

Local Emergency Planning Committee Responsibilities

A. AUTHORITY FOR LOCAL EMERGENCY PLANNING COMMITTEES

42 U.S.C. 11001-11050

The Emergency Planning and Community-Right-to-Know Act require the establishment of a State Emergency Response Commission, Local Emergency Planning Districts and a Local Emergency Planning Committee for each LEPC. Local Emergency Planning Committees were set up by the federal government to involve the whole community, local government, media, business, industry and private citizens.

B. REQUIREMENTS TO BE RECOGNIZED AS AN LEPC

Local Emergency Planning Committees are planning entities. They cannot commit manpower or resources. Together, local governments, which can commit manpower and resources, and LEPCs can use their expertise to help their communities be prepared for, mitigate and respond when there is a disaster. LEPCs help involve citizens in the discussion about what an appropriate emergency response is for each community, where public funds are spent, whether and how much of those funds should go for additional responder training, training of local government officials, or for purchasing response equipment.

It is the intent of the SERC that the Department of Military and Veterans' Affairs coordinate the technical assistance which may be requested by political subdivisions, LEPCs and federal representatives in complying with 42 U.S.C. 11001 et seq.

A Local Emergency Planning Committee, through its Chair, must enter into a cooperative relationship with the political subdivisions in the LEPC which the LEPC serves. By cooperative relationship, the SERC intends that planning efforts are not duplicated between the LEPC and the political subdivision, that emergency preparedness and response be enhanced by cooperative planning efforts, that the political subdivision administer any grant amounts for the LEPC, and that the LEPC advertise vacancies on the LEPC with the political subdivision(s) making recommendations from those who respond to the advertisements.

C. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES

1. Advertise for Membership on LEPC

An LEPC works with the political subdivision in maintaining membership. The LEPC advertises openings on the LEPC and submits names of candidates for membership to the appropriate principal executive officer(s) within the LEPC for submittal to the SERC.

2. Bylaws or Rules of Operation

The LEPC must adopt bylaws or rules of operation (42 U.S.C. 11001(c)) to:

- a. Select a chair and other officers to carry out the duties of the LEPC. Suggestions are:
 - Chair: Established the agenda, conducts LEPC meetings, communicates for the LEPC.
 - Vice-Chair: Assumes the duties of the Chair in the Chair's absence.
 - Secretary: Prepares, keeps minutes of LEPC proceedings, signs the committee's minutes.
 - Public Information Coordinator: Receives, organizes and maintains facility reports; processes all information requests from public.
 - Community Emergency Coordinator: (Could be the Local Civil Defense/Emergency Manager): Receives immediate notification on the LEPC's behalf regarding:
 - (1) any hazardous materials release in the LEPCD
 - (2) any other hazard notification. With the Facility Coordinator, and/or the Local Emergency Manager, makes determinations necessary to implement the emergency response plan.
- b. Set a meeting schedule and comply with the Open Meetings Act.
- c. Terms of LEPC members are set in each LEPC's bylaws. The bylaws shall have provisions for the removal of members who no longer meet the membership requirements.

3. *Community Right-to-Know Requirements*

LEPCs shall establish procedures for receiving the following information (42 U.S.C. 11044):

- a. Emergency Planning Notification
- b. Emergency Release Notification and Follow up Emergency Notice
- c. Material Safety Data Sheets
- d. Emergency and Hazardous Chemical Inventory Forms including Tier II forms
- e. Toxic Chemical Release Forms

The LEPC shall establish procedures for processing requests for information about extremely hazardous substances. The LEPC shall develop a method(s) for informing residents of their right to know about extremely hazardous substances in their community.

4. *Notice of Public Availability*

In accordance with 42 U.S.C.S. 11044, LEPCs must each publish an annual notice in local newspapers that the emergency response plan, material safety data sheets and, emergency and hazardous chemical inventory forms are available for public review. The notice must say that follow up emergency notices may later be issued. LEPCs may designate the times and place when the public may view the documents.

5. *Request Technical Assistance*

An LEPC may request technical assistance from any state agency represented on the SERC as necessary in the performance of LEPC duties.

6. *Prepare an Emergency Plan*

The LEPC shall prepare an emergency plan in cooperation with local political subdivisions. The emergency plan may be limited to emergency response to oil or hazardous substance releases, or it may address all hazards within the LEPD.

All-Hazards

The LEPC should consider planning for all realistic hazardous situations in the LEPD. To accomplish this task, the LEPC works cooperatively with the political subdivisions in the LEPD. The decision for an LEPC to plan for all hazards must be made with cooperation and support of the local political subdivisions. Many procedures for warning, evacuation, communications, etc., are similar to procedures used for a hazardous substance plan. The LEPC should use the core reference documents cited in: **II. LEPC Responsibilities C 6(b) Plan Development.**

Hazardous Substance

The LEPC may decide to plan only for a response to the release of hazardous substances in the LEPD. This plan should be an appendix to the political subdivision's emergency operations plan. In planning for releases of hazardous substances, planning to respond the release of Extremely Hazardous Substances should be given the highest priority, followed by planning for other hazardous substance releases.

a. Plan Provisions:

Each emergency plan must contain, but is not limited to the following:

- (1) Identification of applicable facilities within the LEPD subject to the requirements of 42 U.S.C. 11001-11005, routes likely to be used for the transportation of hazardous substances (42 U.S.C. 11002(a), facilities contributing to or subject to additional risk due to their proximity to facilities subject to the requirements of 42 U.S.C. 11001-11005 such as hospitals or natural gas facilities.
- (2) Response methods and procedures for applicable facilities and local emergency and medical personnel for all hazards addressed in the plan.
- (3) Designation of an emergency coordinator and facility emergency coordinators who implement the disaster plan (42 U.S.C. 11003);
- (4) Procedures for reliable, effective and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated

in the plan, and to the public that a disaster is threatening or has occurred, consistent with the emergency notification requirements of 42 U.S.C. 11004.

(5) Methods for determining the occurrence of a release or other disaster, and the area or population likely to be affected by such a disaster.

(6) A description of emergency equipment and facilities in the community and at each applicable facility in the LEPD and an identification of those responsible for the equipment or facilities.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

(8) Training programs, including schedules for training of local emergency response and medical personnel.

(9) Methods and schedules for exercising the emergency plan.

b. Plan Development:

LEPCs work with businesses, emergency responders, political subdivisions and other community members in developing local emergency response plans. Other than those specifically exempt by federal law, all facilities which have extremely hazardous substances in an amount in excess of the threshold planning quantity are required to participate in local planning. Facilities with hazardous substances may be asked by the LEPC to participate in local planning. The LEPC and political subdivision should decide whether the LEPC plan will encompass only oil and hazardous substances or will encompass all possible hazards to the LEPD. State agencies represented on the SERC are available to give technical assistance to LEPCs in performing their duties. In developing their plans, the LEPC must be aware that the final product will be reviewed for consistency with the state emergency operations plan, other local emergency plans, the federal/state sub-area regional contingency plans, the federal/state preparedness plan for response to oil and hazardous substance discharges/releases, and interjurisdictional, regional and emergency plans prepared by state and federal agencies and by industry. LEPCs should use the following reference documents in developing their plans:

(1) Local ordinances

(2) 42 U.S.C. 11001 et seq.

(3) FEMA Guide for the Development of State and Local Emergency Operations plans 108 (CPG 1-8)

(4) FEMA Guide for the Review of State and Local Emergency Operations Plans 1-8 (CPG 1-8)

(5) Hazardous Materials Emergency Planning Guide (NRT-1)

(6) Criteria for Review of Hazardous Materials Emergency Plans (NRT-1A)

c. Municipal Approval:

At any time prior to submitting the plan for local approval, the LEPC and/or local government may submit the plan or portions of the plan to appropriate state agencies for technical review. Upon completing the plan, the LEPC will submit the plan for review and approval, as appropriate, to the principal executive officer(s) of the political

subdivision within the LEPC. The political subdivision will follow their own standards for public review of the plan. Upon obtaining the proper signatures indicating approval, commitment to support and acceptance of the plan or other appropriate action, the principal executive officer(s) will forward the plan to the SERC for its review and recommendations.

11044. Public availability of plans, data sheets, forms, and followup notices

Release date: 2003-07-24

(a) Availability to public

Each emergency response plan, material safety data sheet, list described in section 11021 (a)(2) of this title, inventory form, toxic chemical release form, and followup emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022 (d)(2) of this title to be contained in an inventory form as tier II information.

(b) Notice of public availability

Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a) of this section.