



JACKSON COUNTY MISSISSIPPI

LOCAL EMERGENCY PLANNING COMMITTEE

INFORMATION

History and Background

The LEPC is a product of federal legislation that was passed in the wake of the Bhopal disaster in India, where more than 2,000 people died because of an accident involving accidental release of a hazardous chemical. To prevent similar occurrences in our own communities, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as the Superfund Amendments and Reauthorization Act (SARA Title III), in 1986. EPCRA has four major provisions: Emergency Planning (Sections 301-303); Emergency release notification (Section 304); Hazardous chemical storage reporting requirements (Sections 311-312); and Toxic chemical release inventory Section 313). The Community Right-to-Know (CRTK) provisions in EPCRA help increase public knowledge and access to information on chemicals at individual facilities, their uses, and release into the environment.

Coordinated Federal Response Planning and Incident Management

Homeland Security Presidential Directive (HSPD) – 5, *Management of Domestic Incidents*, directed the development of a new National Response Plan (NRP), December 2004, (Appendix O) to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazard approach to domestic incident management. This unique approach is far reaching and has resulted in a true “national” framework in terms of both product and process. The NRP development process included extensive vetting and coordination with Federal, State, local, and tribal agencies, nongovernmental organizations, private sector entities, and first-responder and emergency management communities across the country.

The NRP incorporates best practices from a wide variety of incident management disciplines to include fire, rescue, emergency management, law enforcement, public works, and emergency medical services. The end result is vastly improved coordination among Federal, State, local and tribal organizations to help save lives and protect America’s communities by increasing the speed, effectiveness, and efficiency of incident management.

The NRP supersedes the Interim National Response Plan (INRP), the Federal Response Plan (FRP), the U.S. Government Domestic Terrorism Concept of Operations Plan (CONPLAN), and the Federal Radiological Emergency Response Plan (FRERP). It is therefore critical that LEPCs begin to immediately study their interface with this plan and other new Federal planning and incident management systems.

The NRP is built on the framework of the National Incident Management System (NIMS), March 2004, (Appendix P), which provides a consistent doctrinal framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident.

All Federal departments and agencies have adopted NIMS and have been directed to make adoption of NIMS by State, local, and tribal entities a condition for Federal preparedness assistance beginning in FY 2005. Compliance with many aspects of the NIMS will be possible in the short term. Other aspects of the NIMS will require further development and refinement to enable compliance at a future date.

Both the NRP and NIMS will be incorporated into State and local emergency planning efforts as rapidly as possible. Revised local planning templates are available for use by all jurisdictions.

LEPC - General

The role of LEPCs is to form a partnership between local government and industry 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 adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

It is necessary for industry to be a part of this 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 MEMA, LEPC, and local fire department; providing material safety data sheets (MSDS) 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 the plan is tailored to the needs of its planning district. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about hazardous substance emergency planning, and health and environmental risks. Citizens will expect the LEPC to reply to questions about chemical hazards and risk management actions. The LEPCs can also anticipate questions about the extent and the health and environmental effects of routine toxic chemical releases. The EPA and the state are working together to ensure this information is available at the local level. Additionally, many companies are voluntarily providing local committees and other citizens with this information.

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 the EPCRA, Public Law 99-499. Each LEPC:

1. 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))*.
2. Shall make available each MSDS, chemical list described in Section 311(a)(2) or Texas Tier II report, inventory form, toxic chemical release 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)).
3. 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)).
4. 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)).
5. 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)).
6. Shall be given follow-up emergency notice information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).
7. Shall receive from the owner or operator of any facility an MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described in paragraph (2) (Section 311(a)).
8. Shall, upon request by any person, make available an MSDS to the person in accordance with section 324 (Section 311(a)).
9. Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312(e)).
11. 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 326(a)(2)(B)).

Additional LEPC Responsibilities

1. The LEPC shall appoint a Chairperson, an Information Coordinator, and establish rules by which the committee shall function (EPCRA, 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.
2. The LEPC shall notify the SERC of nominations for changes in the makeup of the committee. Nominations must be submitted in written form. Notify the SERC of address changes for LEPC Chairpersons.
3. The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's emergency management plan. Recommendations shall be made with respect to additional resources that may be required and the means for providing such additional resources (Section 303 (a))*.
4. The LEPC shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, and inventory forms have been submitted under this section (Section 324(b)).

LEPC Structure

Membership

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

The LEPC **Core** Membership shall consist of at least one representative from each of the following required entities:

- A. Elected State Officials or their designate
- B. Mayor of each City within the County or his/her designate
- C. County Board of Supervisors or their designate
- D. Fire Department representatives from each city and county
- E. Law Enforcement from each city and county
- F. Emergency Management or Civil Defense representatives
- G. State response and environmental agencies (MEMA, DEQ, DMR, etc.)
- H. State and/or County Public Health Departments
- I. Hospital representatives
- J. State and/or County Transportation Agencies
- K. Industry/facilities subject to EPCRA and RMP facilities
- L. Media representative (television, radio, & print)
- M. Port Facilities located within Jackson County
- N. County E-911 Commission

Additionally, LEPC **Associate** membership from the following groups should be encouraged:

- O. Federal representatives (EPA, USCG, NOAA, Fish & Wildlife, etc.)
- P. Maritime representatives (i.e. pilots, waterways)
- Q. Volunteer Fire Departments within Jackson County
- R. Emergency Medical Service and Medical Community Entities
- S. Rail Representatives
- T. Community Groups
- U. American Red Cross
- V. Private and Commercial Businesses in industrial areas
- W. Environmental Clean up and Spill Response Groups
- X. City, County, and Private Sector Schools & Colleges
- Y. Members of the Public (at their request)
- Z. Technical Advisors
- AA. Agriculture
- BB. County and/or Local Utility partners
- CC. MS Board of Animal Health

Administration

LEPCs are challenged with having to administer a program with little or no budget and no fixed facility 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 – not longer than 45 days.

They can only do this through efficient record keeping and using suitable workspace provided by government or industry members on the committee. Co-locating the LEPC with the jurisdiction's Emergency Management Agency, a local fire department, or police department, can be beneficial to each organization.

Maintenance of Records

At a minimum, LEPCs should maintain the following records:

- Copy of local emergency management plans & 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 bylaws

- LEPC membership list
- Tier II reports for covered facilities

Funding LEPC Activities

When Congress passed EPCRA, it did not provide funding for LEPCs. Thus, state and local governments must find creative ways to fund LEPC programs. In Texas, implementation at the state level is funded by a combination of state general fund revenues and fees imposed on regulated facilities. In the past, the State has used some fee receipts to award grants to a limited number of LEPCs and support LEPC conferences.

In 2006 a funding survey was conducted by EPA Region 6. This report determined the sources of funding used by LEPCs found funding ranging from no funding at all to budgets that exceeded \$100,000. The LEPCs with no funding tended to be in rural areas with little or no industry and no major transportation routes. Few LEPCs have budgets of greater than \$100,000 and those that do, are concentrated in counties with large amounts of industry and commerce. On average, annual LEPC budgets range from \$3,000 to \$5,000.

The cost of implementing EPCRA at the LEPC level will vary, depending on the extent of program development and the number of facilities in the planning district.