



MISSOURI EMERGENCY RESPONSE COMMISSION



LOCAL EMERGENCY PLANNING COMMITTEE 101

MERC Executive Director
Michael Harris



LOCAL EMERGENCY PLANNING COMMITTEE



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What is a Local Emergency Planning Committee?

Pursuant to the Emergency Planning and Community Right-To-Know Act, a Local Emergency Planning Committee (LEPC) is responsible for preparing a local hazardous materials emergency response plan, serves as a repository for local hazardous materials information, and performs outreach functions to increase hazardous materials awareness. LEPC membership consists of local professionals representing occupational categories such as firefighting, law enforcement, emergency management, health, and/or transportation. It also includes members of community organizations and local citizens.



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What is a Local Emergency Planning Committee?

The Local Emergency Planning Committee (LEPC) is a federally mandated, state supervised entity. The role of the LEPC is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness.



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The Statutes

The Federal Statutes: Title 42 (The Public Health and Welfare) Chapter 116 – (Emergency Planning and Community Right-To-Know).

Subchapter I – Establishes State Commissions, Planning Districts, Local Committees, Substances and Facilities covered, Notification, and Comprehensive Plans.

Subchapter II – Establishes Reporting Requirements, Safety Data Sheets, Inventory Forms, and Chemical Release Forms.

Subchapter III – Establishes General Provisions such as Public Information, Enforcement, Regulations, Definitions and Authorization of Appropriations.



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The Statutes

Missouri Revised Statutes Chapter 292.600 – 292.625 is the Missouri Emergency Planning and Community Right to Know Act. 292.600 – 292.625 RSMo and the Federal EPCRA Laws are administered by the Department of Public Safety (DPS) and the Missouri Emergency Response Commission (MERC).

Along with the Federal Act and 292.600 – 292.625 RSMo, 11 CSR 10-11.210 defines the responsibilities of the MERC and DPS. The MERC, in conjunction with DPS is responsible for:

- A. Carrying out the responsibilities of the Federal and State Act.**
- B. Designating LEPDs and appointing LEPCs, coordinating, supporting and supervising LEPD and LEPC activities.**
- C. Establishing a single point of filing for State and Federal EPCRA information.**



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The Statutes

Missouri Revised Statutes Chapter 292.600 – 292.625 is the Missouri Emergency Planning and Community Right to Know Act. 292.600 – 292.625 RSMo and the Federal EPCRA Laws are administered by the Department of Public Safety (DPS) and the Missouri Emergency Response Commission (MERC).

Along with the Federal Act and 292.600 – 292.625 RSMo, 11 CSR 10-11.210 defines the responsibilities of the MERC and DPS. The MERC, in conjunction with DPS is responsible for:

- D. Accepting and receiving Grants and Gifts.**
- E. Providing assistance to LEPDs and LEPCs for carrying out responsibilities under the Federal and State Acts.**
- F. Providing Training.**

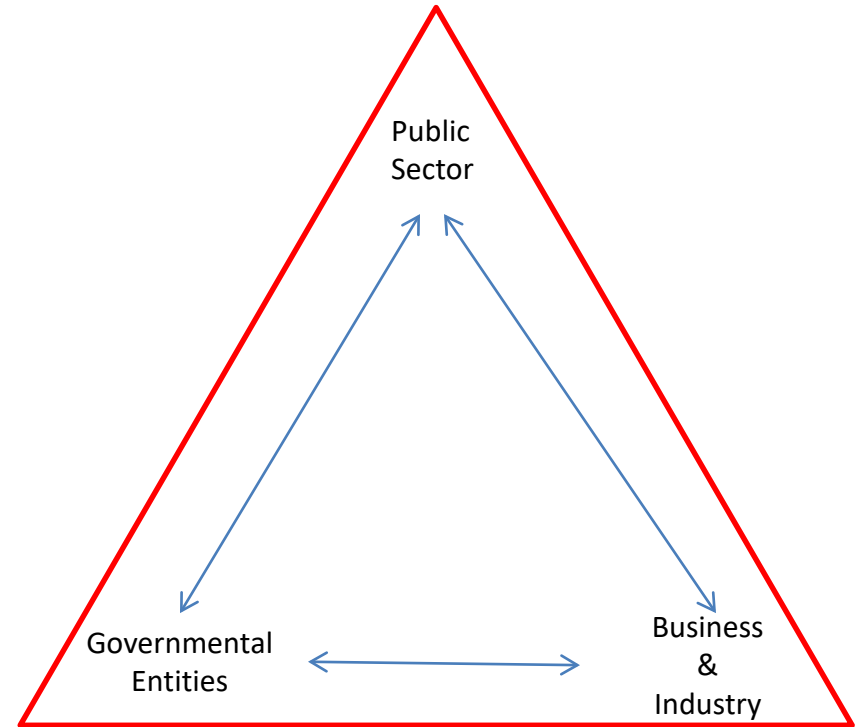


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Who Makes Up the LEPC?

- Elected local officials
- Law enforcement
- Emergency management
- Fire department
- Citizens
- Facility representatives
- Media
- Emergency medical services
- Health Department and hospitals
- Community Organizations





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LEPC Process

- Establish committee membership
- Elect a Chairperson, Vice-Chair, Secretary and Treasurer.
- Establish rules for committee operation (Bylaws).
- Establish subcommittees if required



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LEPC Annual Report

The LEPC annual report must consist of the following, at a minimum:

- Full list of members and officers
- Annual beginning funds balance
- Annual ending balance
- Accounting of all receipts and expenditures for the year



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LEPCs must:

- “Work” your HAZMAT emergency response plan*
- Tour facilities in your community*
- Conduct a tabletop exercise of your plan
- Invite guest speakers
- Create a yearly training plan
- Discuss CEPF and HMEP grant documents



Funding

Hazardous Materials Emergency Preparedness Grants (HMEP)

- Funded by U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration
- Program funded by fees collected from HAZMAT shippers and carriers
- Intended to support public sector planning & training to deal with hazardous material emergencies, particularly those involving transportation

Chemical Emergency Preparedness Funds (CEPF)

- Funded by collection of Tier II fees from facilities storing HAZMAT
- Funding is returned to the county LEPC or a LEPD
- Intended to support the LEPCs and local responders for HAZMAT specific purposes



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LOCAL EMERGENCY PLANNING COMMITTEE/DISTRICT CEPF FUNDING RULES AND PROCEDURES

To alleviate some of the confusion and simplify the funding process, the Missouri Emergency Response Commission (MERC) has developed rules and procedures for the Community Emergency Preparedness Fund (CEPF), to be used by Local Emergency Planning Committees/Districts (LEPC/Ds).

Fees collected by the department and all funds provided to Local Emergency Planning Committees/Districts shall be used for chemical emergency preparedness purposes as outlined in RSMO sections 292.600 to 292.625 and the federal act, including:



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LOCAL EMERGENCY PLANNING COMMITTEE/DISTRICT CEPF FUNDING RULES AND PROCEDURES

- 1) Contingency planning for chemical releases
- 2) Exercising, evaluating, and distributing plans
- 3) Providing training related to chemical emergency preparedness and prevention of chemical accidents
- 4) Identifying facilities required to report
- 5) Processing the information submitted by facilities and making it available to the public



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LOCAL EMERGENCY PLANNING COMMITTEE/DISTRICT CEPF FUNDING RULES AND PROCEDURES

The CEPF funding program's purpose is to increase local effectiveness to prevent chemical accidents; to handle hazardous material emergencies safely and efficiently; and to enhance implementation of the state and federal Emergency Planning and Community Right-to-Know Acts (EPCRA). RSMO 292.602.3-4 authorizes the Missouri Emergency Response Commission to provide assistance to Local Emergency Planning Committees/Districts through funding from the hazardous chemical fee system.

This funding program is supported by fees collected under a state fee program requiring a facility having to comply with reporting requirements under EPCRA to contribute to the program. Pipelines transporting hazardous materials must also contribute to the program. These fees are placed in the "Chemical Emergency Preparedness Fund" (CEPF). Funds are provided to Local Emergency Planning Committees/Districts (LEPC/Ds) through an account provided by the county's treasurer. If a county is a member of a LEPD, the county treasurer shall immediately provide such funds to the LEPD.



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LOCAL EMERGENCY PLANNING COMMITTEE/DISTRICT CEPF FUNDING RULES AND PROCEDURES

Projects and Activities Eligible for CEPF Funding

1. Contingency Planning for Chemical/Hazardous Materials Releases:

- Purchase a PC and Software to support planning for hazardous materials releases and response (e.g. CAMEO)
- Pay for expenses associated with developing, reviewing and updating hazardous materials emergency response plans and procedures (e.g. meeting expenses, professional consulting fees)



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2. Exercising, Evaluating and Distributing

Chemical/Hazardous Materials Emergency Response Plans:

- Expenses to conduct emergency response drills and expenses associated with the plan
- Copying and mailing expenses, if applicable, to distribute the plans
- Fees for a professional instructor to design and/or oversee exercises
- Expenses to conduct specialized and functional exercises (Focusing on a specific issue, such as in-place protection, etc.)



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3. Providing Training Related to Chemical Emergency Preparedness and Prevention of Chemical Accidents, (Must be HAZMAT or Chemical Related):

- Expenses to participate in appropriate state, regional, or federal training courses (travel, course expenses, etc.)
Appropriate courses may relate to planning, response, inspections, compliance, personnel safety, safety audits, etc.
- Expense of printing and mailing training materials
- Rental of a facility or equipment needed for training purposes
- Fee for a special instructor(as required)
- Purchase of training programs and/or materials to be used to support local training



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4. Identifying Facilities Required to Report: (LEPC/D Requirement)

- Expenses related to printing and mailing notices to facilities potentially required to report
- Expenses for contracted clerical personnel to create and maintain a paper file and/or electronic database of reported facilities (see section 7 for wage restrictions)

5. Processing Information Submitted by Facilities; Make it Available to the Public:

- Expenses to set up and maintain a chemical inventory reporting file system and/or information database
- Expenses for the purchase of filing cabinets and file guides to organize and file information



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6. Receiving and Handling Emergency Notifications of Chemical or Hazardous Materials Releases:

- Expenses to set up and maintain an emergency release notification filing system and databases

7. Operating a Local Emergency Planning Committee/District:

- Expenses associated with printing, copying, and distributing informational materials to LEPC/D members and other appropriate groups
- Expenses as needed for LEPC/D meetings and other LEPC/D activities
- Wages for a part-time assistant (must have a signed contract with the LEPC). Wage is not to exceed \$15.00/hour
- Expenses for an independent audit of LEPC/D fund use as needed



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8. Providing Public Notice of Chemical Preparedness Activities:

- Advertising LEPC/D meetings and activities in newspapers, radio, TV, etc.

9. Developing a Chemical/Hazardous Material Emergency Plan:

- Improvement and implementation of the emergency plan required under 42 U.S.C. Chapter 116(SARA Title III)
- Enhancement of emergency plan including response procedures involving transportation of hazardous goods and radioactive materials
- Conducting jurisdiction-wide hazards analysis (includes hazard identification, vulnerability analysis and risk assessment)
- Conducting exercises that test the Chemical/Hazardous Materials emergency operations (the first and utmost priority is to enhance the LEPC/Ds Chemical/Hazardous Materials emergency plan before entering into this part of the planning program)



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10. Commodity Flow Assessment:

- Assessment to determine flow patterns of hazardous goods into or within the state

11. Training Needs Assessment:

- Assessment to determine the number of public sector employees (first responders or public officials who are not responders but who perform activities associated with Chemical/Hazardous Materials emergency response plans developed under EPCRA) employed or used by a political subdivision who need the proposed training



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12. LEPC/LEPD meetings in conjunction with City or County EMA meetings:

- LEPC meetings that are held in conjunction with city or county EMA meetings may use CEPF funds to provide snacks or meals, but with a 50/50 cost share between the LEPC and the EMA. Separate agendas must be written and receipts showing the cost share must be provided.

13. Projects and Activities not listed above:

- Projects and activities not listed above can be addressed on an individual basis by contacting the MERC Executive Director, and following subsection 4 of the emergency response equipment rules and procedures listed below. Any project, activity or equipment purchase must be Chemical/Hazardous Materials related.



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Chemical/Hazardous Materials Emergency Response Equipment:

The funds provided under Missouri's Emergency Planning and Community Right-to-Know Act are intended primarily to support the planning, training, and community right-to-know components of local emergency preparedness for chemical hazards. If a Local Emergency Planning Committee/District elects to use these funds for hazardous materials response equipment, the Missouri Emergency Response Commission (MERC) requires that the following be accomplished first:

1. The LEPC/D should have completed a hazard analysis for Extremely Hazardous Substances(EHS) and the more common hazardous chemicals present in their community
2. The LEPC/D should have completed a local emergency plan following the guidelines of 40 CFR Part 311 and 29 CFR 1910.120



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Chemical/Hazardous Materials Emergency Response Equipment:

3. The personnel who will be using the equipment should have a level of training needed for their expected level of involvement with hazardous chemicals as specified in 40 CFR Part 311 and the local emergency plan; on-going training to maintain response competency and for use of the purchased equipment should be considered.
4. An equipment purchase proposal must be sent to the MERC Executive Director for approval and include:
 - a) A written quote for all equipment to be purchased.
 - b) A written justification for the equipment needed.
 - c) Written approval of the LEPC/LEPD.



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CEPF Funds CANNOT:

1. Revert to any General Revenue Fund
2. Be used to pay full time salaries and benefits
3. Be used to fund any part of a county or city emergency management program
4. Be used to purchase cell phones or other communications devices except where approved for HAZMAT related purposes
5. Be used to purchase office furniture or equipment, such as computers, monitors, printing devices, chairs or tables except for usage by the LEPC for specific administrative and training functions and approval by the MERC
6. Be used to pay travel expenses to and from LEPC or LEPD meetings, or for official approved travel above the State mileage guidelines



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CEPF Funds CANNOT:

7. Be used to reimburse a purchase made with an individually owned credit/debit card or bank account
8. Be used to pay a salary or stipend to any LEPC Officer or Member (Serving as an Officer or a Member is voluntary and is not eligible for salary or stipend)
9. Be used to purchase UAVs (Drones)
10. Be used to fund building projects
11. Be used to purchase vehicles of any size or category
12. Be used outside of the State of Missouri
13. Be used to supplement purchases of fire and emergency services equipment unless approved by the MERC for HAZMAT specific equipment for training, exercises and response as listed under Emergency Response Equipment purchases.



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***Please note that CEPF funds are absolutely prohibited from being used by a county or city government for any operational purposes, such as repairing streets, roads, salaries, other maintenance programs, or for any reason outside of the MERC CEPF rules and procedures. ***



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Hazardous Materials Emergency Preparedness (HMEP) Grants

The Hazardous Materials Emergency Preparedness (HMEP) grant program is intended to provide financial and technical assistance as well as national direction and guidance to enhance State and local hazardous materials emergency planning and training. The Grant Program, administered by the MERC provides HazMat training for responders and assists with HazMat planning for the LEPCs.



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Flow Studies

Flow studies are intended to provide counties with information about hazardous chemicals that transit through their county along road and railways. This information is then used to assist in prevention of, and response to, a hazmat emergency.

LEPCs can request a flow study grant from the MERC

- Grant must be requested no later than January 1st of each year
- Recipients must complete the flow study before July 31st of each year
- Invoices must be submitted before August 15th of each year



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Flow Studies

LEPCs can use county Chemical Emergency Preparedness Funds (CEPF) to pay for their flow study

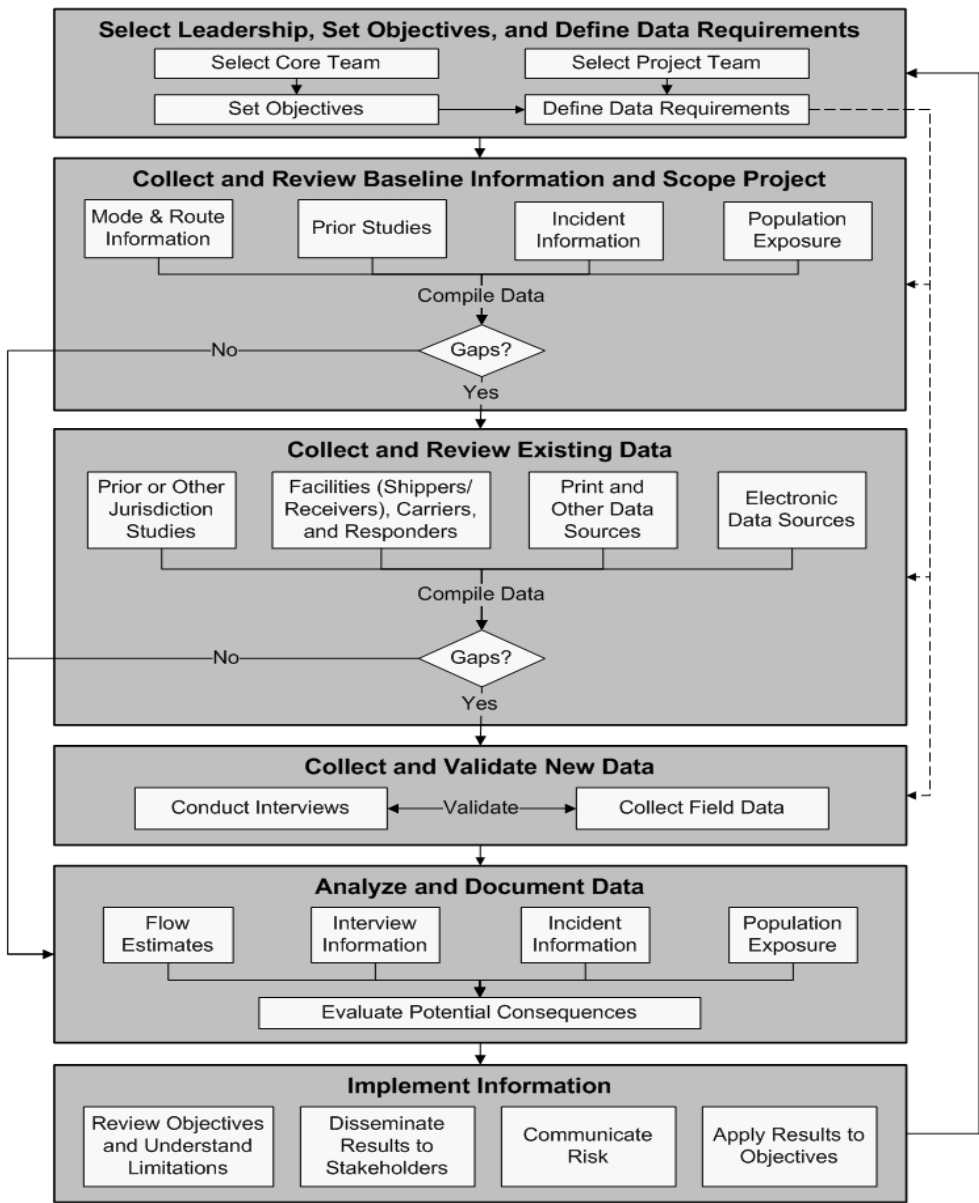
- Flow study should be identified on the county CEPF application plan
- Receipts should be maintained and turned in with the following year's CEPF application



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Commodity Flow Study Process





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Tier II Reporting

What is reportable?

If the characteristic of the substance pose hazards to people or the environment



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What is reportable?

- If there is a reportable quantity per the EPA's “List of Lists” (<https://www.epa.gov/epcra/consolidated-list-lists>)
 - ✓ Consolidated list of chemicals subject to reporting requirements of EPCRA and section 112f of the Clean Air Act
 - ✓ Listed alphabetically and by Chemical Abstract Service Number (CAS)
 - ✓ Provides Threshold Planning Quantity
 - ✓ For Extremely Hazardous Substances, LEPC's **must** develop emergency response plans and facilities **must** notify LEPC and MERC of quantities on hand
 - ✓ When Threshold Planning Quantity (TPQ) is met then facility must report via Tier II to MERC, LEPC and local fire department
 - ✓ Extremely Hazardous Substance Reportable Quantity (EHS RQ) that are released above reportable quantities require reporting to MERC, LEPC and National Response Center



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Chemical Classification

- **Flammable** – May ignite easily at low temperatures.
- **Reactive** – May combine with other chemicals or substances to produce toxic gases or explosive reactions.
- **Toxic** – May harm or cause death to living organisms; harm may occur immediately or years after exposure.



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Examples

- Gas stations if more than 1600 gallons of gasoline or 1,350 gallons of diesel fuel are present
- Swimming pools if more than 100 lbs. of Chlorine is present
- Drinking water or sewage treatment plants if more than 100 lbs. of Chlorine are present
- Propane and LPG suppliers if more than 10,000 lbs. are present
- Businesses with more than 500 lbs. of Ammonia on hand
- Businesses with more than 10,000 lbs. of solvents on hand



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Planning

- "By failing to prepare, you are preparing to fail" *Benjamin Franklin*
- "A good plan today is better than a perfect plan tomorrow" *George S. Patton*
- "I have always found that plans are useless, but planning is indispensable" *Dwight D. Eisenhower*



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Planning

- **Identifying** chemical risks that can be reduced or eliminated
- *Improving public safety by lessening the chance that a chemical release will further deteriorate*
- *Reduce damage to the environment and save lives through faster more effective responses*



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How Does Local HAZMAT Emergency Planning Work?

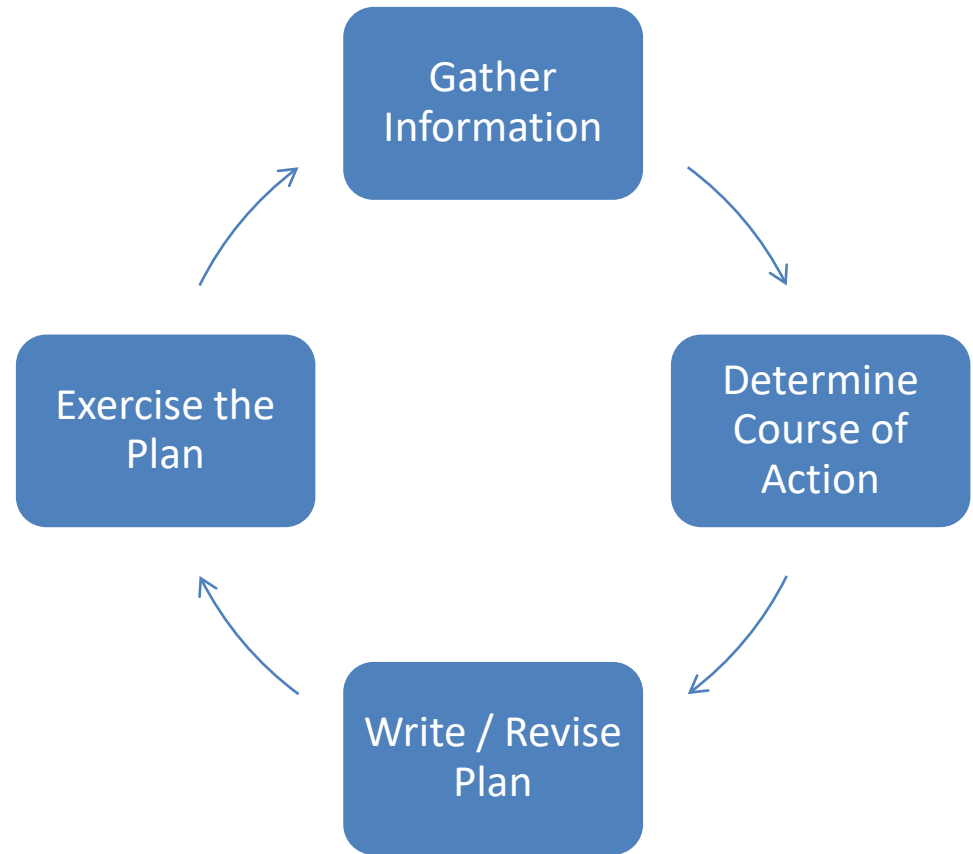
- Local officials need to know the type and locations where chemicals are stored in their community
- EPCRA requires facilities with reportable quantities of hazardous chemicals to report the identity and quantity on hand to the local fire department and LEPC
- LEPCs conduct the planning process. They are NOT the first responders in their LEPC capacity



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HAZMAT Planning





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Review



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What is the MERC?

The Missouri Emergency Response Commission, in conjunction with the Department of Public Safety is the regulatory and enforcement agency for EPCRA and Tier II programs in the State of Missouri.



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What is an LEPC?

The Local Emergency Planning Committee (LEPC) is a federally mandated, state supervised entity. The role of the LEPC is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness.



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What is the CEPF?

The State of Missouri established the Chemical Emergency Preparedness Fund (CEPF) to enable the Missouri Emergency Response Commission (MERC) and the LEPCs to carry out responsibilities as designated in state and federal statutes.



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What can CEPF be used for?

- (1) Contingency planning for chemical releases;
- (2) Exercising, evaluating, and distributing plans;
- (3) Providing training related to chemical emergency preparedness and prevention of chemical accidents;
- (4) Identifying facilities required to report;
- (5) Processing the information submitted by facilities and making it available to the public;
- (6) Receiving and handling emergency notifications of chemical releases;
- (7) Operating a local emergency planning committee;
- (8) Providing public notice of chemical preparedness activities.



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CEPF Cannot?

1. Revert to any General Revenue Fund
2. Be used to pay full time salaries and benefits
3. Be used to fund any part of a county or city emergency management program
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6. Be used to pay travel expenses to and from LEPC or LEPCD meetings, or for official approved travel above the State mileage guidelines
7. Be used to reimburse a purchase made with an individually owned credit/debit card or bank account
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11. Be used to purchase vehicles of any size or category
12. Be used outside the State of Missouri
13. Be used to supplement purchases of fire and emergency services equipment unless approved by the MERC for HAZMAT specific equipment for training, exercises and response as listed under Emergency Response Equipment purchases.



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CEPF is strictly prohibited from?

Being used by a county or city government for any operational purposes, such as repairing streets, roads, salaries, other maintenance programs, or for any reason outside of the MERC CEPF rules and procedures.



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When is the CEPF Application Due?

August 31st of each year.



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What is the HMEP Grant?

Hazardous Materials Emergency Preparedness (HMEP) Grants

The Hazardous Materials Emergency Preparedness (HMEP) grant program is intended to provide financial and technical assistance as well as national direction and guidance to enhance State and local hazardous materials emergency planning and training. The Grant Program, administered by the MERC provides HazMat training for Responders and assists with HazMat planning for the LEPCs.



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When is the HMEP Application Due?

November 15th of each year.



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What is a Commodity Flow Study?

Studies that are intended to provide counties with information about hazardous chemicals that transit through their county along road and railways.

This information is then used to assist in prevention of, and response to, a hazmat emergency.



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When is the Commodity Flow Study application due?

No later than January 1st. of each year.



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QUESTIONS



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