute West Virginia

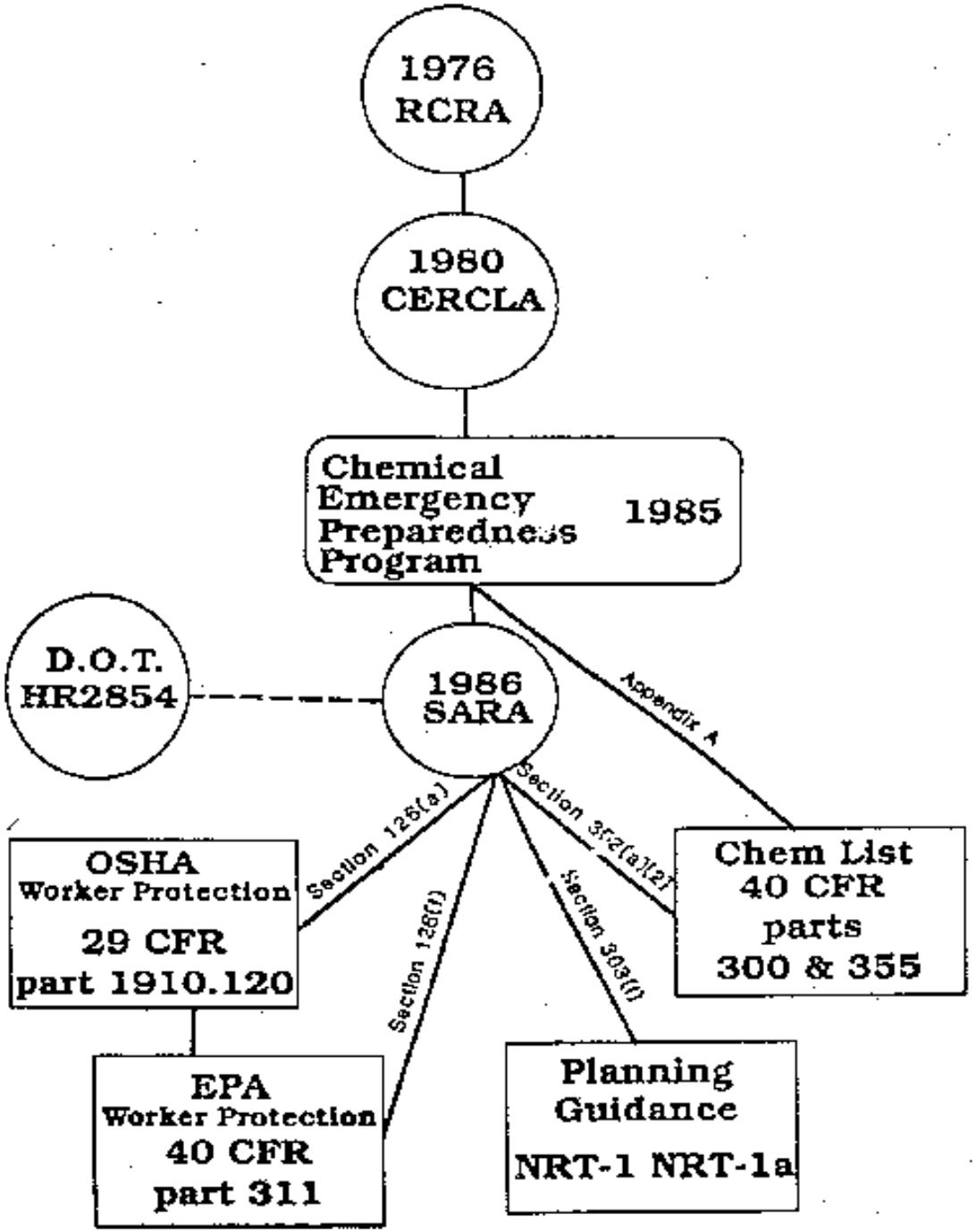
- 1985
- Union Carbide
- 120 injured/0 killed

History of EPCRA

- OLD: SARA Title III = SARA = Title III
- NEW: EPCRA= Emergency Planning Community Right-to-know Act of 1986 = PL-99-499
- From this point on, I will refer to this as EPCRA

History of EPCRA

- “SARA’s Family Tree” <u>OR</u> The Evolution of EPCRA


1976
RCRA
1980
CERCLA
Chemical
Emergency
Preparedness
Program
1985
D.O.T.
HR2854
1986
SARA
Appendix A
Section 126(a)
Section 302(a)(2)
Section 126(f)
Section 303(f)
OSHA
Worker Protection
29 CFR
part 1910.120
Chem List
40 CFR
parts
300 & 355
EPA
Worker Protection
40 CFR
part 311
Planning
Guidance
NRT-1 NRT-1a

Emergency Planning Community Right-to-know Act (EPCRA)

- Congress in 1986
- Sub Titles
  - Subtitle A: Emergency Planning / Notification
  - Subtitle B: Reporting Requirements
  - Subtitle C: General Provisions

- EPCRA Enforcement
  - Section 301-303
  - Section 304 and CERCLA Section 103
  - Section 312
  - Section 313

IOWA Legal Basis

- State Law
  - Chapter 30 of Iowa Code
  - Iowa Administrative Rule 605 Chapter 100-104

Overall Purpose of EPCRA

Citizens rights to know chemicals in their communities.

To make citizens full partners in the process of preparing for chemical emergencies and managing chemical risks.

Major Provisions

- Industry provides information to LEPC, Fire Depts. and Iowa Emergency Response Commission
- Notification of accidental releases
- Information available to public
- Penalties for failure to report or notify
- EHS – 420 of them
- Fixed Facilities
- Planning/information to protect first responders and public. Hazmat teams are not the only solution.

Section 301 (SERC &LEPC Establishment)

- IERC – Iowa Emergency Response Commission
- (AKA: SERC) - State Emergency Response Commission
  - Appointed by Governor
- Key responsibilities:
  - Designates emergency planning districts within the state
  - Appoints a Local Emergency Planning Committee (LEPC) to each planning district
  - Monitors and supports the activities of the LEPCs

Iowa Emergency Response Commission

Mission:

The Iowa Emergency Response Commission's mission is to assist in improving communities' preparedness for handling chemical accidents, promoting cooperation among state and local government and industry, increasing public awareness of chemicals in the community and building information databases.

Iowa Emergency Response Commission

- 15 members appointed by the Governor for 3 year terms.
- Seven of these are voting members and count towards a quorum
- Meetings are twice a year.

IERC Members

*Terry Butler – Private Industry Voting Member
Jim Clark – Hazardous Materials Task Force
Robert Dougherty – Private Industry
*Janet Gastineau – Natural Resources – Voting Member
Meghan Gavin – Justice
*Susan Green – HSEMD / Voting Member
*Staci Griffin – LEPC Representative
Dean House – Transportation/ Voting Member
*Anne Jackson – Workforce Development / Chair – Voting Member
Robin Pruisner – Agriculture
Rex Mundt - Fire Service & Emergency Response Commission – Vice Chair
Melanie Rasmusson – Public Health
*Ray Reynolds – Public Safety/ Voting Member
Ted Stopulos – Governor's Office
Julie Waltz – Private Industry

IERC Staff

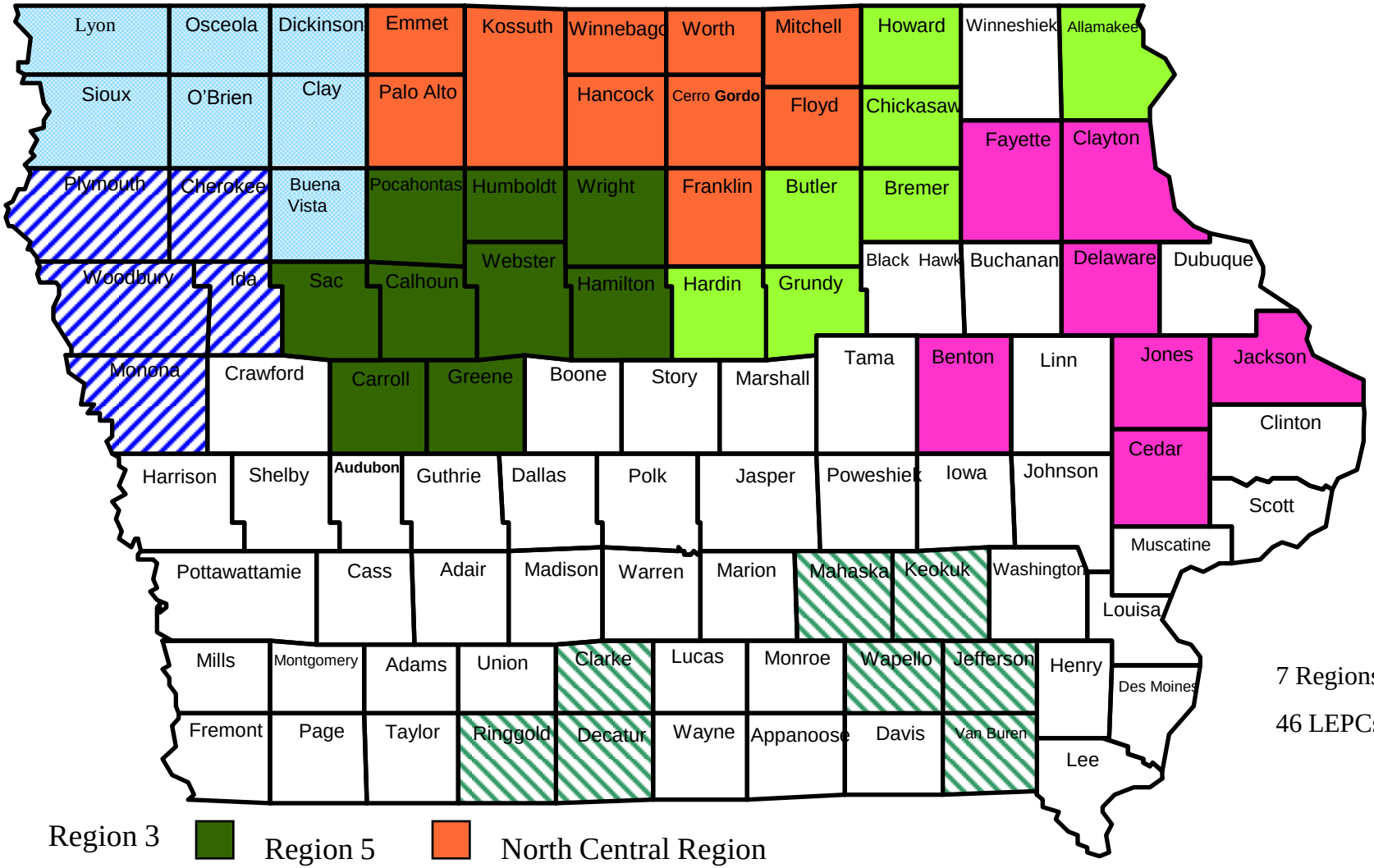
Paul Sadler – HSEMD - EPCRA Planner/ Commission Administrator
Lisa Sexton – HSEMD - HMEP Program Coordinator
Elonda Bacon – DNR- EPCRA Coordinator
Rodney Tucker – DNR
Adam Broughton – DNR
Patricia Reitz – EPA

Section 301 (IERC &LEPC Establishment)

- LEPC
  - Members appointed by IERC
- Planning Districts
  - Follow county boundaries unless petition to IERC to form regions.
  - 46 county LEPCs
  - Seven Regions (We had “Regions” before homeland security came along).

Iowa Regional Emergency Planning Districts

09/2009
Regions2009 approved.ppt



7 Regions

46 LEPCs

Region 3

Region 5

North Central Region

Region 4

Region 6

Southern Iowa Region

Northeast Iowa Region

Membership

Representatives of the following groups or organizations (a person may represent one or more groups provided they are duly appointed by each group or organization they represent):

- elected state and local officials
- law enforcement personnel
- civil defense personnel
- fire fighting personnel
- first aid personnel
- health personnel
- local environmental personnel
- hospital personnel
- transportation personnel
- broadcast and print media
- community groups
- owners & operators of facilities subject to EPCRA

Major LEPC Responsibilities

- Receives reports of hazardous chemical inventories(Tier 2 forms) each year from fixed facilities that use, store or manufacture extremely hazards substance
- Makes chemical information available to Public
- Receives emergency notification of accidental chemical releases (spills).
- Assists in the county hazards analysis.

Major LEPC Responsibilities

- Community Planning for Chemical Emergencies (ESF-10) for the County Comprehensive Emergency Plan.

- Training – Responders / Citizens

- Exercises – Responders / Citizens

Initial Steps

Establish procedures for functioning of committee to include:

- Selection of chair/vice-chair and secretary
- Determine length of term for LEPC members
- Designate a 24 hour emergency contact point for emergency release notifications (may use 911 if procedures are in place).
- Designation of local government office for receiving non-emergency notifications from facilities subject to the law.
- Designation of an official (information coordinator)to response to requests for information from public (e.g.: MSDS, chemical inventory forms, minutes of LEPC meetings, and emergency response plans).

Establishing Procedures

- Public Notification of committee activities
- Receiving and responding to public comments
- Distribution of Emergency plans
- Receiving and processing requests from public for information under EPCRA Section 324, including Tier II information under Section 312.
- Public access for review of material including
    - Emergency response plan
    - MSDS
    - Inventory forms
- Publish annual notice of information available
- Make available minutes of all LEPC meetings to public

LEPC Authority

- An LEPC may request additional information from facilities for its own planning or on behalf of others
- LEPC representatives may make site visits to facilities

What the IERC Needs

- Name of Chair and Vice Chair
- Emergency 24 hour number for emergency release notification (section 304
- Name of an information coordinator to respond to request for information to public (sections 311(c)(2) and 324
- Name and address of local government office for receiving non-emergency notifications (sections 311 & 312)
- Current list of emergency facility coordinators designated by each facility
- Public notification of committee activity
- Procedures for receiving and responding to public comments and requests.

Section 302 (Community Right-to-know Reporting)

- Fixed facilities report
- EHS is reported over the threshold planning quantity
- Iowa IERC combines reporting requirements of Section 302 and 312
- Farmers are not exempt
- Reports go to IERC/LEPC/Fire Depts. (HERE)

Section 303 (Emergency Planning)

- Complete an emergency plan by 1988
- Required planning elements
- Requires IERC to review the local plans
- HSEMD reviews for IERC
- Reviewed for Compliance (HSEMD Standards)
- Requires facilities to designate facility emergency coordinator to work with LEPC

Section 304 (Accidental Release Notification)

- Requires notification of accidental releases
- Immediately to the “Community Emergency Coordinator” and IERC
- Establishes contents of notifications and follow-up notice
- Notification in Iowa goes to the DNR duty officer.
- Farmers are not exempt.

Reporting/Notification

- Reporting - when a facility provides chemical information such as a Tier II form (Section 302/311/312)

- Notification – when making notification of an accidental release (Section 304)

Section 311
(Chemical Lists)

- Not really paid much attention in Iowa – redundant to Section 312
- Requires list of chemicals to be submitted to :
  - Fire Department
  - IERC
  - LEPC
- Farmers exempt

Section 312 (Right-to-know Reporting) (Tier 2 form)

- Farmers not exempt under Iowa Admin Rules - is the vehicle for reporting section 302.
- Fixed facilities required to submit March of each year
- Send to LEPC, IERC, local Fire Dept. (HERE)
- Department of Natural Resources
- 515-725-0320 – Elonda Bacon, EPCRA Coord.

Section 313
(Toxic Release Inventory)

- Requires facilities to account for where product goes in manufacture.
- Report is due annually by July 1st to EPA who makes the information available to DNR.
- Information is available to public on TRI websites.

Required Elements of Plan

- Identify facilities
- Transportation routes to facilities
- Emergency Response Procedures
- Notification procedures
- Determine occurrence/severity of release
- Determine zones - population vulnerability
- Procedures to notify the public of release

- Resource management
- Schedules for training local responders
- Exercise the plan
- Community Emergency Coordinator
- Facility coordinator
- Coordinate with contiguous districts
  - warning, evacuation, traffic control, containment, medical

Plan Development

- Focus on Extremely Hazardous Substance
- Conduct a hazards analysis based on the hazards of each chemical
- Review and revise the plan each year.
- Yearly exercise the plan

IMPLEMENTATION

- Guidance/Assistance provided by HSEMD
- HSEMD will not write plan for you
- ESF-10 to County Comprehensive Plan (CCEP)
- Hazard analysis
- IERC and HSEMD requires each county to have ESF-10 that meets HSEMD standards
- IERC does not require Regional Plans

- Exercise plan
- Critique exercise, actual events
- Incorporate lessons learned from exercise and actual events
- Review and Revise Annually
- Repeat

FEDERAL:

- SARA TITLE III / Public law 99.499 / Emergency Planning and Community Right-to-Know act of 1986 – EPCRA

Section 301 – LEPC membership – Appointments and Resignations, LEPC Membership Report - HSEMD
Section 302 – Tier II Reporting – DNR (now covered under 311/312)
Section 303 – Plan Submissions – HSEMED
Section 304 – Emergency Notifications - DNR
Section 305 – Training Funds and Courses – HSEMD
Section 311/312 – MSDS/Tier II Reporting & facility Submissions – Kathy Lee
Section 313 – Toxic Release Forms - Form R Reporting – DNR

STATE:

- Chapter 30.1-30.12 Iowa Code 1989, as amended
- . Iowa Administrative Rules Chapter 607 101.1(17a)-103.7(30)

Hazardous Materials Emergency Preparedness (HMEP) Grant Program

- Also known as the Iowa Hazmat Grant Program
- Federal Hazardous Materials Law authorizes the US DOT to provide assistance to public sector employees through training and planning grants to States, Territories and Tribes for emergency response. The purpose of this grant is to increase State, Territorial, Tribal and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents, enhance implementation of EPCRA and encourage a comprehensive approach to emergency planning and training by incorporating the unique challenges of responses to transportation situations.

HMEP (CONTINUED)

- HMEP distributes fees collected from shippers and carriers of hazardous materials to local LEPC's for planning, training and exercise.
- Iowa Emergency Response Commission (IERC) is the approving body of HMEP.
- Total grant amount since 2002 - $256,000.
- In FFY09 Iowa received a 70% increase – total grant $436,000. This funding is split into two separate grants – Planning and Training.
- 25% Match is required for both grants. May be cash or in-kind match.
- 75% of the funds for both planning and training must be passed through to the LEPC.

Eligibility Requirements

- **Current Membership List**
  - **Use "SERC Form" for new nominations**
- **Officers**
- **Bylaws**
- **Two sets of Minutes per calendar year**
- **Compliant ESF-10**

ESF-10 Hazardous Materials

- **Compliant Hazmat Plan**
  - **ESF-10 incorporates EPCRA requirements and CPG-101**
  - **Submit to HSEMD by August 1**
  - **EACH year – Annual requirement for LEPC to review the Hazmat Plan.**

QUESTIONS?