

Welcome to Membership on the Polk County Local Emergency Planning Committee (LEPC)



This handbook will help you, the LEPC member, to define your role and fulfill the responsibilities of Polk County, Iowa's LEPC. LEPCs were formed by federal and state legislation passed in the wake of the Bhopal disaster in India, where thousands of people died because of an accident involving hazardous chemicals. Because LEPCs are most familiar with the hazards in their community, and because local citizens tend to be the first responders for chemical emergencies, LEPCs are in the best position to assist local governments in developing plans to respond to hazardous material emergencies.

A LEPC is appointed by the Iowa emergency response commission (IERC) for each of the presently existing 99 Iowa counties. Each county is an emergency planning district. Two or more local emergency planning committees may petition the IERC to amend, modify, or combine their districts. Presently, Polk County is the geographic boundary for our emergency planning district.

Polk County LEPC Mission: To enhance the protection of the community and the environment from hazardous materials incidents and other related hazards through planning, preparation and communication between citizens, business, industry, and government.

Duties of the LEPC (IAC Chapter 103):

- Establish procedures for the functioning of the committee to include:
 - The length of terms of the LEPC members and the selection of a chair and vice-chair;
 - The public notification of committee activity
 - The conduct of public meetings to discuss the emergency plan
 - The procedures for receiving and responding to public comments; and the distribution of emergency plans.
- Establish procedures for receiving and processing requests from the public for information under EPCRA Section 324, including Form Tier Two information under EPCRA Section 312.
- Designate a 24-hour emergency contact point(s) for the immediate receipt of chemical release notifications.
- Designate an official to respond to requests for information from the public for material safety data sheets, chemical lists, chemical inventory forms, emergency

response plans, and toxic chemical release forms. The information including minutes of the LEPC and related committee actions shall be available to the public during normal working hours at a location designated by the LEPC.

- Prepare an emergency plan for the district and shall review and revise as necessary the emergency plan at least annually. Both the initial emergency plan and any updates or revision shall be submitted by the LEPC to the IERC.
- Evaluate the need for resources in the district necessary to develop, implement, and exercise the emergency plan(s) and make recommendations.
- Maintain a current listing of the emergency coordinators designated by each covered facility.
- Receive, review and act upon information updates from covered facilities regarding emergency planning.
- Annually publish notice that emergency response plan, material safety data sheets, and inventory forms have been submitted and how the public can obtain access to the material for review.
- Designate a local government office that will serve as the focal point for receiving nonemergency notifications from facilities that are subject to the law. This office shall also be the depository for material safety data sheets, chemical lists, chemical inventory forms, emergency response plans, and toxic chemical release forms and a point of contact for the public regarding community right-to-know inquiries, and the office of record for minutes of the LEPC meetings and related committee actions.

Frequency of Meetings:

- The Polk County LEPC meets quarterly at 10:00 a.m. on the second Tuesday of the month in January, April, July, and October unless otherwise designated.
- The LEPC is required to meet at least annually to review emergency response procedures, emergency plans and ensure the actions required are properly administered within the local emergency planning district.

Composition of the LEPC: As a minimum each LEPC should be comprised of a representative from each of the following groups or organizations: (A person may represent one or more of the disciplines listed, provided they are duly appointed by each group or organization to be represented.)

- Elected state or local officials
- Law enforcement personnel
- Civil defense personnel
- Firefighting personnel
- First-aid personnel
- Health personnel
- Local environmental personnel
- Hospital personnel
- Transportation personnel
- Broadcast and print media
- Community groups
- Owners and operators of facilities subject to the requirements of EPCRA

Emergency Planning and Community Right-to-Know Act (EPCRA)

EPCRA is a stand-alone law passed in 1986. It is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA Title III). LEPCs are a product of EPCRA.

Congress intended the law to improve state and local planning and response to react to hazardous materials emergencies and to provide access to information about hazardous materials to the public.

EPCRA specifies what kinds of releases and quantities require notification, to whom reports and notification are required, and establishes threshold-planning quantities. The provisions of EPCRA require industry to comply with reports of storage, manufacture and releases to specific agencies. Along with these reporting requirements, fees required by state law are collected and granted to state and local agencies to provide assistance in planning training and equipment activities to prevent, respond to and mitigate hazardous materials incidents.

EPCRA has four major provisions:

- Emergency planning (Section 301-303)
- Emergency release notification (Section 304)
- Hazardous chemical storage reporting requirements (Sections 311-312)
- Toxic chemical release inventory (Section 313)

What Are SERCs and LEPCs?

Under the provisions of EPCRA, the Governor of each state designates a State Emergency Response Commission (SERC). *In Iowa the SERC is the Iowa Emergency Response Commission (IERC).* The SERCs, in turn, designate local emergency planning districts and appoint Local Emergency Planning Committees (LEPCs) for each district. The SERC supervises and coordinates the activities of the LEPC, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

The LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

Emergency Planning (Sections 301 to 303)

The emergency planning section of the law is designed to help communities prepare for and respond to emergencies involving hazardous substances. Every community in the United States must be part of a comprehensive plan.

Emergency response plans contain information that community officials can use at the time of a chemical accident. The plan must

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;

- Describe how to determine the probably affected area and population by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and
- Provide methods and schedules for exercising emergency response plans.

Any facility that has any of the listed chemicals at or above its threshold planning quantity must notify the SERC and LEPC within 60 days after they first receive a shipment or produce the substance on site. The facility also must notify the LEPC of a facility representative who will participate in the emergency planning process. Upon request from the LEPC, the facility shall promptly provide information to the LEPC necessary for developing and implement the emergency plan.

Emergency Release Notification (Section 304)

Facilities must immediately notify the LEPC and the SERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 356 extremely hazardous substances as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a) (40 CFR 302.4) Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. As soon as practicable after an initial release notification, the owner or operator of the facility must provide a written follow-up emergency notice to the LEPC and SERC. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

Hazardous Chemical Storage Reporting Requirements (Sections 311 and 312)

Sections 311 and 312 cover the Community Right-to-Know requirements. Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place. Approximately 500,000 products have MSDSs.

Reporting Schedules

Section

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| 302 | One-time notification: to SERC |
| 304 | Each time a release above a reportable quantity occurs: to LEPC and SERC |
| 311 | One-time submission; update only for new chemicals or information: to SERC, LEPC, fire department |
| 312 | Annually, by March 1: to SERC, LEPC, fire department |
| 313 | Annually, by July 1, to EPA and State |

Section 311 requires facilities that have MSDSs for chemical held above certain quantities to submit either copies of their MSDSs or a list of MSDS chemicals to the SERC, LEPC, and local fire department. If the facility owner or operator chooses to submit a list of MSDS chemicals, the list must include the chemical or common name of each substance and must identify the applicable hazard categories. If a list is submitted, the facility must submit a copy of the MSDSs for any chemical on the list upon the request of the LEPC or SERC.

Facilities covered by section 311 must, under section 312, submit annually an emergency and hazardous chemical inventory form to the LEPC, the SERC,

and the local fire department. Facilities provide either a Tier I or Tier II form. The information submitted under sections 311 and 312 is available to the public from LEPCs and SERCs.

Toxic Chemical Release Inventory (Section 313)

EPCRA section 313 (commonly referred to as the Toxics Release Inventory or TRI) requires certain facilities to complete a Toxic Chemical Release Inventory Form annually for specified chemicals. The form must be submitted to EPA and the State on July 1 and cover releases and other waste management of toxic chemicals that occurred during the preceding calendar year. One purpose of this reporting requirement is to inform the public and government officials about releases and other waste management of toxic chemicals.

EPCRA Penalties

EPCRA Section 325 allows civil and administrative penalties ranging up to \$10,000 - \$75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

Citizens' Suits

EPCRA section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. A SERC,

LEPC, and State or local government may institute actions against facility owner/operators for failure to comply with EPCRA requirements. In addition, States may sue EPA for failure to provide trade secret information.

**The State of Iowa Community Right To Know Law
(IAC 875-130.1)
Public Safety/Emergency Response Right To Know Law
(IAC 875-140.1)**

These laws require employers to provide local fire departments with information on chemicals at workplaces and to post signs warning of fire-related hazards so that firefighters may respond in a safe and effective fashion. Persons in the community also have a right to information about chemicals stored or used at local businesses. Employers are required upon request to show citizens the material safety data sheets (MSDS) for chemicals on the premises.

Where Can You Find More Information?

MSDSs, hazardous chemical inventory forms, follow-up emergency notices, and the emergency response plan are available from the SERC and LEPC.

MSDSs on hazardous chemicals are maintained by a number of universities and can be accessed through www.hazard.com.

EPA also provides fact sheets and other information on chemical properties through its website: www.epa.gov. EPA has compiled a list of all chemicals covered by name under these regulations into a single list and published them as The Title III List of Lists available at www.epa.gov/swercepp/ds-epds.htm#title3.

Profiles of extremely hazardous substances are available at www.epa.gov/ceppo/ep_chda.htm#ehs.

Federal EPCRA information is at www.epa.gov/ceppo/.

Links to copies of all applicable state laws (Iowa Code Chapter 30 and 89B, Administrative Codes 605.100 to 104, and Administrative Code Rule 875.140, may be found at www.iowaworkforce.org/labor/serc.hrm .

Iowa Emergency Response Commission (IERC):
www.iowaworkforce.org/labor/serc.hrm

Polk County Emergency Management:
www.polkcountyiowa.gov/emergencymanagement/