

Chemical Emergency Preparedness Fund (CEPF)

Overview and Rules



Overview

This overview is intended to guide LEPCs in how to use the funding available under the Missouri Emergency Planning and Community Right-to-Know Act.

The Emergency Planning and Community Right-to-Know Act (EPCRA) established state emergency response commissions and local emergency planning committees (LEPCs). 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.

EPCRA Requirements

EPCRA requires that each local emergency planning committee/district (LEPC/D):

- Hold a public meeting at least annually;
- Provide annual public notice that indicates how the public may access the hazmat plan, file Tier II forms filed within the jurisdiction, and provide hazmat incident information; and
- Maintain a hazardous materials emergency response plan (“hazmat plan”) that is reviewed, updated, and exercised annually.

Missouri Requirements

In order for a county LEPC/D to be officially recognized by the State of Missouri, and to receive that year's CEPF, each county LEPC/D must submit the LEPC/D Compliance Certification Package to MERC.

A few important notes:

- The MERC and the LEPC Elected Officers are charged with ensuring that the LEPC operates according to State and Federal Laws and Regulations; as such, the LEPC Chairman or Vice-Chairman and the Secretary/Treasurer **MUST** sign the LEPC/D Compliance Certification Package.
- The MERC is charged with appointing members to the LEPC/D, an annual Members list must be signed by the Chair or Vice-Chair and Secretary, and be submitted to MERC for approval annually.
- If, at any point, you have questions about the LEPC/D Compliance Certification Package (how to fill it out, required documentation, etc.), contact the MERC office.
- **The financial report must include all invoices and check numbers should be written on each invoice.**

Thank you for your efforts and dedication to reducing chemical risks and making Missouri a safer place to live, visit, and work. We look forward to working with you again this year as we strive to provide stellar service and resources to help your LEPC/D be successful.

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:

- (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/District
- (8) Providing public notice of chemical preparedness activities. (RSMO 292.606.4)

For further clarification, please see the information below or contact the MERC at 800-780-1014 or go to the MERC homepage at <https://sema.dps.mo.gov/about/merc.php>.

CEPF Funding

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.

The information below provides a list of approved projects and activities eligible for CEPF funding.

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 material releases and responses(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)

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.)

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

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

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

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)

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

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.

Chemical/Hazardous Materials Emergency Response Equipment:

Note: 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
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.

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 HAMAT 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

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.

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.

Any questions regarding the CEPF program may be directed to:

Missouri Emergency Response Commission
PO Box 3133
Jefferson City, MO 65102
(800) 780-1014