

EPCRA 101

THE BASICS FOR LEPCS AND TEPCS TO ADMINISTER EPCRA

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**DURING THIS PRESENTATION, PLEASE
RAISE YOUR HAND IF YOU HAVE ANY
QUESTIONS.**



EPCRA 101

Disclaimer

This is a training aid, not a compliance document. It presents a general overview of EPCRA and introduces *what* EPCRA covers rather than *how* to comply with it.

EPCRA EXPERIENCE

Less Than One Year

Less than one year of experience with EPCRA –
SERC, LEPC, Tier II, Community-Right-to-Know, etc.

Less Than Five Years

Less than five years of experience with EPCRA –
SERC, LEPC, Tier II, Community-Right-to-Know, etc.

Five Years or More

More than five years of experience with EPCRA –
SERC, LEPC, Tier II, Community-Right-to-Know, etc.

AGENDA

1. Congress Passes EPCRA
2. Provisions of EPCRA
 1. 301; 302; 303; 304; 311; 312; 324; 326.
3. Funding Sources
4. Resources



CONGRESS PASSES EPCRA

OCTOBER 17, 1986



WHAT IS EPCRA?

THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT
TITLE III OF THE 1986 SUPERFUND AMENDMENT AND REAUTHORIZATION ACT

Emergency Planning

For local emergency planners and responders to prepare for chemicals that may become mobile and are hazardous to people.

Community Right-to-Know

For the public to become knowledgeable of the chemical hazards at facilities within their communities.

KEY EPCRA PROVISIONS

Subtitle A – Emergency Planning and Community Right to Know

- Sections 301, 302, 303, 304, & 305

Subtitle B – Emergency Planning and Notification

- Sections 311, 312, & 313

Subtitle C – General Provisions

- Sections 321, 322, 323, 324, 325, 326, 327, 328, & 329



KEY PROVISIONS OF EPCRA

Section 301 – SERC & LEPC

- Establishment of SERCs
- Establishment of planning districts
- Establishment of LEPCs for those districts

SERC RESPONSIBILITIES

EPCRA Section 301

The Governor appoints the SERC, preferably with emergency response expertise, or may use existing State sponsored organizations. If the Governor does not designate a SERC, then the Governor is the SERC.

The SERC:

1. Establishes Emergency Planning Districts,
2. Appoints and Oversees LEPCs assigned to Emergency Planning Districts,
 1. Including reviewing local emergency response plans and LEPC membership.
3. Establishes public information request procedures for information under 312 and 324,
 1. Including designation of an official to serve as coordinator for information.
4. May Revise Emergency Planning Districts and LEPCs, as deemed appropriate.

EMERGENCY PLANNING DISTRICTS

EPCRA Section 301(b)

Administrative - County/City Limits, FD Districts

Risk Profile - Number/Type of EPCRA Facilities, Chemical Presence Density, Risk Levels

Population – Density, Distribution, At-Risk Populations

Infrastructure – Major Transportation Routes/Hubs, Ports, Critical Infrastructure

Geography – Natural Barriers, Accessibility, Travel Distance

Resources – Availability of LEPC Leadership, Funding, Engagement Capacity

LEPC MEMBERSHIP – EPCRA SECTION 301(C)



Committee Leadership/Staff

Chair, Vice-Chair, Administrative Support,
Dedicated/Part-Time Staff



Government/Elected Officials

State, Local, Tribal elected or appointed government. Relevant Agency/Department heads.



Responders/Planners

Police, Fire, EMS, Emergency Management, Public Health, HazMat Teams



Regulated Industry

Facility Representatives, EH&S, Compliance Officers, ERTs



Community Groups/Media

Public, Advocacy Groups, EJ, CAPs, CAER, Print/Radio/TV Media/Reporters



Health & Environment

Hospitals, Public Works, Dept. of Trans., Natural Resources/Environmental Control, OSHA



LEPC BYLAWS & PUBLIC INFORMATION PROCEDURES

EPCRA Section 301(c)

Federal EPCRA requires LEPCs to appoint chairpersons and establish rules by which the committee shall function. Bylaws must 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.

The LEPC shall establish procedures for receiving and processing requests from the public for information under section 324 (plans, SDSs, Forms, & Follow-up Notices), including tier II information under section 312. Such procedures shall include the designation of an official to serve as coordinator for information.

LEPC MEETING CONDUCT

- Meet regularly, keep the conversations ongoing and productive.
- Convenient timing for government and facility representatives is usually inconvenient for the public.
- Make the meeting engaging for attendees.
- Don't skip the hard conversations.
- Guest speakers on relevant topics.



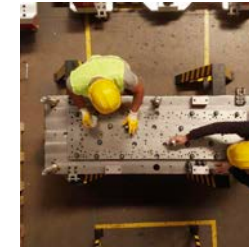


KEY PROVISIONS OF EPCRA

Section 302 – Regulated Substances & Facilities; Emergency Planning Notifications

- Facilities with EHS at or above TPQ (or when designated) must comply with EPCRA emergency planning requirements.
- Regulated facilities must submit four types of notifications.

SECTION 302 RESPONSIBILITIES



SERC Responsibilities

- Designate additional facilities to become subject to EPCRA, as necessary.
- Receive notifications from facilities which are subject to EPCRA.

LEPC Responsibilities

- Receive notifications from facilities which are subject to EPCRA.

Facility Responsibilities

- Determine which chemicals on-site are subject to EPCRA.
- Notify SERC & LEPC that the facility is subject to EPCRA.

A decorative header image showing several pieces of laboratory glassware, including beakers and flasks, arranged on a surface. The glassware is slightly out of focus, with a soft blue and white color palette. The number '500' is visible on one of the beakers.

THRESHOLD PLANNING QUANTITY (TPQ)

The emergency planning requirements in Section 302 apply to any EHS listed in 40 CFR Part 355 Appendix A and Appendix B. States and Tribes may designate additional substances.

- Facilities must complete calculations to determine whether the EHS equals or exceeds its TPQ.
 - These calculations result in a total quantity regardless of location, number of containers, and method of storage.
 - This also includes EHSs in mixtures or solutions in excess of 1% and should include examinations of process components such as reaction vessels, piping, etc. where EHS as a byproduct may take place.
 - There are also calculations for EHSs as non-reactive solids in solution and as molten non-reactive solids.

EPA'S LIST OF LISTS

This consolidated chemical list includes chemicals subject to reporting requirements under EPCRA, CERCLA, section 112(r)(7) of the Clean Air Act (CAA), and section 311 of the Clean Water Act (CWA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA sections 311 and 312, for which SDSs must be developed under the Hazard Communication Standard. These hazardous chemicals are identified by broad criteria, rather than by a defined list of chemicals or substances. There are over 500,000 products that satisfy the criteria.

LIST OF LISTS

Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 112(r)(7) of the Clean Air Act (CAA), and Section 311(j)(5) of the Clean Water Act (CWA)

- EPCRA Section 302 Extremely Hazardous Substances
- CERCLA Hazardous Substances
- EPCRA Section 313 Toxic Chemicals
- CAA Section 112(r)(7) Regulated Chemicals
- CWA Section 311(j)(5) Hazardous Substances



KEY PROVISIONS OF EPCRA

Section 303 – Comprehensive Emergency Response Plans

- LEPCs are required to develop comprehensive emergency response plans
- Facilities must submit information to support the planning process with chemical information
- SERCs are required to review the LEPC plans

EMERGENCY PLANNING CHECKLIST FOR LEPCS AND TEPCS

EPA's National LEPC-TEPC Handbook: Appendix N

- Breaks most Plan Provision Areas into elements for easier understanding.
- Provides Intent and Required Information for all elements. Recommendations and Guidance provided for many elements.
- Very useful for SERC and LEPC reviews of LEPC plans.

LEPC Emergency Response Plan Review - Quick Look					
42 USC Chapter 116 §1103(c) Plan Provision Areas	NCC LEPC	KC LEPC	SC LEPC	CoW LEPC	Totals
(1.a) Identification of facilities subject to the requirements of EPCRA Section 302 within the LEPC or TEPC planning district.	Yes	Yes	Yes	Yes	Y-4/N-0
(1.b) Identification of routes likely to be used for the transportation of substances on the list of EHSs referred to in Section 302 (a).	Yes	Yes	No	Yes	Y-3/N-1
(1.c) Identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of EPCRA Section 302, such as hospitals or natural gas facilities.	Yes	Yes	No	No	Y-2/N-2
(2.a) Methods and procedures to be followed by facilities to respond to any release of such substance.	Yes	Yes	Yes	Yes	Y-4/N-0
(2.b) Methods and procedures to be followed by local emergency and medical personnel to respond to a release.	Yes	Yes	Yes	Yes	Y-4/N-0
(3.a) Designation of a community emergency coordinator (or Emergency Management Director) who shall make determinations necessary to implement the plan.	Yes	Yes	Yes	Yes	Y-4/N-0
(3.b) Designation of a facility coordinator who shall make determinations necessary to implement the plan.	Yes	Yes	Yes	Yes	Y-4/N-0
(4) Describe procedures providing reliable, effective and timely notification by the facility emergency coordinators to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of EPCRA, Section 304.)	Yes	Yes	Yes	Yes	Y-4/N-0
(5.a) Methods for determining the occurrence of a release.	Yes	Yes	Yes	No	Y-3/N-1
(5.b) Methods for determining the area or populations likely to be affected by such a release.	Yes	Yes	Yes	Yes	Y-4/N-0
(6.a) A description of emergency equipment and facilities in the community, and an identification of the persons responsible for such equipment and facilities.	No	Yes	No	Yes	Y-2/N-2
(6.b) A description of emergency equipment and facilities at each facility in the community subject to the requirements of EPCRA, Section 302, and an identification of the persons responsible for such equipment and facilities.	Yes	Yes	No	Yes	Y-3/N-1
(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.	Yes	Yes	Yes	Yes	Y-4/N-0
(8) Training programs, including schedules for training of local emergency response and medical personnel.	Yes	Yes	Yes	Yes	Y-4/N-0
(9) Methods and schedules for exercising the emergency plan.	Yes	Yes	Yes	No	Y-3/N-1
TOTAL	Y-14/N-1	Y-15/N-0	Y-11/N-4	Y-12/N-3	

ALL-HAZARDS – STANDALONE – HYBRID PLANNING

All-Hazards Plan

Pros

- Holistic Coordination
- Efficiency
- Improved Response Readiness
- Supports Compliance Across Programs

Cons

- Risk of Dilution
- Ownership Challenges
- Complexity of Updates
- Potential for Compliance Gaps

Standalone Plan

Pro

- Focused and Specific
- Easier for LEPC Management
- Facilitates Industry Collaboration
- Useful for Training and Exercises

Cons

- Duplication and Fragmentation
- Narrow Scope
- Limited Integration
- Maintenance Burden

Hybrid Plan

- The main jurisdiction EOP includes a Hazardous Materials Annex that satisfies EPCRA planning requirements.
- The LEPC maintains a supporting technical appendix or HazMat Plan Supplement containing facility specific data, Tier II summaries, and chemical specific procedures.
- This ensures EPCRA compliance, integration with an all-hazards EOP, and LEPC ownership over data and relationships.

EPCRA SECTION 303(b)

Addressing Your Capability Gaps

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

LEPCs must evaluate whether they have enough:

- Personnel (planning, response coordination support)
- Technical expertise (hazmat, modeling, medical response)
- Equipment (monitoring tools, communications systems)
- Data/information (facility chemical inventories, hazard modeling tools)
- Training/exercise capacity

Support can come in the form of:

- Additional HazMat Training for Responders
- Response Equipment for HazMat Teams
- GIS or Plume Modeling Software
- Communication Systems Upgrades
- Exercise Support
- Funding (Local, State, Federal, Industry)

KEY PROVISIONS OF EPCRA

EPCRA Section 304 – Emergency Release Notifications

Under EPCRA Section 304, facilities must immediately report accidental releases of EHSs defined under EPCRA Section 302 and HSs defined under CERCLA. Any release of these substances in quantities greater than their corresponding RQs must be reported to the SERC and the LEPC. These facilities must also provide a detailed follow-up written report as soon as practicable after the release. SERCs and LEPCs are required to make these reports available to the public.

For CERCLA HS releases, the National Response Center must also be notified by facilities.



EMERGENCY RELEASE NOTIFICATIONS

Initial Notification

- The chemical name
- An indication of whether the substance is extremely hazardous
- An estimate of the quantity released into the environment
- The time and duration of the release
- Whether the release occurred into air, water, and/or land
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals
- Proper precautions, such as evacuation or sheltering in place
- Name and telephone number of contact person

Follow-Up Report

A follow-up written report must be submitted to the SERC and the LEPC as soon as practicable after the release. The follow-up written report must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

KEY PROVISIONS OF EPCRA



Section 311

Facilities must submit SDSs or a list of hazardous chemicals to the SERC, LEPC, and Local Fire Departments



Section 312

Facilities must submit an annual inventory of hazardous chemicals by March 1 to their SERC, LEPC, and Local Fire Department.



KEY PROVISIONS OF EPCRA

EPCRA Section 324 – Public Availability of Plans, Data Sheets, Forms, and Follow-up Notices

The following documents must be made available to the public during normal business hours at a location designated by the SERC or the LEPC:

- Emergency Response Plans
- Safety Data Sheets/Chemical Lists
- Tier II Hazardous Chemical Inventory Forms
- Toxic Chemical Release Forms (TRI/Form R)
- Written Follow-up Emergency Notices From Releases

Exceptions, if a facility requests it, the SERC and LEPC must withhold the specific location of chemicals reported as Tier II information on the inventory form. All other Tier II information remains public. Trade secret protections under Section 322 also apply.

Each LEPC must publish a notice once a year in local newspapers informing the community that emergency response plans, SDSs, and Tier II inventory forms have been submitted and are available for public review. The notice must also:

- State that written follow-up emergency notices from releases may be issued and will also be available
- Tell the public where they can go to review any of these documents

ENSURING REPORTING

Compliance vs. Enforcement – EPCRA Section 326

- Maintaining Cooperative Relationships
- Elevating Non-Compliance
- Enforcement Authority
- Reporting & Non-Reporting Facility Visits
- Site Visit Planning Components



FUNDING SOURCES

- State/County/Municipality/Tribal Budgets
- Tier II Filing Fees
- Fundraising
- HMEP Grant
- Other Federal Grants





SUPPORT RESOURCES

EPA Resources

- EPCRA Webpages
- National LEPC-TEPC Handbook
- EPCRA Regional Contacts
- List of Lists

NASTTPO

- Multiple Guidance Documents
- Regional Board Members
- Attendees Here Today

Local Emergency Planning Committee (LEPC) Handbook

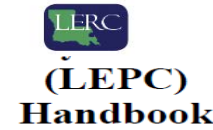


Local Emergency Planning Committee Handbook

State of Delaware Local Emergency Planning Committee Handbook



STATE OF MONTANA LOCAL EMERGENCY PLANNING COMMITTEE HANDBOOK



Idaho Bureau of Homeland Security
1040 W. Guard Street, Bldg. 600
Boise, ID 83705
<http://www.bhs.idaho.gov>

State of Nevada Emergency Response Commission



PROGRAM and

Local Emergency Planning Committee Guide



Prepared by:
Nebraska Emergency Management Agency
Nebraska State Emergency Response Commission
University of Nebraska Public Policy Center

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