LEPC MEMBERSHIP AND RESPONSIBILITIES

The role of LEPCs is to form partnerships with local industries and governments as a resource for enhancing hazardous materials preparedness. Local governments are responsible for the integration of planning and response. There are many steps in this process:

Ensuring a local hazards analysis is accomplished and includes hazmat incidents as well as potential off site effects of facility releases

Including hazardous materials incident planning with local emergency plans

Ensuring hazardous materials response capability assessments are accomplished and shortfalls identified

Enhancing response capabilities through responder training

Developing mutual aid agreements with surrounding jurisdictions

Exercising hazmat response with realistic field exercises and table tops.

It is essential for industry to play a part in this process to ensure facility response plans and capabilities dovetail with local government emergency plans. Misperceptions between industry and local response forces can have a catastrophic impact on not only the facility, but on the citizens we are pledged to serve. According to EPCRA, every facility subject to regulation is required to identify and provide the name of a facility "Emergency Coordinator," report types/quantities of regulated chemicals on the site, providing MSDSs, and permitting local fire departments to inspect their facilities.

The LEPC is crucial to maintaining the effectiveness of local hazmat planning and the community right to know provisions of EPCRA. The members come from the planning district and should be familiar with local economy/business, environmental issues, and public safety considerations. This broad-based expertise is required to adequately assist the drafters of the emergency plans, so that the plan adequately addresses local needs/requirements. Also, the LEPC can serve as a focal point for outreach activities concerning citizen response to hazardous materials incidents, health and environmental planning, and environmental risks.

Members of the LEPC represent a large number of government and private organizations, industries, and occupations in order to provide the expertise to advise on plan development and to offer a "total package" of planning and outreach capability. By law, the LEPC membership must represent a cross section of the jurisdiction in which it resides. Therefore, LEPC members should come from:

Elected Officials: County Council, City Council, State Senators/Representatives

Public Health/Safety: Law Enforcement, Emergency Preparedness/Management Fire, Emergency Medical Services, Hospitals, Local Environmental Organizations, Transportation

Media: Print and Broadcast

Community groups and service organizations

Facility owners and operators

Each member must understand that he/she represents their agency/organization and as such are responsible for coordinating information between the LEPC and their organization, and providing feed-back. The LEPC has many responsibilities, and it will take a concerted effort by all members to fulfill these tasks and expand their outreach into many other activities.

LEPC RESPONSIBILITIES

The major legal responsibilities as listed in EPCRA are listed below. Following each responsibility is the section of EPCRA containing the citation. 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 (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 9Section304(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 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 326(a)(2)(B)).

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 issues for consideration by the LEPC in its rulemaking are:

- Term of office
- Removal from the LEPC
- Authority of the LEPC
- Immunity for LEPC members
- Notification of 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 means for providing such additional resources (Section 303(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)).

The items listed above reflect the responsibilities required by EPCRA. The following, while not required by law, help ensure LEPCs will operate effectively:

GUIDANCE FOR EFFECTIVE LEPC OPERATION

Elect a Chairperson, Vice-Chairperson, Secretary/Treasurer, and Chairpersons of standing committees. The only position required by law is that of Information Coordinator, who is responsible for processing requests from the public for information under Section 324. A management structure is very useful to ensure regular meetings are held, continuity of LEPC activities, setting goals and committee policy, , etc. Although again not required by law, we recommend the County Emergency Preparedness Director not be the LEPC chairman. He/she may serve as the LEPC Coordinator or Information Coordinator.

Establish standing or sub-committees. Dividing the work among sub-committees makes for easier planning and data management and take advantage of member expertise/specialization. This helps the process move along more efficiently by allowing several projects to be worked simultaneously. The appointment/election of sub-committee chairpersons may also help the process move more efficiently. The number and type of committees are not delineated in any law or regulation, but several possibilities are:

> Planning Sub-committee: Reviewing/developing/revising the hazardous materials response plans, establishing a vulnerability zone methodology, reviewing site-specific hazardous materials response plans submitted by EHS facilities.
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> Public Information Sub-Committee: Writing/publishing public notices, establishing an information retrieval system, accomplishing citizen/neighborhood outreach activities.
>
> Training and Exercise Sub-Committee: Conducting a training needs assessment, requesting training grants to assist training efforts, establishing an exercise schedule, planning/executing the exercises.
>
> Executive Sub-Committee: Developing long-term LEPC goals, tending to member needs, Soliciting volunteers to fill membership vacancies,
>
> Resource Sub-Committee: Researching the community's emergency response assets and shortfalls, identifying alternate

sources for assets, maintaining/updating a "Resource Inventory", identifying volunteer or "in-kind" assistance opportunities.

Emergency Response Sub-Committee: Assist with developing local government response procedures for those personnel who may be involved in hazardous materials responses, establishing/refining local Incident Command procedures to better coordinate local government response.

Finance Sub-Committee: managing the LEPC budget, recommending the use of funds.

Business/Industry Outreach Sub-Committee: Developing efforts to encourage local business and industry to actively participate in LEPC activities.

Compliance Sub-Committee: Ensuring al facilities required to report are in fact reporting, contacting all facilities potentially required to report and assisting the development of a facility reporting procedure, reviewing Tier II reports for accuracy and conducting EHS facility surveys.

Legislative Affairs Sub-Committee: Contacting local/county/state elected officials, drafting /"lobbying" for local/county ordinances, filing fee ordnances, etc.

Sub-committees may also be established on a temporary basis to accomplish a specific task, and then be dissolved. For example, a search committee could be formed to locate and nominate a new LEPC chairman. Also, during the recent Risk management Plan (RMP) "rollouts" of 1999, many LEPCs established temporary rollout committees to assist industry in developing their RMPs.

Conduct regular meetings of the entire membership: Members are best able to attend meetings when the LEPC sets a regular meeting time and date. We suggest meeting at least quarterly. Sub-committees can meet as needed as agreed upon by the members.

More meeting guidance:

- Have a meeting agenda
- Use Roberts Rules of Order
- Record and publish meeting minutes
- Send each member a meeting notice and agenda at least two weeks in advance of the meeting
- Have meetings at different locations, possibly at member facilities and then give facility tours
- Serve food and they will come, so luncheon meetings are useful

LEPC meetings are open to the public: Consider news releases to the media concerning meeting announcements, LEPC membership and activities, EPCRA updates, etc. At a minimum, announce the date, time, and location of the next meeting to give citizens the opportunity to attend. Official publication of meeting minutes is not required by law, but it is a good public outreach tool by making such information available to the media.