



# Local Emergency Planning Committee (LEPC)

*A Primer for Local Planning for Hazardous Materials*



July 2006



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**PROMULGATION**

This revision of the *Local Emergency Planning Committee (LEPC): A Primer for Local Planning for Hazardous Materials* is hereby approved for use. This revision supersedes all previous versions of this document and is effective immediately.



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Jack Colley  
Chief

July 26, 2006

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Date

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# RECORD OF CHANGES

## LEPC HANDBOOK



Change #	Date of Change	Date Change Posted	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

## ACRONYMS / ABBREVIATIONS

ACC	American Chemistry Council
ATSDR	Agency for Toxic Substances and Disease Registry
BBS	Bulletin Board System
CAA	Clean Air Act
CAMEO	Computer Aided Management of Emergency Operations
CEPPO	Chemical Emergency Preparedness and Prevention Office
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund)
CFR	Code of Federal Regulations
CMA	Chemical Manufacturers Association
CRTK	Community Right-to-Know
CWA	Clean Water Act
DAC	Disaster Assistance Center
DART	Damage Assessment and Restoration Team
GDEM	Governor's Division of Emergency Management
DOE	Department of Energy (U.S.)
DOL	Department of Labor (U.S.)
DOS	Disk Operating System
DOT	Department of Transportation (U.S.)
DPS	Texas Department of Public Safety
DSHS	Texas Department of State Health Services
EHS	Extremely Hazardous Substance (a list maintained by EPA)
EMA	Emergency Management Assistance (from FEMA)
EMC	Emergency Management Coordinator
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and CRTK Act (SARA Title III)
EPD	Emergency Planning District
EPI	Emergency Public Information
ERNS	Emergency Response Notification System
ERT	Emergency Response Team
ERTP	Environmental Response Training Program
ETO	Exercise Training Officer
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
FOIA	Freedom of Information Act
GDEM	Governor's Division of Emergency Management
GLO	Texas General Land Office
HAZMAT	Hazardous Materials
HAZWOPER	Hazardous Waste Operations and Emergency Response
HB	House Bill
HCS	Hazard Communication Standard
HMEP	Hazardous Materials Emergency Preparedness
HMTA	Hazardous Materials Transportation Uniform Safety Act (old usage for HMEP)

HSOC	Homeland Security Operations Center
ICS	Incident Command System
INRP	Initial National Response Plan
IIMG	Interagency Incident Management Group
JFO	Joint Field Office
LEPC	Local Emergency Planning Committee
MSDS	Materials Safety Data Sheet
NRCC	National Response Coordination Center
NAWAS	National Warning System
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NIEHS	National Institute for Environmental Health Sciences
NIMS	National Incident Management System
NLETS	National Law Enforcement Telecommunications System
NOAA	National Oceanic and Atmospheric Administration
NRP	National Response Plan
NRT	National Response Team
OCA	Off-site Consequences Analysis
OSHA	Occupational Safety and Health Administration
OSPR	Oil Spill Prevention and Response Act of 1991
PC	Personal Computer
PFO	Principal Federal Officer
PSM	Process Safety Management
PIO	Public Information Officer
PL	Public Law
RCRA	Resource Conservation and Recovery Act
RIDS	Response Information Database System
RLO	Regional Liaison Officer (works for GDEM)
RMP	Risk Management Program/Plan
RQ	Reportable Quantity
RRC	Railroad Commission of Texas
RRT	Regional Response Team
RTK	Right-to-Know
SARA (Title III)	Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499)
SEP	Supplemental Environment Project
SERC	State Emergency Response Commission
SIC	Standard Industrial Classification
SIIS	Spill Incident Information System
SLA	State and Local Assistance (from FEMA; previously EMA)
SOP	Standard Operating Procedures
SUPERFUND	See CERCLA
TAC	Texas Administrative Code
TCRA	Texas CRTK Act
TDA	Texas Disaster Act
TEEX	Texas Engineering Extension Service



TERC	Texas Emergency Response Center (see TCEQ)
Texas TRANSCAER	Texas <u>T</u> ransportation <u>C</u> ommunity <u>A</u> wareness <u>E</u> mergency <u>R</u> esponse
TEWAS	Texas Warning System
THCA	Texas Hazard Communication Act
TITLE III	see SARA
TLETS	Texas Law Enforcement Telecommunications System
TCEQ	Texas Commission on Environmental Quality
TOMA	Texas Open Meetings Act
TPQ	Threshold Planning Quantity
TPWD	Texas Parks and Wildlife Department
TRANSCAER	<u>T</u> ransportation <u>C</u> ommunity <u>A</u> wareness and <u>E</u> mergency <u>R</u> esponse
TRI	Toxic Release Inventory
TxDOT	Texas Department of Transportation

# **PART I**



## **Introduction**

### **A. History and Background**

This handbook is designed for Local Emergency Planning Committees (LEPCs) in the State of Texas. The LEPC is a product of federal legislation that was passed in the wake of the Bhopal disaster in India, where more than 2,000 people died because of an accident involving accidental release of a hazardous chemical. To prevent similar occurrences in our own communities, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as the Superfund Amendments and Reauthorization Act (SARA Title III), in 1986. EPCRA has four major provisions: Emergency Planning (Sections 301-303); Emergency release notification (Section 304); Hazardous chemical storage reporting requirements (Sections 311-312); and Toxic chemical release inventory Section 313). The Community Right-to-Know (CRTK) provisions in EPCRA help increase public knowledge and access to information on chemicals at individual facilities, their uses, and release into the environment. The State Legislature also enacted Right-to-Know (RTK) laws that are now fairly consistent with the existing federal RTK laws. As a result, states and communities, working with industry, are better able to protect public health and the environment.

### **B. Why this Handbook?**

The U.S. Environmental Protection Agency (EPA), other federal agencies, state agencies, and the chemical industry are cooperating with local communities to make EPCRA and related state laws effective. The LEPCs are the link between citizens, industry, and government. 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. This handbook has been developed to provide LEPCs with the guidance needed to make EPCRA and related state laws work.

This LEPC handbook, while not a regulation, has been accepted by the Governor's Division of Emergency Management (GDEM) as representing the current policy regarding the role of LEPCs for the implementation of EPCRA and their relationship to the State Emergency Response Commission (SERC). This handbook was prepared by the GDEM as a reference. The complete EPCRA should be used by

the LEPC when making decisions regarding actions of the LEPC. The *Federal Register* and any other appropriate documents should be used by the LEPC to keep abreast of any changes that may be made in the future.

### **C. Coordinated Federal Response Planning and Incident Management.**

Homeland Security Presidential Directive (HSPD) – 5, *Management of Domestic Incidents*, directed the development of a new National Response Plan (NRP), December 2004, (Appendix O) to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazard approach to domestic incident management. This unique approach is far reaching and has resulted in a true “national” framework in terms of both product and process. The NRP development process included extensive vetting and coordination with Federal, State, local, and tribal agencies, nongovernmental organizations, private sector entities, and first-responder and emergency management communities across the country.

The NRP incorporates best practices from a wide variety of incident management disciplines to include fire, rescue, emergency management, law enforcement, public works, and emergency medical services. The end result is vastly improved coordination among Federal, State, local and tribal organizations to help save lives and protect America’s communities by increasing the speed, effectiveness, and efficiency of incident management.

The NRP supersedes the Interim National Response Plan (INRP), the Federal Response Plan (FRP), the U.S. Government Domestic Terrorism Concept of Operations Plan (CONPLAN), and the Federal Radiological Emergency Response Plan (FRERP). It is therefore critical that LEPCs begin to immediately study their interface with this plan and other new Federal planning and incident management systems.

The NRP is built on the framework of the National Incident Management System (NIMS), March 2004, (Appendix P), which provides a consistent doctrinal framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident.

All Federal departments and agencies have adopted NIMS and have been directed to make adoption of NIMS by State, local, and tribal entities a condition for Federal preparedness assistance beginning in FY 2005. Compliance with many aspects of the NIMS will be possible in the short term. Other aspects of the NIMS will require further development and refinement to enable compliance at a future date.

Both the NRP and NIMS will be incorporated into State and local emergency planning efforts as rapidly as possible. Revised local planning templates are available for use by all jurisdictions.

If you have any questions, suggestions for improvement, or comments about this handbook, please let us know, so we may improve future editions. Recommended changes should be addressed to:

**Texas Department of Public Safety  
Attn: GDEM - Preparedness Section  
Technological Hazards Group  
P.O. Box 4087  
Austin, TX 78773-0223  
(512) 424-5677/2589/2598**

## **PART II**



### **Implementation of SARA Title III in Texas**

In compliance with Title III of the federal government's 1986 SARA (also known as EPCRA), the Governor designated the members of the State Emergency Management Council as the State Emergency Response Commission (SERC); see Appendix H for a list of current SERC members. Under EPCRA, the SERC is required to designate Emergency Planning Districts (EPDs) within the state, and to appoint an LEPC for each district. In Texas, the SERC designated each county as an EPD. LEPC membership must meet the criteria established by EPCRA. There are 270 LEPCs in Texas, one for every county, with the exceptions of Crosby (2), and Harris (17) counties which all have multiple LEPCs. Additionally, two sets of counties: Dallam/Hartley and Potter/Randall have combined LEPCs. LEPC members are nominated by the County Judge and approved by the SERC.

On June 8, 1993, the Texas Governor signed House Bill (HB) 1431, a bill which revised the original Texas Hazard Communication Act (THCA) and created three new Community Right-To-Know (RTK) laws. HB 1431 was developed and submitted to the Texas Legislature by a task force, whose members represented 15 organizations, including private industry trade associations, labor unions, public employers, environmental organizations, and the Legislature. The effective date of the legislation was September 1, 1993.

The primary goal of revising the THCA was to make the requirements of the Act more consistent with the two existing federal Right-To-Know (RTK) laws, the Occupational Safety and Health Administration's (OSHA) Hazard Communications Standard, and EPCRA. In order to accomplish this goal, the task force found that it was necessary to separate the original THCA's disparate worker and RTK requirements. As a result, Texas now has four RTK laws:

1. Texas Hazard Communication Act (THCA)
2. Manufacturing Facilities Community Right-to-Know Act
3. Public Employer Community Right-to-Know Act
4. Non-Manufacturing Facilities Community Right-to-Know Act

See Appendix I for details. (Please note: Planning is currently underway to repeal the existing TCRA's and issue a new rule that will consolidate the regulations into one set.)

## **PART III**



### **Local Emergency Planning Committees (LEPCs)**

#### **A. General**

The role of LEPCs is to form a partnership between local government and industry as a resource for enhancing hazardous materials preparedness. Local governments are responsible for the integration of hazmat planning and response within their jurisdiction. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

It is necessary for industry to be a part of this planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for identifying a facility emergency coordinator; reporting hazmat inventories annually to the SERC, LEPC, and local fire department; providing material safety data sheets (MSDS) or a list of hazardous chemicals; allowing local fire departments to conduct on-site inspection of hazmat facilities; and providing annual report of toxic chemicals released, to EPA and the State.

LEPCs are crucial to local hazardous materials planning and community right-to-know programs. The membership comes from the local area and should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise is essential as the LEPC advises the writers of the local emergency management plan, so the plan is tailored to the needs of its planning district. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about hazardous substance emergency planning, and health and environmental risks. Citizens will expect the LEPC to reply to questions about chemical hazards and risk management actions. The LEPCs can also anticipate questions about the extent and the health and environmental effects of routine toxic chemical releases. The EPA and the state are working together to ensure this information is available at the local level. Additionally, many companies are voluntarily providing local committees and other citizens with this information.

#### **B. Primary LEPC Responsibilities**

As mentioned in Section I, the Emergency Planning and Community Right-To-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and

a focus for action in matters pertaining to hazardous materials planning. LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs in Texas are listed below. The citations are from the EPCRA, Public Law 99-499. Each LEPC:

1. 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))\*.
2. Shall make available each MSDS, chemical list described in Section 311(a)(2) or Texas Tier II report, inventory form, toxic chemical release 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)).
3. 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 (Section 301(c)).
4. 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)).
5. Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304 (b)(1)(a)).
6. Shall be given follow-up emergency notice information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).
7. Shall receive from the owner or operator of any facility an MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described in paragraph (2) (Section 311(a)).
8. Shall, upon request by any person, make available an MSDS to the person in accordance with section 324 (Section 311(a)).
9. Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312(e)).
11. 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)).

## C. Additional LEPC Responsibilities

1. The LEPC shall appoint a Chairperson, an Information Coordinator, and establish rules by which the committee shall function (EPCRA, 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.
2. The LEPC shall notify the SERC of nominations for changes in the makeup of the committee. Nominations must be submitted in written form by the county judge. Notify the SERC of address changes for LEPC Chairpersons.
3. The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's emergency management plan. Recommendations shall be made with respect to additional resources that may be required and the means for providing such additional resources (Section 303 (a))\*.

**\*The Texas Disaster Act preceded EPCRA and requires every political subdivision in the state to prepare and keep current a local or interjurisdictional emergency management plan.** The Executive Order of the Governor Relating to Emergency Management further designates the mayor of each municipal corporation and the county judge of each county in the state as the emergency management director for such political subdivisions. Emergency management plans prepared by local government approved by mayors or judges are the only ones recognized by the State. LEPCs should play a major role in the development of certain portions of emergency management plans and periodic plan review.

4. The LEPC shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, and inventory forms have been submitted under this section (Section 324(b)).

## D. LEPC Structure

### 1. Membership

As prescribed by Section 301 of EPCRA, as a minimum, the LEPC shall include representatives from the following groups or organizations:

- Elected state or local officials
- Local environmental groups
- Transportation personnel
- Broadcast and/or print media
- Law enforcement
- Owners and operators of covered facilities
- Emergency management personnel
- Emergency medical personnel
- Hospital personnel
- Fire fighting
- Health officials
- Community groups



A single member may represent more than one of the above groups or organizations. Likewise, a group may be represented by more than one member. Ideally, LEPC members should be true volunteers who are interested in emergency programs and community right-to-know activities. Members who do not have a background in hazardous materials should be encouraged to attend a hazardous materials awareness course.

## 2. Appointments

The LEPC shall appoint a Chairperson and may appoint a Vice-Chairperson and other officers deemed necessary by each LEPC. A term of office should be set, but may vary in length according to the needs of each LEPC. The Chairperson can be any LEPC member.

Some LEPCs have chosen political leaders; others have selected chairpersons from emergency management, environmental groups, industry, or civic organizations. Important factors to consider are the leader's availability, credibility, management skills, commitment to the program, and respect from other LEPC members and the community.

EPCRA requires the LEPC to appoint an Information Coordinator. The Information Coordinator's job is to process requests from the public for information under Section 324, including Tier II information under Section 312. The Information Coordinator can also assist other committee members.

Positions not required by law, but which have proven very useful are: Vice-Chairperson, Secretary-Treasurer, and Chairpersons of standing committees; see Appendix C for sample position descriptions.

Involving individuals who have expertise in areas of LEPC concern as "at-large members" can be very effective. Although not official members, they can expand the LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

Since LEPC members represent an EPD, the county judge, as the supervisor of the EPD, must concur with the LEPC membership selection and submit these nominations for final approval by the SERC.

As executive agent for the SERC, GDEM maintains the official LEPC membership database. The State provides this information to the public, industry, federal agencies, and other states. **It is therefore important that your LEPC membership is current and GDEM is kept apprised of all membership changes;** see Appendix J for information about updating your LEPC membership information.

### 3. Subcommittees

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process move forward more quickly because the LEPC can work on several projects at one time. The appointment of a subcommittee chairperson may ensure that work progresses efficiently. The number and type of subcommittees that an LEPC creates depends solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as occasions arise to accomplish initial and on-going tasks of the LEPC. Subcommittee membership need not be limited to LEPC members, but use the expertise and resources of both community and industry. On larger LEPCs, subcommittee chairpersons may sit on an Executive Committee with the LEPC Chairperson. The LEPC might appoint subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually.
- Coordinating emergency response capabilities of LEPC member organizations.
- Checking existing response equipment in the community.
- Identifying financial resources.
- Coordinating with other LEPCs and the SERC.
- Conducting a hazard analysis.
- Managing information and providing information for citizens.
- Providing information to facilities.
- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public.

Suggested subcommittees for the LEPC are:

- ◆ A Planning Subcommittee, whose responsibilities may include:
  - ▶ Developing and assisting in the revision of the hazardous material response portion of the emergency operations plan;
  - ▶ Establishing a vulnerability zone determination methodology;
  - ▶ Reviewing the site specific Hazardous Materials Response Plans submitted for each facility with quantities of EHSs; and
  - ▶ Reviewing the LEPC plan annually.
- ◆ A Public Information Subcommittee, whose responsibilities may include:

- ▶ Writing and publishing public notices;
  - ▶ Establishing an information storage and retrieval system; and
  - ▶ Performing citizen/neighborhood outreach to inform them of current plans and other available information.
- ◆ A Training and Exercise Subcommittee, whose responsibilities may include:
    - ▶ Conducting training needs assessment;
    - ▶ Requesting grant funding to provide for training needs;
    - ▶ Coordinating training programs; and
    - ▶ Establishing an exercise schedule.

Once an assessment has been completed by the LEPC and the basic subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expanding needs or ideas generated from the LEPC membership. Some examples for additional subcommittees include:

- ◆ An Executive Subcommittee, whose responsibilities may include:
  - ▶ Being familiar with local, state, and federal laws which impact the hazardous materials planning process;
  - ▶ Developing long-term goals for the LEPC;
  - ▶ Attending to LEPC member needs;
  - ▶ Reviewing terms of current LEPC members and soliciting volunteers to fill vacancies; and
  - ▶ Development of LEPC timetables for other subcommittees.
- ◆ A Resource Development Subcommittee, whose responsibilities may include:
  - ▶ Researching community resources for emergency response (e.g., various types of equipment, facilities, and available expertise);
  - ▶ Maintaining a current LEPC resource inventory;
  - ▶ Identifying alternative resource upon which the community may draw in time of emergency or disaster; and
  - ▶ Identifying other volunteer(s) or in-kind assistance (e.g., private sources, such as, local businesses/industry, non-profit agencies, etc.), which may be used for various types of response.
- ◆ An Emergency Response Subcommittee, whose responsibilities may include:
  - ▶ Developing emergency response procedures in conjunction with local government personnel that may be utilized for hazardous materials responses; and
  - ▶ Education on the local Incident Command System (ICS) procedures to reinforce and coordinate local governmental emergency response.
- ◆ A Finance Subcommittee, whose responsibilities may include:
  - ▶ Management of the LEPC budget; and
  - ▶ Examining sources of and recommending uses of LEPC funds.
- ◆ A Business/Industry Outreach Subcommittee, whose responsibilities may include:

- ▶ Development initiatives that will encourage participation by community commercial businesses and industrial facilities.

Reports of subcommittee meetings should be made at the regularly scheduled LEPC meetings.

## **E. Bylaws**

Rules or bylaws for the LEPC should be established as set forth in EPCRA, Section 301. The bylaws should include the following minimum provisions:

- Public notification of committee activities
- Public meetings to discuss the emergency plan
- Public comment and response to these comments
- Distribution of the emergency plan
- Election of officers

A sample of LEPC bylaws is provided for your information in Appendix C.

## **F. Meetings**

The frequency of LEPC meetings is not mandated. However, in order to keep the LEPC functioning effectively, regularly scheduled meetings, which address diverse issues and work toward progress on key concerns, are essential. Circumstances may change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC to broaden its role in the community.

A meeting of an LEPC is subject to public scrutiny through the Texas Open Meetings Act (TOMA). LEPCs should confer with their county attorney on requirement of TOMA, as appropriate. Meeting should follow an organized format. Therefore, a well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed at the meeting. If time constraints are a factor, each agenda item may be assigned a time limit. The key to this strategy is adhering to the time limit assigned for each issue.

Each committee member should be sent, if feasible, a copy of the agenda one-to-two weeks prior to the scheduled meeting. Additionally, send any information pertinent to the upcoming meeting along with the agenda. This way, members can prepare themselves for the meeting in advance and meetings should be more productive.

All meetings of the LEPC or any subcommittee should be open to the public, except under circumstances where TOMA permits otherwise. Public notice of these meetings should be placed on public bulletin boards at least 72 hours prior to such a meeting. In emergencies, declared by the Chairperson, and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72 hour notice may be waived in accordance with Section 3A(h) of the Texas Open Meetings Act. The Chairperson shall afford a reasonable period of time at the beginnings of each regular meeting to accept oral public comments on any aspect of the LEPC's function.

While LEPCs should strive to establish a regular meeting schedule, LEPCs can also benefit from moving meetings to different locations and times. Some LEPCs meet at industrial sites where the regular meeting is held, followed by a tour of site operations. This has proved to be a very successful LEPC opportunity to familiarize committee members with business and industry in the community.

## **G. Administration**

LEPCs are challenged with having to administer a program with little or no budget and no fixed facility to work from. Despite this, they are required by law to respond to public inquiries about hazardous chemicals in their communities within a reasonable amount of time – not longer than 45 days.

They can only do this through efficient record keeping and using suitable workspace provided by government or industry members on the committee. Co-locating the LEPC with the jurisdiction's Emergency Management Agency, a local fire department, or police department, can be beneficial to each organization.

### **1. Maintenance of Records**

At a minimum, LEPCs should maintain the following records:

- Copy of local emergency management plans & pertinent annexes
- Material Safety Data Sheets (MSDS) or information on where to obtain them
- Initial and follow-up hazardous chemical spill release reports
- Records of LEPC and committee meetings
- LEPC bylaws
- LEPC membership list
- Texas Tier II reports for covered facilities

## 2. Information Resources

### a. General

The EPCRA law has existed for approximately 20 years. During this period, the resources available to the LEPCs have increased greatly. Today, assistance is available from all levels of government and from industry in various media formats. The good news is that with the exception of some computer software, most of this information is available free to LEPCs. LEPCs may have their Public Information Subcommittee maintain a current list of information resources available to the membership and the community. The following table shows a partial list of some of the more common resources available. See Appendix G for an extensive listing of resources available to the LEPC.

### INFORMATION RESOURCES

(See glossary for acronym definitions)

FEDERAL	LITERATURE	VIDEO	COMPUTER SOFTWARE	LENDING LIBRARY	INSTRUCTORS / SPEAKERS	TRAINING MATERIALS	EXERCISE PLANNER	TELEPHONE NUMBER
ATSDR	X				X	X		214/665-8562
DOL/OSHA	X				X	X		800/321-6742
DOT	X	X			X	X		202/366-2301
EPA Reg. 6	X	X	X		X			214/665-2292
FEMA Reg. VI	X	X		X	X		X	940/898-5459

STATE	LITERATURE	VIDEO	COMPUTER SOFTWARE	LENDING LIBRARY	INSTRUCTORS / SPEAKERS	TRAINING MATERIALS	EXERCISE PLANNER	TELEPHONE NUMBER
DPS	X	X		X	X	X	X	512/424-2429
GLO	X				X			512/463-6747
RRC	X				X			512/463-6747
DSHS	X			X	X	X		512/834-6603
TCEQ	X				X			512/463-7727

INDUSTRY	LITERATURE	VIDEO	COMPUTER SOFTWARE	LENDING LIBRARY	INSTRUCTORS / SPEAKERS	TRAINING MATERIALS	EXERCISE PLANNER	TELEPHONE NUMBER
ACC/CHEMTREC	X	X			X	X	X	703/741-5503
TX TRANSCAER	X				X		X	713/241-6066 for referral

### b. Documents

Federal and state government and industry can provide LEPCs a considerable number of documents and website materials related to hazardous chemicals and appropriate community preparedness. Most information is leaving the realm of hardcopy documents in favor of web-base information that is more readily available to the user. During the years following the passage of EPCRA in 1986, federal and state agencies produced a large quantity of literature related to this law. The federal EPCRA law has not changed much since it was written. See Appendix G for a list of legislation, regulations, and other materials. The list of chemicals regulated by EPA and other regulatory agencies, as well as, the requirements for the Risk Management Program (RMP) have changed.

### **c. Audio/Video Media**

In addition to large quantities of literature printed about hazardous materials, a number of slide shows, videos, and DVDs have been produced showing the importance of planning for chemical emergencies and demonstrating successful training and public awareness programs throughout the United States. These can be borrowed from shrinking number of lending libraries or obtained free or with little charge from agencies listed on the previous page. Many LEPCs in Texas have produced their own public awareness videos and will loan them to other LEPCs.

### **d. Computer Media**

As the federal administrator of EPCRA, the EPA took the lead in providing electronic information assistance to SERCs, LEPCs, industry, and the public. EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) have joined this new wave of information with an electronic homepage. These electronic sites assist you in locating information about chemical emergency preparedness and chemical accident prevention. You may obtain direct access to the National Response Center's (NRC) database at: (<http://www.nrc.uscg.mil/nrchp.html>).

## **H. Public Inquiries and Awareness**

EPCRA requires LEPCs to establish procedures for receiving and processing requests from the public for information under Section 324 within 45 days after the date of receipt of the request. This includes responding to requests for Tier II information under Section 312. EPCRA was specifically written with the citizens in mind. It is based on the principle that the more they know about hazardous chemicals in their community, the better prepared their community will be to manage these potential hazards and to improve public safety and health.

According to a national LEPC survey conducted by George Washington University in 1994, LEPCs receive few requests for data submitted by industries. There seems to be a lack of public interest in the data generated under EPCRA. Therefore, LEPCs must strive to devise more creative ways to disseminate and interpret information on chemical risk to the public. Appendix M provides ideas on awareness projects for the public.

## **I. Funding LEPC Activities**

When Congress passed EPCRA, it did not provide funding for LEPCs. Thus, state and local governments must find creative ways to fund LEPC programs. In Texas, implementation at the state level is funded by a combination of state general fund revenues and fees imposed on regulated facilities. In the past, the State has used some fee receipts to award grants to a limited number of LEPCs and support LEPC conferences.

In 2006 a funding survey was conducted by EPA Region 6. This report determined the sources of funding used by LEPCs found funding ranging from no funding at all to budgets that exceeded \$100,000. The LEPCs with no funding tended to be in rural areas with little or no industry and no major transportation routes. Few LEPCs have budgets of greater than \$100,000 and those that do, are concentrated in counties with large amounts of industry and commerce. On average, annual LEPC budgets range from \$3,000 to \$5,000.

The cost of implementing EPCRA at the LEPC level will vary, depending on the extent of program development and the number of facilities in the planning district. Communities have found a wide range of solutions to the funding problem. Examples of some solutions can be found in Appendix D.

## **J. Maintaining a Healthy LEPC**

Research shows that the most successful LEPCs have the following attributes:

- ◆ They have clearly defined goals;
- ◆ Members are trained in the law and know what is expected of them;
- ◆ Appointment of the right people with responsibilities and interests from broad-based community representation;
- ◆ Members are committed and interested because they:
  - ▶ feel useful and believe they are helping the community;
  - ▶ have been given tasks according to their interests and expertise
  - ▶ have been given challenging tasks;
  - ▶ are recognized for their contributions; and
  - ▶ have a chance to develop their skills.
- ◆ They maintain a working relationship state and federal agencies responsible for their program, and with peers from other LEPCs;
- ◆ Meetings are scheduled at regular and convenient times;
- ◆ The meetings adhere to the agenda and are concerned with common interests; and,
- ◆ They have strong leadership and designated staff.



## **PART IV**



### **Reporting Requirements for Facilities with Hazardous Materials**

#### **A. What Hazardous Materials Are Subject to Regulation**

There are four groups of chemicals subject to emergency planning and reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) and Texas Hazard Community Right-To-Know Acts (TCRAs). Some chemicals appear in several groups; see paragraph B for an explanation about where to obtain a copy of these lists.

##### **1. Extremely Hazardous Substances (EHSs)**

This list currently contains 364 chemicals. Because of their extremely toxic properties, these chemicals were chosen to provide an initial focus for chemical emergency planning. In Texas, the presence of EHSs in quantities above the threshold planning quantity (TPQ) or 500 pounds, whichever is less, requires the submission of a chemical inventory report to the LEPC, local fire department, and the DSHS member of the SERC. The EHSs and their TPQs are listed in 40 CFR Part 355, Appendices A, and B. Because of the hazards they pose, any release of EHSs, greater than the reportable quantity (RQ) established by federal law, must be reported immediately to designated federal, state, and local emergency response officials; the LEPC should receive notice as soon as practicable.

##### **2. Hazardous Substances**

CERCLA hazardous substances are defined in terms of those substances either specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the Superfund law, or those substances identified under other laws. In all, the Superfund law includes references to four other laws (Sections 307(a) and 311 (b)(2) of the Clean Water Act (CWA); Section 3001 of the Resource Conservation and Recovery Act (RCRA); Section 112 of the Clean Air Act (CAA); and Section 7 of the Toxic Substances Control Act (TSCA)) to designate more than 800 substances as hazardous, and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.

Releases of these chemicals above certain RQ amounts must be reported immediately to federal, state, and local agencies, because they may represent an immediate hazard to the community (40 CFR Part 302).

### **3. Hazardous Chemicals**

These chemicals are not included on a specific list, but are defined by the OSHA Hazard Communication Standard in 29 CFR Part 1910.1200 as chemicals that represent a physical or health hazard. Under this definition, thousands of chemicals can be subject to reporting requirements. Inventories of the chemicals must be submitted to the DSHS member of the SERC, the LEPC, and the local fire department if they are present at the facility in quantities of 10,000 pounds or more at any one time during the year. MSDSs for these chemicals must also be submitted to these groups, if they are requested. The TCRA and EPCRA list some exemptions to inventory reporting for certain foods, household items, and products used in routine agricultural operations, and other substances.

### **4. Toxic Chemicals**

There are now more than 500 chemicals or chemical categories identified as toxic chemicals. These were selected by Congress primarily because of their chronic or long-term adverse effects on human health. Estimates of releases of these chemicals into the environment (air, land, or water) must be reported annually to the SERC (TCEQ) and the EPA, where they are entered into a national database. The list of toxic chemicals is contained in 40 CFR72.

## **B. Obtaining a List of Chemicals**

In an effort to simplify the understanding of the various lists of chemicals subject to reporting, the EPA has compiled at least two versions of a list of these chemicals. The first, entitled 'Title III List of Lists', is published by EPA Headquarters. The current document is slightly out of date due to recent changes in the regulation but identifies hazardous substances subject to the reporting requirements of EPCRA, CERCLA, and CAA section 112r. Please note that these lists do not cover all the hazardous chemicals subject to inventory reporting under federal regulations. OSHA regulates some 70,000 chemicals under its hazard communication standard. To obtain copies of the EPA lists of chemicals subject to reporting requirements, contact:

### **1. Title III List of Lists**

Contact the EPCRA Information Hotline at 800/424-9346. The document is also available online in PDF format, as an Excel spreadsheet, and as a web-based searchable database.

### **2. EPA-VI Consolidated List of Chemicals**

The list can be downloaded at the following website:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/ds-epds.htm>

## C. Hazardous Substance Inventory Reporting

### 1. General

There are fixed facilities in every county in Texas that use, produce and/or store hazardous substances. LEPCs need to be aware of all the facilities in their district and especially the ones handling EHSs. Facilities may be privately or government owned and all are subject to at least some provisions of the law. They could include farm operations, pesticide applicators and dealers, seed and grain companies, and fuel vendors. Federal, state, and local government facilities may be covered in the areas of drinking water systems, wastewater treatment works, ammonia refrigeration systems, utilities, and other areas. The ambiguity exempting federal facilities from EPCRA reporting was closed by Executive Order 12856, dated August 3, 1993.

### 2. Hazardous Substance Inventory Reports

For clarity, we have grouped the reporting requirements in Texas by standard emergency phases, while combining both federal EPCRA requirements and state requirements.

#### a. Emergency Preparedness Phase

##### (1) Identification of Facilities Subject to Special Planning Requirements

- Emergency planning letter submitted to LEPC & the DSHS representative to the SERC when the facility has sufficient EHSs to warrant reporting.
- All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.

##### (2) Annual Chemical Inventory Reporting

- Covered facilities must annually submit a Tier II form to the DSHS representative to the SERC, LEPC, & local fire department.
- Covered facilities must submit MSDSs if requested by above agencies.
- **Note:** Filing the annual Texas Tier II report & filing fee with the DSHS representative to the SERC by March 1 of each year. Copies of the report will be submitted to the LEPC and local fire department having jurisdiction over the facility. Section 311 must be filed within 90 days of acquiring new hazardous chemicals. Section 312 by March 1 of each year for the previous calendar year. Changes must be submitted within 60 days.

### (3) Yearly Toxic Chemical Release Reporting

- Covered facilities submit written Toxic Chemical Release Inventory Form R to EPA Headquarters and the TCEQ representative to the SERC. Section 313 of EPCRA; 40 CFR 372.

#### **b. Emergency Response Phase**

Spill or Release reporting by the covered facilities or transporters of any release of an EHS listed in 40 CFR 355 or a hazardous substance listed in 40 CFR 302 which meets or exceeds the threshold reportable Quantity (RQ). The owner/operator shall immediately provide the information required by 40 CFR 355.

- Covered facilities or transporters must make immediate notification to an emergency 24-hour phone number designated by each LEPC, the SERC (800/832-8224) and the National Response Center (NRC) at (800/424-8802). Written follow-ups must be filed with the TCEQ representative to the SERC and LEPC.
- After transportation incidents involving hazardous substances, carriers must also submit a written report to the Department of Public Safety, Motor Carrier Safety Section.

For a detailed description of reporting requirements and contacts in Texas, see Appendix E.

#### **D. Risk Management Programs [Clean Air Act Section 112 (r)]**

Important provisions in the 1994 and 2004 amendments to the Clean Air Act of 1990 (CAA) advance the process of risk management planning and public disclosure of risk. The amendments, which cover a wide range of air pollution issues, include specific provisions addressing accidental releases of hazardous chemicals, more timely accident reporting, and mandated corrections to emergency contact information. Facilities subject to the Chemical Accident Prevention Rule are required to conduct an analysis of the potential off-site consequences of hypothetical worst-case and alternative accidental releases. Under the original rule, facilities were required to include a brief description of this analysis in the executive summary of their RMPs. EPA and federal law enforcement agencies have become concerned that the off-site consequences analysis (OCA) descriptions posed a security risk. Therefore, the 2004 revision eliminated the requirement for OCA data in the executive summaries.

Section 112 (r) of the CAA mandates a new federal focus on the prevention of chemical accidents. Under these requirements, industry has the obligation to prevent accidents, operate safely, and manage hazardous chemicals in a safe and responsible way. The government, the public, and many other groups also have a

stake in chemical safety and must be partners with industry for accident prevention to be successful.

## **1. EPA Final Rules for Risk Management Programs**

On January 31, 1994, EPA promulgated a list of 140 substances and associated threshold quantities that determine who must comply with the new regulations. The list consists of acutely toxic substances, flammable gases, and volatile liquids. Any source with more than a threshold quantity of a listed “regulated substance” in a single process, must comply with the regulation. It is important to note that the rules state that the threshold quantity is determined by the maximum amount of a substance “in a process”, not the maximum quantity on site.

On June 20, 1996, EPA promulgated rules and guidance for chemical accident prevention in the Federal Register under 40 CFR Part 68 entitled *Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112 (r)(7)*. These rules include requirements for sources (facilities) to develop and implement risk management programs that incorporate three elements: a hazard assessment, a prevention program, and an emergency response program. These programs are summarized in the risk management plans (RMP) that were initially required for submission by June 21, 1999. It is important to note that full updates and resubmissions of RMPs are required at least once every five years. It is very important for LEPCs to be familiar with these changing federal rules since they will clearly be affected by them. Industry has already had to react to these requirements and will likely surface related topics in discussions with their area LEPC.

## **2. Risk Management Plan (RMP) Basics**

Sources with a regulated substance above the threshold quantity are required to address these elements in their risk management planning:

- a. An off-site consequence analysis that evaluates specific potential release scenarios, including worst-case and alternate scenarios.
- b. A five-year accident history of releases of regulated substances.
- c. An integrated accident prevention program.
- d. An emergency response program.
- e. An overall management system to supervise the implementation of these program elements.
- f. A risk management plan (RMP), revised at least once every five years, which summarizes and documents these activities for all covered processes.

EPA has arranged for RMPs to be submitted electronically to a central point in a method and format as specified by EPA through recently revised software called "RMP\*Submit2004". RMP\*Submit2004 is the **free**, official EPA, personal computer software for facilities to use in submitting Risk Management Plans (RMP) required under the Risk Management Program. The program can be downloaded from the EPA Chemical Emergency Preparedness Office (CEPPO) web site ([www.yosemite.epa.gov/oswer/ceppoweb.nsf/content/ap-rmsb.html](http://www.yosemite.epa.gov/oswer/ceppoweb.nsf/content/ap-rmsb.html)). Instructions and technical assistance are available at the same address.

States, local entities, and the public have not been able to access most data elements of RMPs submitted electronically by industry to US EPA due to removal from the EPA website shortly after the events of September 11, 2001. RMPs submitted electronically do not require disclosure of sensitive information about offsite consequences of worst case and alternate chemical release scenarios.

### **3. The EPA's amendment to the Chemical Accident Prevention Rule of 2004.**

- a. Require** that information on reportable chemical accidents be added to the RMP within six months of the date of the accident.
- b.** Require that changes to emergency contact information be reported within one month.
- c.** Removes the requirement to include a brief description of the off-site consequences analysis (OCA) in the RMP executive summary.
- d.** Adds three RMP data elements that facilities must now also include:
  - i.** The emergency contact E-mail address (if an E-mail address exists);
  - ii.** The purpose and type on any submission that revises or otherwise affects previously filed RMPs; and
  - iii.** The name, address, and telephone number of the contractor/consultant who prepared the RMP (if any).

### **4. Three Levels of Compliance**

The risk management planning regulation (40 CFR Part 68) defines the activities sources must undertake to address the risks posed by regulated substances in covered processes. To ensure that individual processes are subject to appropriate requirements that match their size and the risks they may pose, EPA has classified them into three categories (programs).

- a. Program 1** requirements apply to processes for which a worst-case release, as evaluated in the hazard assessment, would not affect the public. Remotely located facilities using listed flammables are primarily those sources eligible for this program.
- b. Program 2** requirements apply to less complex operations that do not involve chemical processing (e.g., retailers, propane users, non-chemical

manufacturers, and other processes not regulated under OSHA's Process Safety Management (PSM) Standard.

- c. **Program 3** requirements apply to higher risk, complex chemical processing operations and processes already subject to OSHA PSM.

## 5. Risk Management Planning and the LEPC

EPA estimates that approximately 4,000 sources or facilities are covered in Texas. This is a small fraction of facilities currently submitting Texas Tier II reports. It will include cold storage facilities with ammonia refrigeration systems, waste water treatment works, chemical manufacturers, other manufacturers, drinking water systems, ammonia fertilizer dealers, wholesalers and distributors of these chemicals, utilities, federal facilities, large universities, propane retailers, and some service industries. (LEPCs should note that many propane dealers, ammonia refrigeration plants, water treatment plants, and other public or private businesses are now subject to federal and state requirements for the first time.)

The 2004 changes to the RMP rule were effective April 9, 2004, and the full impact on LEPCs has yet to be determined. What we do know is that changes to the RMP process are not radically different from what is already being addressed in government and industry. EPA has worked closely with other regulatory programs that focus on risk management issues for hazardous chemicals in order to foster coordination and reduce burden. The RMPs complement what facilities already provide to SERCs and LEPCs under EPCRA: specific chemical inventories, locations, and quantities on site. EPA believes many of the prevention and response program requirements for processes have been satisfied without additional effort because of existing compliance with other federal and state regulations, industry standards and codes, and good engineering practices.

Under CAA Section 112, states may request that EPA delegate the authority to serve as the implementing agency for this program to the state or states may implement their own programs. In Texas, the state did not seek to implement this program; hence, the EPA is responsible for program guidance, oversight, and enforcement in Texas. LEPCs can expect to receive more information from the EPA on ways to use RMP information in their communities. **As a minimum, LEPCs can expect to get involved in the following areas of the RMP rule:**

- a. Subpart G, Sec. 68.180, Emergency Response Program of the final rule, requires the owner or operator of a covered facility to "provide the name and telephone number of the local agency with which the (facility emergency response) plan is coordinated." Facilities should approach LEPCs with requests for the mentioned coordination. The appropriate local agency should be the office of emergency management for the jurisdiction; however, prior agreements between the LEPC and the local emergency management director should permit LEPCs to be a part of these coordination sessions between facilities and the local responders and planners.

- b.** LEPCs should make a point of reviewing at least the executive summary of all the risk management plans submitted by facilities within their LEPC planning areas. Not only will you find a short summary of the entire facility plan, but you will also read about future changes planned to improve safety.
- c.** LEPCs should carefully review the hazard assessments provided by the facilities. The vulnerable zones may add significantly to the planning efforts of the LEPC.



## **Part V**



# **Emergency Management Plan Development and Reviews**

## **A. Minimum Requirements for the Plan**

### **1. State Law**

Section 321 of EPCRA states that nothing in EPCRA will preempt state or local law. Thus, existing State law (i.e. The Texas Disaster Act of 1975 [TDA]) governs local emergency management planning as long as it meets the requirements of EPCRA.

Prior to the enactment of EPCRA, the TDA tasked cities and counties with providing for emergency management planning within their jurisdictions. By Executive Order of the Governor, mayors and judges were designated as the emergency management directors within cities and counties, respectively. In Texas, local jurisdictions (cities and counties) are therefore responsible for integrating the EPCRA planning requirements into existing multi-hazard plans.

The TDA tasks the GDEM to adopt and develop planning standards and criteria for local and inter-jurisdictional emergency management plans. Under the guidelines of GDEM-10, *Local Emergency Management Planning Guide*, every political subdivision in Texas is required to prepare local or interjurisdictional emergency management plans to address the specific hazards that the community faces and to describe how the community expects to use its resources to protect its citizens during major emergencies, and disasters arising from natural hazards, national security, and technological and man-made hazards that may threaten public health and safety or private and public property.

### **2. Federal Requirements**

Under the federal EPCRA law, each LEPC is to develop an emergency response plan and review it at least annually thereafter. The SERC has determined that planning by local emergency management jurisdictions will meet the requirement of EPCRA if it integrates EPCRA requirements into the existing multi-hazard functional plan. The basic emergency management plan and the following annexes that meet state planning standards fulfills the requirement for local emergency planning under the Section 303 of the EPCRA:

- Annex A: Warning
- Annex C: Shelter and Mass Care
- Annex E: Evacuation
- Annex I: Public Information
- Annex M: Resource Management
- Annex Q: Hazardous Materials Response

### **3. State/Federal Requirements**

The LEPC planning envisioned by the SERC is intended to complement existing planning that state law already requires instead of creating a separate process. In Texas, THE LEPC DOES NOT WRITE A SEPARATE PLAN, but assists local governments in carrying out emergency planning related to hazardous materials. In this capacity the LEPC is an important element useful to all local responders. The plan and certain required annexes must meet the state standards and criteria, and must:

- Identify facilities and transportation routes of extremely hazardous substances (EHS).
- Describe emergency response procedures both on-site and off-site.
- Designate a community emergency management coordinator and facility coordinator(s) to implement the plan.
- Outline emergency notification procedures.
- Describe methods for detecting, reporting, responding to containing or controlling, and recovering from releases of hazardous materials and oil spill that could threaten life, property, or the environment.
- Describe community and industry emergency equipment, and facilities, and the identity of persons responsible for them.
- Outline evacuation plans.
- Describe a training program for emergency response personnel (including schedules).
- Present methods and schedules for exercising emergency response plans to emergency medical personnel, fire service, and law enforcement agencies.

**NOTE:** See Appendix B for the mandatory content of the basic plan and required annexes.

## **B. Hazards Analysis**

### **1. General**

As you will notice while reading the state criteria for developing a hazardous materials response annex (Annex Q), some of your key tasks will be to identify facilities containing extremely hazardous substances or to identify transportation routes likely to be used for the transportation of these substances. A hazard analysis will help you identify these and other hazards in your community.

Planners should try to answer the following questions:

- What are the major chemical hazards in our community?
- What are the area(s) or population(s) likely to be affected by a release?
- What emergency response resources (personnel and equipment) does the community have/need?
- What kind of training do local responders need?
- How can we help prevent chemical accidents?
- The hazards analysis process described below can assist local planners in answering these and other important planning questions. The three basic references used for hazards analysis are:
  - ▶ *Off-site Consequences Analysis Guidance*: EPA CEPPPO;
  - ▶ *Handbook of Chemical Hazard Analysis Procedures*, FEMA/U.S.DOT/EPA; and
  - ▶ *Technical Guidance for Hazards Analysis*, FEMA/U.S. DOT/EPA

### **2. Purpose & Method**

Hazard analysis is a way of identifying the threats that hazardous substances such as ammonia, chlorine, and other chemicals pose in the community. Under EPCRA, communities conduct a hazard analysis to develop and revise emergency plans. These plans focus on facilities where extremely hazardous substances (EHSs) are present in amounts exceeding the threshold planning quantity (TPQ). The plans also address other facilities, transportation routes, or hazardous substances that the LEPC identifies as a worthy focus of planning efforts. The following three steps to a community-level hazard analysis are described in the *Technical Guidance for Hazards Analysis*, or “Green Book.”

- **Hazards Identification:** identifies the location, quantity, storage conditions, and the specific hazards posed by the hazardous chemicals transported, manufactured, stored, processed, and used in the community.
- **Vulnerability Analysis:** locates geographical areas and the people, property, services, and natural areas that may be affected by a release.
- **Risk Analysis:** is a judgment regarding risk to the community for specific release scenarios (i.e., X pounds of chemical Y released from facility Z under certain conditions) based on the likelihood and severity of the release.

The *Handbook of Chemical Hazard Analysis Procedures* or “Brown Book,” describes four steps within the hazards analysis process. The extra step, consequence analysis, is simply an elaboration of the risk-analysis step discussed above.

To be successful, hazard analysis must be an ongoing process – the three steps should be repeated to address changes in the hazards and other circumstances in the community that affect emergency planning and response. Coordination among facilities and local emergency planners and responders during the process will ensure a thorough evaluation of the community’s hazards and allow planners to focus their efforts on the greatest potential threats to the community.

### 3. Phased Approach to Hazard Analysis

Local emergency planners should consider conducting the hazards analysis process in phases. This “phased” approach will allow planners to reduce the initial expenditure of valuable resources on analyzing less significant hazards and instead focus their efforts on the most important hazards in the community. There are three phases, as follows:

- **Screening phase:** Using readily available information and worst-case assumptions, determine which facilities and hazards in the community should be the subject of a more detailed analysis. LEPCs can use the Technical Guidance for Hazard Analysis (Green Book) to complete this phase rather quickly.
- **Planning phase:** Refining the initial (worst-case) assumptions and get up-to-date information from the priority facilities identified in the screening phase and begin to develop the local emergency plan.
- **Scenario phase:** For priority facilities and transportation routes develop a range of specific release scenarios that could pose the highest risk to the community. These more detailed scenarios can be used to develop site-specific emergency response plans.

## 4. Major Steps in Hazard Analysis

### a. Hazards Identification

Identifying the hazardous chemicals that pose a serious threat to the community is the first stage of hazard analysis. Communities of all sizes can develop simple programs, which meet their needs and match their resources, to locate these chemicals and to identify specific information on hazardous situations and the risks they pose.

- (1) Fixed Facilities. Using information submitted to LEPCs, planners should first identify the facilities that use, produce, process, or store hazardous chemicals. Under EPCRA, facilities that have EHSs in amounts exceeding a TPQ are required to notify the LEPC and designate a facility emergency coordinator to serve as the contact between the facility and the LEPC. The Tier II reports sent to LEPCs describe the type of chemicals present at local facilities.
- (2) Transportation. Although EPCRA does not require reporting on hazardous substances in transit, some information about the types of hazardous substances moving on local transportation routes can be obtained from several different sources.
  - For substances transported by rail, the Texas Railroad Commission prepares and the Governor's Division of Emergency Management distributes an annual report of hazardous materials shipments by rail for each county where such shipments have occurred. This report lists hazmat shipments by US DOT hazard class rather than by specific chemical. Reports are distributed to local emergency management coordinators in August of each year for the preceding calendar year.
  - To determine what types of hazardous materials are being transported in pipelines, planners should contact local pipeline companies or the Pipeline Safety section of the Texas Railroad Commission.
  - There is no easy way to determine what types of hazardous materials are being transported on local highways, except by conducting a local commodity flow study. Grants are available for LEPCs to conduct this type of study. Additionally, some information may be obtained by reviewing local accident statistics.

Planners may also consider identifying other hazardous chemicals that may pose significant hazards to the community. These include flammable, reactive, and explosive substances; pesticides in rural areas; other chemicals present in substantial quantities; and other hazardous chemicals subject to Texas Tier II reporting because of quantity.

## **b. Know the potential effects: Vulnerability Analysis**

After identifying the chemical hazards in the community, but before making an assessment of the overall risk they pose, local planners should conduct a vulnerability analysis to estimate who is at risk from a potential chemical incident. Using specific assumptions, vulnerability analysis estimates the geographical area that may be affected as a result of a spill or release. Specifically, the vulnerability analysis identifies people (numbers, density, and types -- facility employees, local residents, and special populations) within the vulnerable zone; private and public property and essential support systems (water, food, power, and communication sources, as well as facilities such as hospitals, fire, and police stations) that could be damaged; and sensitive natural areas and endangered species that could be affected.

During an actual incident, the area potentially affected by a release is simply the area downwind. But because the wind direction at the time of the release cannot be predicted, planners must consider all possible wind directions and subsequent toxic plume paths. Consequently, for fixed facilities, vulnerable zones are circles with the release site located at the center.

Estimating vulnerable zones for toxic hazards may be done by hand, or with the assistance of a computer-modeling program. If the task is to be completed by hand, the *Technical Guidance for Hazards Analysis* provides complete step-by-step instructions, including the mathematical formulas and tables for calculating the radius of the zone. If you need assistance, call upon those facilities that create the hazard about which you are concerned. Remember that a facility representative is likely a member of the LEPC.

Planners will also need to gather maps in the surrounding area and information (i.e., MSDS and Tier II reports) on the hazardous chemicals involved.

Always keep in mind that the vulnerability analysis results are only as good as the assumptions that were made in the process. The results are estimates, best used for planning and training, and not to be relied on during an actual response.

If resources are available, a computer modeling system will reduce the time spent calculating vulnerability zones. Plume modeling software packages are often included as part of a more complete emergency planning system designed to address many elements of the emergency planning process. Computer Aided Management of Emergency Operations (CAMEO) is a computer program that the federal government has designed and made available to assist local emergency planners in preparing for and responding to an airborne release of a hazardous chemical. Several other systems are also available. EPA Region 6 or GDEM can provide you with details of these systems. Many large industrial facilities have their own software to model

accidental releases and determine affected areas. If asked, they may be willing to assist in vulnerability analysis.

### **c. Know the odds: Risk Analysis**

Once the chemical hazards in the community and the potential areas of impact for their release have been identified, the third stage in a hazard analysis, risk analysis, can be conducted. Risk analysis is a judgment made by the LEPC based on an estimate of:

- (1) Likelihood of accidental release, based on various factors such as the history of releases at fixed facilities and in transport, current conditions and controls at facilities, unusual environmental conditions, and the possibility of simultaneous emergency incidents (such as flooding or fire) resulting in the release of hazardous chemicals, and
- (2) Severity of consequences – the people, places, and things located within the vulnerable zone. Risk analysis does not require extensive mathematical analysis (although probabilistic risk analysis can provide valuable information to community planners), but instead relies on the knowledge, experience, and common sense of local planners and responders using data gained from hazards identification and vulnerability analysis.
- (3) The Chemical Hazards Response Information System (CHRIS) is an excellent source of chemical, physical, toxicological, thermodynamic, and response information for over 1300 chemicals. It provides very specific information about cargos, such as, boiling points, density, or exposure levels. CHRIS provides an interactive version so response concerns, such as, how far a vapor cloud could travel, what size of a safety zone is needed around a burning pool, and what will happen to a substance released into water, (will it sink, float, or dissolve, etc.) can be addressed.

In Wyandotte County, Kansas, the LEPC ranked facilities based on the ratio between the total amount of the hazardous chemical on site and the quantity of concern (a measure of a substance's acute toxicity). The ranking was thus a measure of the relative health threat that a release might pose to the surrounding community. Facilities that had at least 1,000 times the quantity of concern for a chemical were given first priority in the planning process; a second tier of facilities with a smaller multiple of the quantity of concern were addressed in a second phase of the process.

### **d. Using the Results of Hazards Analysis**

Once the LEPC has finished evaluating the hazard in the community, the hazard analysis information can be used to support other local chemical emergency preparedness and chemical accident prevention efforts.

The realistic release scenarios for the priority hazards in the community, refined from initial to worst-case assumptions, can be communicated to the community to help improve awareness of chemical hazards. The local response plan can then be designed to address specific incidents described in these scenarios.

Remember, certain facilities will be submitting vulnerable zones under the provisions of the Risk Management Program (CAA 112). LEPCs can use that information to validate their work.

The state standards and criteria for a hazardous materials response annex are listed in Appendix B. A sample annex can be obtained from the RLO for your particular region of the state. These planning guidelines incorporate requirements from two key federal publications. They are considered as primary guides for hazardous materials planning:

- (1) *Hazardous Materials Emergency Planning Guide, National Response Team, NRT-1*
- (2) *Criteria for Review of Hazardous Materials Emergency Plans, National Response Team, NRT-1A*



## Part VI



### HAZMAT Training & Exercises

#### A. General

Training courses and exercises can help with continuing emergency planning by sharpening response personnel skills, presenting up-to-date ideas/techniques, and promoting contact with other people involved in the emergency response. Everyone who occupies a position that is identified in the plan must have appropriate training and a chance to exercise their skills. However, the LEPC is not responsible for certification of training. This is the responsibility of the employers of an emergency responder under the OSHA and EPA regulations. Nor is the LEPC responsible for conducting HAZMAT exercises. This responsibility also falls upon the employer. However, the LEPC should have an appropriate orientation and training program for new members who are not familiar with hazardous materials. More technical courses can be obtained through federal, state, and private sources.

#### B. Training

##### 1. Federal Sources

##### a. Hazardous Materials Response

EPA's regulation 40 CFR Part 311 and OSHA's regulation 29 CFR 1910.120, titled Hazardous Waste Operations and Emergency Response (HAZWOPER), establish training requirements for emergency responders. 29 CFR 1910.120(q) requires initial training, annual refreshers, and agency certification to respond to hazardous materials incidents. There are various levels of hazardous materials training required based on the type of response duties to be performed. We encourage all LEPC members to complete a HAZMAT Awareness Course. The following is a table indicating the minimum levels required by job/occupation:

	Hazmat Awareness	Hazmat Operations	Incident Command System-HAZMAT	Hazmat Technician	EMS Level I	EMS Level II
Firefighters	A	A	B	B		
Emergency Medical	A	A	B		A E	A/B E
Law Enforcement	A	B	B			
Public Works	A	C	C			
Emergency Management Coordinator	A	D	D			
LEPC	D					

Legend: A = All; B = Some; C = Dependent on local plan; D = Beneficial; E = May be taught in lieu of Ops. Course

## **b. Environmental Response Training Program (ERTP)**

As part of EPA's comprehensive program for protecting the public and the environment from hazardous materials, the Emergency Response Division of the Office of Emergency and Remedial Response has developed the ERTP. The courses in this program are designed for personnel who respond to emergencies or who investigate and clean up abandoned hazardous waste sites. Training is provided in safety and health as well as in the various technical operations needed to identify, evaluate, and control hazardous substances that have been released. The courses are generally very technical; student slots are limited and allocated by EPA and the State. Examples of courses are 'Air Monitoring for Hazardous Materials', 'Sampling for Hazardous Materials', and 'Chemical Safety Audits'. The courses developed by EPA's Environmental Response Team and presented by contract personnel, last from 1-5 days. These courses emphasize the practical application of lecture material through problem solving sessions, case studies, demonstrations, and exercises using field instruments.

Inquiries about ERTP courses should be directed to the GDEM, Training Section (512/424-2196) or:

Environmental Response Training Program  
USEPA Region 6  
1445 Ross Avenue, 10th floor  
Dallas, TX 75202-2733  
(214) 665-8338

## **2. State Sources**

The GDEM operates an Emergency Management training program. Jurisdictions may apply to the GDEM Training Section for training their personnel. A new training schedule is published yearly in September.

### **a. Training Database**

GDEM maintains information on individuals it has trained, industry courses and training dates, and makes it available to LEPCs and employers. Employers may base their certifications of employee training on information provided by GDEM regarding programs that are successfully completed by an individual, or the employer may make the certification based upon independent evidence or a combination of the two. GDEM's database of trained individuals is not a certification pursuant to federal regulation of employee training. GDEM makes no representation that the information provided to GDEM by trainers is accurate or that the employees have received training and are adequately trained. Certification is the responsibility of the employer.

## **b. Training Grants**

Using federal grant funding, the State can make hazardous materials training available to public sector employees at no cost. The courses are generally presented by qualified personnel whose services are contracted by GDEM. Jurisdictions and LEPCs must provide the classroom, audio-visual equipment, and line up an appropriate number of students. For a list of hazardous materials courses available and the point of contact, see Appendix K.

## **3. Industry Sources**

**TRANSCAER & CAER.** The chemical industry conducts community outreach under the Community Awareness and Emergency Response (CAER) program. A similar project, called Transportation CAER or TRANSCAER, focuses on transportation hazard awareness. Industry is willing to assist LEPCs and local governments with information about their industry and offer a partnership with common goals of community safety. In some cases, they offer free training in their emergency training programs if vacancies are available. They also have some programs like the 'Safety Trains', which brings rail car safety training out of the classroom into your neighborhood. These cars are used to provide training primarily to emergency responders who may respond to transportation emergencies involving hazardous materials. Contact your CAER or TRANSCAER industry point of contact for further details or call the GDEM Technological Hazards Planning Group at (512) 424-5677 for a referral.

## **C. Exercises**

### **1. Federal Sources**

- a. FEMA Region VI HAZMAT Exercise Program. FEMA Region VI has developed the Comprehensive HAZMAT Emergency Response Capability Assessment Program (CHER-CAP) to assist local communities in the planning, development, controlling, and evaluation of HAZMAT exercises has been redesigned to expand the process to any hazard, such as, tornadoes, chemical spills, terrorist incidents, hurricanes, and all types of emergencies and disasters. Therefore, CHER-CAP is no longer just for hazardous materials incidents. In recognition of this expanded focus the program has been renamed the Community Hazards Emergency Response Capability Assurance Process, and still retains the CHER-CAP acronym. This outreach program, in coordination with the State, provides both federal financial and technical resources to perform a no-fault test of its emergency management system. Using its HAZMAT Exercise Evaluation Supplement, FEMA coordinates with non-participating local responders to provide written peer evaluations of the exercise. With the written evaluations, FEMA composes a final exercise report that is provided to the local community. The local community then can use this report to:

- ▶ Identify emergency response training needs.
- ▶ Make revisions to its HAZMAT annex.
- ▶ Identify equipment and resource needs.

b. The ultimate goal of CHER-CAP is to provide the community with a comprehensive review of the emergency management system, improve its emergency response capabilities to effectively mitigate HAZMAT incidents, and protect the public during actual emergencies. This is an excellent federal program; however, funds available to the State are approximately \$5,000 per year, only enough to help a few jurisdictions annually. Local governments should budget for HAZMAT exercises/drills as part of their periodic exercise schedule and not totally rely on this FEMA program for funding. For more information about the CHER-CAP exercise program, please call the FEMA HAZMAT staff at (817) 898-5331 or GDEM Training at (512) 424-2197.

## 2. State Sources

**Exercise Training Officers.** GDEM has two exercise-training officers (ETOs) on the staff to assist local jurisdictions with the evaluation of plans and procedures through the development, performance, and evaluation of emergency management exercises. Assistance for conducting HAZMAT exercises is included in the program. Additionally, ETOs teach a combined exercise design and evaluation course that is applicable to HAZMAT scenarios. ETOs should be first in line behind the GDEM Regional Liaison Officer in providing assistance in the exercise arena, so take advantage of this source. ETOs can be contacted by calling (512) 424-2196.

## 3. Industry Sources

**TRANSCAER & CAER.** As discussed in paragraph B3 above, the chemical industry is often willing to assist LEPCs and local governments in conducting exercises. They often invite the local governments to participate in periodic exercises. Participation can range from simply acting as a telephone response cell to participation on-scene using personnel and equipment. Contact your CAER or TRANSCAER industry point of contact for further details or call GDEM for a referral.

## **Part VII**



### **HAZMAT Response Options**

#### **A. Local Government Response to Hazardous Substance Incidents**

##### **1. General**

Both federal and state statutes indicate the person responsible for the spill must respond and remove the hazardous materials. Local governments, however, must be prepared to implement appropriate notification and response actions in order to save lives and property during a spill involving hazardous materials. The capabilities to do this vary greatly; however, state and federal resources are available to assist local governments.

##### **2. Local Response**

###### **a. Firefighters and HAZMAT Teams**

Most jurisdictions assign the responsibility of hazardous substance spills response to the local or district fire department. Proper training and equipment necessary for hazardous substance response is costly in manpower and dollars so capabilities vary considerably throughout the state. A cautionary approach is taught to emergency responders whereby they should recognize immediately whether their team has the proper training or protective equipment to handle the incident. Some jurisdictions have special HAZMAT teams that can respond to incidents where general firefighters cannot. The maintenance of these teams is costly and some cities like San Antonio have passed city ordinances which allow annual permit fees to be collected from businesses which use, store, transport, or generate hazardous materials in order to fund these specialty teams. State hazardous substance experts can be called in to provide supplemental technical advice to local responders upon request.

###### **b. Incident Command System (ICS)**

Under 29 CFR 1910, Hazardous Waste Operations and Emergency Response, OSHA requires the use of the Incident Command System (ICS) by all agencies responding to hazardous substance spills. Texas is not an 'OSHA State'; however, EPA's 40 CFR refers response actions and related worker safety and health to the OSHA 29 CFR 1910.120. State of Texas

requires the use of ICS in support of the National Incident Management System (NIMS). The designated or local senior emergency response official on-scene, trained in ICS, is usually designated the Incident Commander (IC). State and Federal On-Scene-Coordinators (OSC), if applicable, are expected to work within the Incident Command System at all such incidents and are considered to be resources for the IC. The state OSC, which could be a TCEQ, RRC, or GLO representative, will provide technical guidance to the incident commander if necessary or requested. The federal OSC, either from EPA or the U.S. Coast Guard, will also provide assistance as needed or requested.

### **c. HAZMAT Contractors**

Some jurisdictions have contracted with private industry for the provision of emergency response or remediation services at hazardous substance spill sites. If the jurisdiction is willing to bear the cost of these contracts, they should arrange for them prior to an incident, and incorporate these contracted services into the local emergency management plan.

The TCEQ maintains a contractor database of companies that have requested to be listed as providers of various HAZMAT services within Texas. Although they do not license, certify, recommend, or otherwise regulate these vendors, they can provide a list of contractors. Contact the Emergency Response Unit at (512) 239-2508 during normal business hours.

## **B. Reimbursement to Local Governments for Emergency Response to Hazardous Substance Incidents**

### **1. General**

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is required by section 105 of CERCLA of 1980, as amended by SARA of 1986, and by the Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA) of 1990. The NCP is applicable to response actions taken pursuant to the authorities of CERCLA and section 311 of the CWA, as amended.

Specifically, the NCP makes clear in 40 CFR Part 300.700 (Activities by Other Persons) “(b)(1) ...The Mechanisms available to recover the costs of response actions under CERCLA are, in summary: (1) Section 107(a) wherein any person may receive a court award of his or her response costs, plus interest, from the party or parties found liable;” (b)(4) “Section 123, wherein a general purpose unit of local government may apply to the Fund” (Oil Spill Liability Trust Fund – OSLTF) “under 40 CFR part 310 for reimbursement of the costs of temporary emergency measures that are necessary to prevent or mitigate injury to human health or the environment associated with a release,” (c)(1) “Responsible parties shall be liable for all response costs incurred by the United States government or a state or an Indian tribe not inconsistent with the NCP,” and (c)(2) “Responsible

parties shall be liable for necessary costs of response actions to releases of hazardous substances incurred by any other person consistent with the NCP.”

This language ensures that local governments can pursue payment for cost incurred in response to a hazardous material release where that response was necessary to protect public health or the environment.

Section 123 of CERCLA authorizes EPA to reimburse local governments for expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats. These measures must be necessary to prevent or mitigate injury to human health or the environment from a release or threatened release of a hazardous substance, pollutant, or contaminant.

This specific program is called **Local Governments Reimbursement (LGR) Program**. Through this program, EPA has reimbursed local government for releases from transportation accidents, dumped wastes, tire fires, and contamination from drug labs. Releases of oil or oil-related products are not covered, unless the oil is mixed with a hazardous substance.

## 2. Intent

The intent of the LGR program is to alleviate significant financial burden on a local government resulting from temporary emergency measures taken in response to hazardous substance, pollutant, or contaminant threats. Temporary emergency measures may include such activities as erecting security fences to limit access, responding to fires and explosions, and other actions that require immediate response at the local level. EPA will distribute the money to those applicants who demonstrate the greatest financial burden.

## 3. Who can request reimbursement?

Any general-purpose unit of local government that incurs costs in response to a release or threatened release of hazardous substances, pollutants, or contaminants may apply for reimbursement. Releases of oil or oil-related products are not covered, unless the oil is mixed with a hazardous substance. Reimbursement is available only to local governments (i.e., a county, city, or federally recognized Indian Tribe). Also, timely notification of incident must be reported to the National Response Center (NRC). After an incident, you must complete and submit a basic, four-page application and provide supporting documentation (e.g., receipts, invoices). You should submit an application within one year of completing the emergency response. CERCLA specifically limits reimbursement to \$25,000 per single response.

## 4. What costs are covered?

To be reimbursed, you must properly document your costs and certify that you do not have the money in your budget for these costs. EPA has reimbursed local governments for:

- Expendable materials and supplies.
- Renting or leasing equipment.
- Special technical and laboratory services.
- Evacuation services.
- Decontamination of equipment.
- Overtime pay for employees.
- Replacement of equipment lost or destroyed.

#### **5. Where can applications be obtained?**

For a Fact Sheet on this program, or to obtain an application for reimbursement, call the EPCRA hotline at (800) 424-9346.

### **C. State Assistance in Hazardous Substance Spills**

#### **1. Lead Agency**

The Texas Commission on Environmental Quality (TCEQ) is the State's lead agency in spill response to certain inland oil spills, all hazardous substance spills, and spills of other substances which may cause pollution. These spills must be reported to the Texas Environmental Hotline 800/832-8224. The staff of the TCEQ Emergency Response Team (ERT) is on-call 24-hours a day, 7 days per week, and 365 days per year to respond to spills, reports of pollution, environmental emergencies, citizens' complaints, and natural disasters.

#### **2. TCEQ Responsibilities**

When spills are reported, TCEQ staff responds immediately as appropriate to advise on response actions, to begin sampling, monitoring, surveying, and to determine if any of the State's natural resources have been injured. TCEQ personnel have expertise in technical areas such as the use of dispersants on oil spills, bioremediation, experiment design, incident command, other innovative technologies, alternate treatment methods, spill waste management, as well as surface, groundwater and air monitoring.

The activities of the TCEQ Emergency Response Team include:

- Spill reporting and response.
- Spill waste classification and management.



- Technical assistance, including coordination with TCEQ Regions, responsible parties, other state and federal agencies, and national/international entities.
- State-funded response actions.
- Coordination with damage assessment and restoration.
- Planning and development of the *State of Texas Oil and Hazardous Materials Spill Contingency Plan*; Annex Q of the *State of Texas Emergency Management Plan*; and site-specific contingency plans.
- Management of the TCEQ database known as the Consolidated Compliance Evaluation Data System (CCEDS).
- Coordination role in state superfund immediate removal actions.

### 3. TCEQ's Policy on Pursuing Payment for Clean-up Activities

The *responsible party* has the obligation to manage waste properly (including storage, treatment, transport, and disposal) and to report any spills. The responsible party is the owner or operator of a facility or vessel from which a spill occurs or any other person who suffers, causes, or allows a spill.

If the TCEQ has given a spiller (responsible party) *reasonable notice* to begin cleaning up a spill and the spiller fails to do so, the TCEQ may perform the cleanup and sue the spiller for *twice* the cost of cleaning up the spill. In addition, TCEQ may exact administrative penalties of up to \$10,000/day for not reporting and \$10,000/day for not responding and removing the spill. The responsible party's failure to report is also a Class A misdemeanor. Falsifying records or reports concerning a spill is a third degree felony.

The person responsible for the activity or facility from which a spill occurs is also responsible for the containment and cleanup of the spill. A spill becomes eligible for the Texas Spill Response Fund when: the responsible person is unknown, unwilling, or unable to respond to a spill; his/her response is inadequate; the federal government is not undertaking action to cleanup the spill; or, immediate action by the TCEQ is also appropriate when it is necessary to stabilize or contain a spill while the responsible person or the federal government prepares to respond.

When the State funds and conducts a cleanup, the State has cause of action and a right to recover costs whether or not expenditures have actually been made out of the Texas Spill Response Fund. A *cost recovery action*, which is *different from an administrative penalty*, can include:

- a. Expenditures out of the fund; and,
- b. Costs that would have been incurred or paid by the responsible person if the responsible person had fully carried out their requirement to respond, including:

reasonable costs of reasonable and necessary scientific studies to determine impacts of the spill on the environment and natural resources and to determine the manner in which to respond to spill impacts; costs of attorney services; out-of-pocket costs associated with State agency actions; reasonable costs incurred by the State in cleanup operations, including costs of personnel, equipment, and supplies and restoration of land and aquatic resources held in trust or owned by the State; and, costs of remediating injuries caused by reasonable cleanup activities.

## APPENDICES

APPENDIX A – Planning Principles and Perils: A Guide to Effective Planning

APPENDIX B – Hazardous Materials Planning Standards and Criteria

APPENDIX C – Sample LEPC Bylaws and Rules

APPENDIX D – Examples of LEPC Support/Funding Sources in Texas

APPENDIX E – Hazardous Materials Reporting Requirements in Texas

APPENDIX F – Computer Applications in Hazardous Chemical Emergency  
Management

APPENDIX G – Listing of Legislation, Regulations, Publications, and Other Materials

APPENDIX H – State Emergency Response Commission (SERC)

APPENDIX I – Statutory Authority and State Agency Responsibilities Related to  
Hazardous Materials

APPENDIX J – Local Emergency Planning Committee Membership Update Form

APPENDIX K – Hazardous Materials Courses Available Through GDEM

APPENDIX L – Contacts for Emergency Planning and Community Right-to-Know

APPENDIX M – Community Awareness and Outreach

APPENDIX N – National Response Plan

APPENDIX O – National Incident Management System (NIMS)

APPENDIX P – National Response System / National Oil and Hazardous Substances  
Pollution Contingency Plan (NCP)

# Appendix A

## Planning Principles and Perils: A Guide to Effective Planning

From *Emergency Planning: A Guide for Business and Industry*, by the Emergency Response Institute, with funding from the EPA.



### Planning Points and Emphasis:

Planning . . .

- Involves attempting to reduce the unknown in a problematical situation
- Aims at evoking appropriate actions
- Should be based on what is likely to happen
- Must be based on knowledge of actual problems and solutions, rather than myths and misconceptions
- Is a continuous process
- Should focus on principles rather than concrete details because specifics quickly become out of date
- Is partly an educational activity
- Always has to overcome resistance because it requires changes in thinking and establishes methods, as well as requiring money, time and effort



### Characteristics of a Good Plan:

It . . .

- Is simple
- Provides for accomplishing the mission
- Is flexible
- Is based on facts and solid assumptions

- Provides for continuity
- Provides for the use of existing resources
- Delegates authority while maintaining necessary control
- Provides a means of control
- Provides for the necessary organization
- Coordinates all elements of the response
- Establishes relationships and responsibilities.



### **Common Pitfalls in the Planning Process:**

- Lack of integration of emergency planning into the facility's total management system
- Lack of understanding about the different dimensions of emergency planning
- Managers not involved
- Top management inflexibility
- Top management expects immediate results from the planning process
- Confusing financial projects
- Planning responsibility wrongly placed in a separate department rather than coordinated through several departments
- Too much is attempted too soon
- Failure to operate by the planning process action plan
- Lack of broad input into the planning process
- Failure to see the big picture



## The Top Ten Common Weaknesses of Disaster Planning:

- No systematic collection of information
- No systematic dissemination of information
- No provision for establishing on-scene command or management
- Not able to achieve inter-organizational coordination
- Specific responsibilities are not described
- Incomplete hazard assessment and analysis
- The plan is not exercised
- No provision for updating or revising the plan
- No concern for the users of the plan
- Plan is not distributed to agencies involved



## Warning Signs of Insufficient Preparedness:

- A lack of urgency or priority about emergency planning among management and employees
- Confusion about roles and commitment to emergency planning
- Confusion about community roles and responsibilities regarding disaster planning
- A lack of a viable disaster plan that is part of the daily facility process

## Appendix B

### Hazardous Materials Planning Standards and Criteria



The following information is derived from state planning standards and criteria documents published by GDEM and are provided as a reference for developing Annex Q, Hazardous Materials Response and Recovery Plan. Sample plans and annexes are available through GDEM's Regional Liaison Officers (RLOs) and include the planning standards and criteria checklists, which should be used to evaluate the adequacy of planning materials.

**Planning Standards Checklist  
for Annex Q, Hazardous Materials Response & Recovery**

\_\_\_\_\_  
Jurisdiction

*Section/Paragraph*

**I. Authority & References**

Identifies those local, state, and federal legal authorities which provide a basis for carrying out actions detailed in this annex and pertinent references.

**II. Purpose**

Includes a mission or purpose statement that describes the reason for development of the annex.

**III. Explanation of Terms**

Includes a list of acronyms used in the annex and definitions of essential terms.

**IV. Situation & Assumptions**

- A. Includes a situation statement describing potential hazards and factors affecting emergency planning and response.
- B. Provides summary of the local capability to respond to hazmat incidents.
- C. Includes a list of assumptions used in planning.
- D. Identifies local regulated facilities and primary hazard(s) at such facilities.
- E. Identifies local transportation routes for hazardous materials, including any approved hazardous cargo routes.
- F. Identifies facilities (special facilities, population support facilities, and population concentrations) that may be vulnerable during a hazmat incident due to their proximity to regulated facilities or a hazmat transportation route.
- G. Includes a map showing the location of regulated facilities, hazmat transportation routes, and vulnerable facilities.



- H. Identifies evacuation routes from risk areas surrounding regulated facilities.
- I. Includes a format for receiving and disseminating essential information regarding a hazmat incident.

## **V. Concept of Operations**

- A. Describes the actions taken to mitigate a hazmat incident.
- B. Includes a hazmat incident classification scheme.
- C. Describes procedures for receiving timely reports of hazmat incidents.
- D. Describes methods for disseminating incident notification to local emergency response elements.
- E. Describes methods for determining the area of population affected by a hazmat release.
- F. Describes methods to determine appropriate protective actions for the public in the event of a hazmat incident.
- G. Describes procedures for warning the public of a hazmat incident and communicating appropriate protective actions.
- H. Describes obligations of the responsible party and of local government in the recovery from a significant hazmat incident.

## **VI. Organization & Assignment of Responsibilities**

- A. Designates and describes responsibilities of the community emergency coordinator required by the EPCRA.
- B. Outlines hazmat response actions to be carried out by local officials, departments, and agencies.
- C. Outlines response actions expected of regulated facilities and hazmat transporters.
- D. Outlines responsibilities of other hazmat incident responders.

## **VII. Direction and Control**

- A. Identifies by position the individual responsible for overall management of emergency planning and response activities.
- B. Identifies by position the individual(s) responsible for providing direction and control for the emergency response to hazmat incident.
- C. Describes the interface between the Incident Commander and the EOC.
- D. Identifies by position the individual(s) authorized to recommend large-scale evacuation.

### **VIII. Increased Readiness Actions**

Describes actions for increased readiness.

### **IX. Continuity of Operations**

Identifies lines of succession for each department head.

### **X. Administration & Support**

- A. Describes procedures for requesting assistance from the State.
- B. Describes local methods of communications during a hazmat incident.
- C. Identifies local hazmat response resources.
- D. Describes mutual aid, industry, and contractor resources which may be available for use during the response to a hazmat incident and who, by position, can activate or request those resources.
- E. Describes who is responsible for ensuring emergency responders receive specialized hazmat training and are equipped with personal protective equipment appropriate to their responsibilities in a hazmat incident.
- F. Describes methods and schedules for exercising the annex.

**XI. Annex Development and Maintenance**

A. Identifies by title the person responsible for maintaining and revising this annex.

B. Provides for a periodic review of this annex.

Review Date: \_\_\_\_\_

Annex Date: \_\_\_\_\_

Completed By: \_\_\_\_\_

RLO Review: \_\_\_\_\_

# Appendix C

## Sample LEPC Bylaws and Rules



### BYLAWS OF THE \_\_\_\_\_ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

#### ARTICLE I

#### NAME AND PURPOSE

**Section 1. Name.** The name of this organization shall be the \_\_\_\_\_ County Local Emergency Planning Committee, hereinafter referred to as the "LEPC".

**Section 2. Purpose.** The purpose of the LEPC shall be:

- A. To carry out for \_\_\_\_\_ County those responsibilities established for the LEPC by Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, the Emergency Planning and Community Right-to-Know Act, (EPCRA) and related regulations, including, but not limited to:
- (1) Assistance in developing, training and testing of (a) hazardous substances emergency response plan(s) for jurisdictions within \_\_\_\_\_ County.
  - (2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA.
  - (3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of EPCRA.
  - (4) Provision for public notification of committee activities.
- B. To implement such other and further related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission, (SERC), or the County Judge.

## ARTICLE II

### MEMBERSHIP

**Section 1.** Qualification. The organization shall consist of those members nominated by the County Judge and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be a resident of or conduct business in \_\_\_\_\_ County.

**Section 2.** Officers. Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes, and to otherwise accomplish the work of the committee.

**Section 3.** Terms of Office. The membership of the LEPC, once established, will be for a period of two years. Members may be selected to succeed themselves or to move to other positions on the LEPC. No term limits are established for this jurisdiction. The term of office shall be as provided in Article III, Section 3.

**Section 4.** Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. The Executive Committee may make suggestions for candidates to fill vacant positions to the County Judge who will make his or her recommendation to the SERC for approval.

**Section 5.** Duties. The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

**Section 6.** Meetings. There shall be at least twelve regular meetings of the committee per year. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The Chairperson must call a special meeting of the LEPC upon the written request of five members. The special committees shall meet as the work under their groupings proceeds.

**Section 7.** Quorum. The presence of thirty-three percent of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of three members shall constitute a quorum for the transaction of business.

## ARTICLE III

### OFFICERS

**Section 1.** Enumeration of Officers. The Officers of the LEPC shall be a Chairperson, Vice-Chairperson, and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

**Section 2.** Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson, Vice-Chairperson, and Secretary-Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by the majority of the members of the LEPC present and voting at the meeting.

**Section 3.** Term of Office. The term of the officers elected at the organizational meeting shall expire on December 31, \_\_\_\_\_. Thereafter, the term of the officers shall be for a period of two years.

**Section 4.** Chairperson. The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

**Section 5.** Vice-Chairperson. Upon resignation or death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

**Section 6.** Secretary-Treasurer. The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary-Treasurer in conjunction with the Information Coordinator shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

**Section 7.** Information Coordinator. The LEPC will appoint an Information Coordinator. The Coordinator shall process requests from the public for information under Section 324, including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees and the LEPC.

## ARTICLE IV

### COMMITTEES

**Section 1.** Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer and Chairpersons of the four Standing Committees as described below. The Information Coordinator shall serve as a non-voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

**Section 2.** Standing Committees. The following Standing Committees shall be established:

- A. Right-to-Know Committee. This Committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all record keeping and information dissemination procedures for the LEPC.
- B. Public Education and Information Committee. This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and public at large; all publicity of the LEPC; development of public education and information program.
- C. Hazardous Materials Facilities Liaison Committee. This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.
- D. Emergency Response and Resources Committee. This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law. This Committee shall review existing federal, state and local plans for the purpose of coordination with the LEPC planning process.

**Section 3.** Meetings. Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

**Section 4.** Chairperson of the Standing Committees. The Chairperson of the Standing Committees shall be nominated and elected by their respective Committees. Voting shall be conducted as provided in Article III, Section 2.

**Section 5.** Membership of Standing Committees. All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

**Section 6.** Ad Hoc Committees. The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the LEPC.

## ARTICLE V

### MISCELLANEOUS PROVISIONS

**Section 1.** Fiscal Year. The fiscal year shall be considered to run from October 1 to September 30.

**Section 2.** Indebtedness. All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary Treasurer.

**Section 3.** Approval of Bylaws. These bylaws shall become effective upon approval by a majority by those in attendance at the organizational meeting.

**Section 4.** Disqualification. Any member who is unable to attend a regular meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with five or more absences is subject to being disqualified at the request of the LEPC to the County Judge and the SERC.

## ARTICLE VI

### AMENDMENTS

**Section 1.** Amendments. These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting.

## ARTICLE VII

### RULES

EPCRA requires that the LEPC “shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.” The final rules are attached to these by-laws.



**Section 1. Adoption of Rules; Publication of Proposals.** The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption of by the LEPC. Publication shall be effected through posting of the proposed rule and a statement of basis and purpose on the public bulletin board located on the \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_, \_\_\_\_\_, Texas. (The proposed rule together with the statement of basis and purpose and here after referred to as “notice of proposed rule-making”.) Such notice of proposed rule making shall invite written public comment on any aspect of the proposed rule during the 10-day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rule making to interested local government officials, industries, and citizens.

**Section 2. Method of Initiating Proposed Rule-making.** Any member of the LEPC may recommend the initiation of proposed rule making. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves a proposed rule it shall thereafter proceed to publication as provided in the preceding section.

**Section 3. Method of Adopting Final Rules.** Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement, which responds to comments raised and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement of the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

**Section 4. Notice of Adoption.** Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPCs response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule. Nothing herein shall require a specific response to each and every comment received.

**Section 5. Emergency Rules.** In emergency circumstances, to be determined, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

## ARTICLE VIII

### PARLIAMENTARY AUTHORITY

**Section 1. Parliamentary Authority.** The rules contained in *Robert’s Rules of Order, Newly Revised*, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Attachment: \_\_\_\_\_ County LEPC Final Rules

\_\_\_\_\_  
COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

**FINAL RULES**

**I. Definitions**

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in the Title III of the Superfund Amendments and Reauthorization Act of 1986, PL 99-499, (the "Act") and regulations adopted in accordance therewith.

**II. Public Notification and General Participation**

A. The LEPC shall publish notice of all its meetings, and all subcommittee meetings, on the public bulletin board located on the \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_, \_\_\_\_\_, Texas, at least 72 hours prior to any such meeting. In emergencies, declared by the Chairperson and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72-hour notice may be waived in accordance with Section 3A(h) of the Texas Open Meetings Act (TOMA), Tex. Rev. Civ. Stat. Ann art. 6252-17.

B. All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where the TOMA permits otherwise. The Chairperson shall afford a reasonable period of time at the beginnings of each regular monthly meeting to accept oral public comments on any aspect of the LEPCs mission or functions.

C. Not less than once each calendar year, the Chairperson shall cause to be published in a newspaper of general circulation in \_\_\_\_\_ County a notice that written public comment is invited during a thirty-day period on any aspect of the LEPCs organization, membership, functions, planning process or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPCs statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated by the Chairperson to receive written comments.

The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to response to each and every comment received.

**III. LEPC Participation in the Planning Process**

A. The Texas Disaster Act of 1975, as amended, requires each local and inter-jurisdictional agency to prepare and keep current an emergency management

plan for its area. Additionally, in accordance with a Governor's Executive order, the mayor of each municipal corporation and the county judge of each county in the state are the designated Emergency Management Directors for each such political subdivision. In Texas, LEPCs are therefore not the primary entity responsible for the composition and maintenance of an emergency management plan.

- B.** The LEPC will strive to work with the local governments, which are responsible for the emergency management plans, which cover the areas of LEPC responsibility.
  - 1. The LEPC shall review such plans once a year or more frequently as changed circumstances in the community or at any facility may require. Their primary focus should be with those parts of the plan, which cover the following categories: warning, population protection, emergency public information, resource management, and HAZMAT response.
  - 2. The LEPC shall evaluate the need for resources necessary to develop and implement the emergency plan, and shall make recommendations with respect to additional resources that may be required.
- C.** The LEPC should maintain copies of current plans and annexes of each jurisdiction it serves.

#### **IV. Public Access to Information**

- A.** In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.
- B.** All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

### **C. Request for MSDS and Other Non-Confidential Information**

1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
3. If the Committee does not have in its possession the MSDS or other information requested in subsections C1 or C2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

### **D. Requests for Tier II Information**

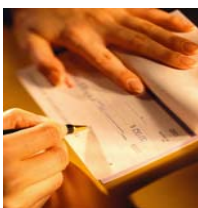
1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in subsection D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess threshold planning quantities.
3. If the request under subsection D1 of this section does not meet the requirements of subsection D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection D1 of this section includes a general statement of need.

### **V. Trade Secrets**

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentially or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as:

1. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret, and
2. The LEPC receives a written notice of such determination.

## Appendix D



### Examples of LEPC Support/Funding Sources in Texas

#### 1. Volunteers and Donated Services

Much of the LEPCs work can be accomplished with little or no funding. Committee members often donate time and other resources. Local businesses and agencies have also contributed their services. Some LEPCs have found that volunteers can be a great source of manpower. Senior citizens, for example, have the time to help and their knowledge and experience is invaluable. Prison honor inmates have also been enlisted in LEPC activities with good results.

#### 2. Funding from Local Government

Although LEPCs can accomplish much by using the resources already present in the community, there will still be a need for some funding. Some counties and municipalities have appropriated money from general revenues for this purpose. City governments may also want to consider the possibility of implementing inspection fees for facilities covered by hazardous material reporting requirements to assist with LEPC expenses.

#### 3. Grants

##### a. General

There are limited state and federal funds available to local emergency planners through grant programs. Authorized by the 1990 Hazardous Materials Transportation Uniform Safety Act, the Hazardous Materials Emergency Preparedness (HMEP) program provides approximately \$5 million a year nationally for emergency response planning and training at the local level. The U.S. Department of Transportation (DOT) administers this program. The funds come from a yearly registration fee required of transporters of hazardous materials in interstate, intrastate, and international commerce. The Texas share of this federal grant is administered by GDEM as the prime grantee. GDEM then provides the necessary training or sub-grant funds directly to LEPCs (checks actually go to a city or county fiscal agent).

##### b. Planning Grants

Certain sub-grant funds are available for emergency planning. The availability of these grants is announced yearly in letters to each LEPC chairperson and LEPCs must submit grant applications by stated deadlines. Don't let the name mislead you; LEPCs have used these planning grants for commodity flow studies, HAZMAT exercises, enhancement of Tier II databases, and various public outreach projects including the Wally Wise children's education/awareness program. Funding for this program is limited and not all applications for grants can be satisfied. For information about obtaining HMEP grant funds or assistance in grant writing, contact the GDEM Training Section at 512/424-5985.

#### **c. Other Federal Assistance**

**FEMA.** The Federal Emergency Management Agency (FEMA) also provides funds for local emergency management through its State and Local Assistance (SLA) program. For information about obtaining SLA grants, contact your local GDEM Regional Liaison Officer or the GDEM Support Services Section at 512/424-2448.

**EPA.** In June of 1996, EPA published a pamphlet entitled 'Chemical Safety for Your Community--Grant Products You Can Use' (EPA-550-K-96-001). They were mailed to all LEPCs and it can be a useful guide for innovative LEPC grant projects. Order additional copies from the EPCRA hotline.

#### **d. State Assistance**

The DSHS Hazard Communication Branch periodically allocates a portion of industry reporting and filing fees to provide grants to assist LEPCs in fulfilling their responsibilities under EPCRA, as funds are available. The Branch mails letters to each LEPC chairperson to announce the availability of such grants and to inform the LEPC of grant application deadlines. For information about LEPC grant funds, contact the DSHS Hazard Communication Branch at (512) 834-6603.

### **4. Supplemental Environmental Projects (SEPs)**

Once EPA has commenced an action against a facility for not submitting a Texas Tier II Chemical Inventory Report (Section 312) or emergency release notification (CERCLA Section 103/EPCRA Section 312), there is an alternative to simply imposing fines on the non-complying facility. Current federal enforcement policy authorizes consideration for mitigating the fines imposed if the offending facility agrees to perform a supplemental environmental project (SEP). Enforcement actions provide an opportunity for the facility to become actively involved in the local planning and response process and to assist the LEPCs in their activities. These agreements are an appropriate way to enforce EPCRA, since the SEPs can be arranged to aid in its implementation. State law authorizes the DSHS to use SEPs as well, but only in actions resulting from requests or complaints initiated by Texas LEPCs. Through the use of SEPs, facilities have:

- Provided emergency or computer equipment to the LEPC
- Provided training to local emergency or planning personnel
- Become active members in the LEPC
- Prepared compliance articles developed by the facility, which were reviewed by EPA Region VI for accuracy, and submitted to trade journals

## **5. Other Sources**

EPA has developed and published booklets titled *“Successful Practices in Title III Implementation”* that document successes and lessons learned from LEPCs all across the country. From New York to Hawaii, from Florida to Alaska, there are examples of what to do and what not to do when establishing an active LEPC. Contact your Region 6 EPA office for information on these publications.

There is no question that funds provided to the LEPC can be used for different purposes such as computer equipment, training, exercising, or response equipment. EPA Region 6 and the SERC is committed to supporting LEPCs by providing funding obtained through enforcement actions, Title III grants, assisting in getting DOT HMEP planning and training grants to LEPCs, assisting with 305(a) training grants for local officials, and providing DSHS grants.



## Appendix E



### Hazardous Materials Reporting Requirements in Texas

#### A. Emergency Preparedness Phase

##### 1. Identification of Facilities Subject to Special Planning Requirements

- a. **What?** Facilities must report that they are subject to the EPCRA emergency planning requirements if they have certain extremely hazardous substances (EHS) listed in 40 CFR 355. Also, facilities subject to special planning requirements must identify who will participate in the emergency planning process as the facility representative and facility emergency coordinator.
- b. **By Whom?** Any facility that produces, uses or stores any of the more than 356 EHSs in quantities greater than the threshold planning quantity (TPQ) listed in 40 CFR 355 at any time. Transportation vessels are exempt.
- c. **Why?** EPCRA Section 302, 40 CFR 355, and TCRAs
- d. **How?** Submit an emergency-planning letter (sample provided in Texas Tier II Instruction booklet).
- e. **To Whom?** The LEPC and the SERC (send to DSHS, Hazard Communication Branch. Call 800/452-2791 [Texas only] or 512/834-6603 for more information).
- f. **By When?** Within 60 days after a facility acquires EHSs in a quantity greater than the TPQ.

##### 2. Annual Chemical Inventory Reporting

###### a. What?

- (1) **EHSs** in quantities equal to or greater than the TPQs listed in 40 CFR 355, or 500 pounds, whichever is less.

(2) **Other hazardous chemicals** as defined by OSHA in the Hazard Communication Standard (29 CFR 1910.1200) as presenting a physical or health hazard present in quantities of 10,000 lbs. or more. No specific list of chemicals is cited, but chemicals are covered if the owner/operator must maintain an MSDS on the material under OSHA rules.

(3) **Note:** All Texas facility operators are required to provide hazardous chemical information at zero threshold quantities to a fire chief/marshal or representative of a LEPC, upon request.

b. **By Whom?** Private industry. In Texas, public entities are also subject to reporting. Certain substances are exempt from reporting. Refer to the Tier II Reporting Forms & Instruction booklet.

c. **Why?** Sections 311 & 312 of EPCRA; 40 CFR 370.20; TCRAs. All Texas facilities are subject to reporting by the TCRAs or EPCRA. Since the TCRAs are more stringent than Section 311 & 312 of EPCRA, compliance with TCRAs will meet the compliance requirements of these two sections of the federal law.

d. **How?** Section 311 - A facility should complete a Texas Tier II form for submission as their EPCRA Section 311 Chemical List Inventory (for first time and update filings). MSDSs for specific substances should only be submitted upon request of the LEPC, the fire department, or DSHS.

Section 312 - A facility should complete a Texas Tier II form for submission, along with a filing fee, as their EPCRA Section 312 Emergency and Hazardous Chemical Inventory (at the end of the calendar year).

e. **To Whom?** They will send the original Tier II report and fee to the SERC (send to DSHS) with copies to the LEPC and to the local fire department having jurisdiction over the facility. Contact the DSHS Hazard Communication Branch, 800/452-2791 (Texas only) or 512/834-6603.

f. **By When?** According to Section 311, within 90 days of acquiring new hazardous chemicals. According to Section 312, by March 1 of each year for the preceding calendar year. Changes must be submitted within 60 days.

### 3. Yearly Toxic Chemical Release Reporting

a. **What?** Facilities must complete a Toxic Chemical Release Inventory Form R with estimates of releases of specifically cited toxic chemicals, which enter the environment.

b. **By Whom?** Manufacturers (SIC Codes 20-39) which make, process, import or otherwise use a listed toxic chemical in excess of specified quantities and have 10 or more full-time employees. Toxics are chemicals, which have chronic or long-term adverse effects on human health. Quantities are 25,000

lbs. over a year for usage in the direct processing or manufacturing. The threshold is 10,000 lbs. over a year for substances used in other than direct processing or manufacturing.

- c. **Why?** Section 313 of EPCRA; 40 CFR 372
- d. **How?** File a Form R, available from EPA Region 6, phone 214/665-8013, and TCEQ, phone 512/239-3100.
- e. **To Whom?** EPA National Headquarters and the TCEQ
- f. **By When?** By July 1 of each year, reporting on emissions and usage for the preceding year.

## **B. Emergency Response Phase**

### **1. Reportable Spills or Release Reporting by Facilities or Transporters**

- a. **What?** Make notification of any release of an EHS listed in 40 CFR 355 or a hazardous substance listed in 40 CFR 302 which meets or exceeds the threshold reportable quantity (RQ). The owner/operator shall immediately provide the information shown in Figure 1.
- b. **By Whom?**
  - (1) **For Fixed Facilities.** Applies to any facility that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 356 EHSs and CERCLA 302(a) hazardous substances.
  - (2) **For Transportation Accidents.** The carrier that releases a listed hazardous substance that exceeds the RQ for that substance. This applies to the list of 356 EHSs and CERCLA 302(a) hazardous substances.
- c. **Why?** Section 304 of EPCRA; 40 CFR 355; CERCLA 40 CFR 302; 30 & 37 TAC.
- d. **To Whom?** The facility must report to:
  - (1) The 24-hour emergency phone number designated by the LEPC
  - (2) The SERC at its emergency response number (Toll free 800/832-8224 within Texas)
  - (3) The National Response Center (NRC) at 800/424-8802.

Copies of written follow-up reports must go to the LEPC and the TCEQ representative to the SERC.

**Note:** Keep in mind that Texas reporting requirements for releases of hazardous substances are more stringent than federal requirements; see paragraph 3.

In addition to any local, state, and federal notifications required, transportation carriers who spill hazardous substances on public roads or railroads must report in writing all items in Figure 1 to the Texas Dept. of Public Safety, Motor Carrier Compliance Audit Section, P.O. Box 4087, Austin, TX 78773-0001

**e. By When?**

(1) **Fixed Facilities** must make notifications as soon as they ascertain that a spill or release exceeds the RQ for a substance covered by the law. Follow-up notifications must be made as soon as practical after the release.

(2) **Transportation Carriers** must report to the DPS Motor Carrier Compliance Audit Section within 10 days. A "Hazardous Material Release Report" form is available (see Figure 1)

**f. How Made?** Initial notifications should be made by phone. If the release occurs from a fixed facility, all three agencies listed under Section 2a. 4) a) above, must be notified. If the release is transportation related, then a call to 911 or the telephone operator will suffice for LEPC and SERC notification requirements. A written report to the DPS Motor Carrier Compliance Audit Section is still required. The NRC must still be notified by the owner/operator.

**2. Determining What Spills Are Reportable in Texas**

**a. Extremely Hazardous Substances.** The reportable quantity (RQ) shall be:

- (1) For spills onto land - the quantity designated as the Final Reportable RQ in 40 CFR 355; or
- (2) For spills into waters in the state - the quantity designated as the RQ in 40 CFR 355, except where the RQ is greater than 100 lbs. in which case the reporting level shall be 100 lbs.

**b. Hazardous Substances.** The RQ shall be:

- (1) For spills onto land - the quantity designated as the Final Reportable RQ in Table 302.4 in 40 CFR 302.4; or

- (2) For spills into waters in the state - the quantity designated as the RQ in Table 302.4 in 40 CFR 302.4, except where the RQ is greater than 100 lbs. in which case the reporting level shall be 100 lbs.

**c. Oil, Petroleum Product, and Used Oil.**

- (1) The RQ for crude oil and oil other than that defined as petroleum product or used oil shall be:
  - (a) For spills onto land - 210 gal. (5 barrels); or
  - (b) For spills directly into water in the state - a quantity sufficient to create a sheen.
- (2) The RQ for petroleum products and used oil shall be:
  - (a) Except as noted in paragraph a.2) above, for spills onto land - 25 gallons;
  - (b) For spills to land from Petroleum Storage Tank exempted facilities - 210 gallons; or
  - (c) For spills directly into water in the state - a quantity sufficient to create a sheen.

**d. Industrial Solid Waste or Other Substance.** The RQ for spills into water in the state shall be 100 lbs.

**e. Other Reportable Incidents**

- (1) All blowouts and/or fires associated with oil, gas, and geothermal activities.
- (2) Any accidental release of hydrogen sulfide gas of sufficient volume to present a hazard and of any hydrogen sulfide related accident. Any injury, death, property damage from gas pipelines (\$5,000) or hazardous liquid pipelines (\$50,000) or other significant incident.
- (3) Written reporting requirements for spills over 5 barrels of crude oil by operators regulated by the RRC are required by the Texas Natural Resources Code; contact the appropriate district office.

FIGURE 1

**HAZARDOUS MATERIAL RELEASE REPORT**

In compliance with Texas Government Code 411.018, carriers involved in transportation of incidents involving releases of reportable quantities of hazardous materials on public roads or railroads shall, within 10 days, report in writing to the Texas Department of Public Safety, Motor Carrier Compliance Audit Section, P.O. Box 4087, Austin, Texas 78773-0001.

The following information is required:

1. Date: \_\_\_\_\_ Time: \_\_\_\_\_
2. Exact Location: \_\_\_\_\_
3. Carrier: \_\_\_\_\_  
Address: \_\_\_\_\_
4. Driver, conductor or responsible party: \_\_\_\_\_
5. Owner of material: \_\_\_\_\_
6. Origin: \_\_\_\_\_ Destination: \_\_\_\_\_
7. Description of material: Manifest #: \_\_\_\_\_  
HM # (UN or NA) \_\_\_\_\_ Hazard Class: \_\_\_\_\_  
Proper shipping name: \_\_\_\_\_  
Placard or label: \_\_\_\_\_ Total quantity: \_\_\_\_\_  
Estimated Quantity spilled: \_\_\_\_\_
8. Type of accident or incident (leak, explosion, fire, collision, etc.) \_\_\_\_\_
9. Investigative/response agency (Police Dept., Fire Dept., etc.) \_\_\_\_\_
10. Type vehicle (van, tank, float, etc.) \_\_\_\_\_
11. Registration of vehicle if applicable: Lic #: \_\_\_\_\_  
Make of vehicle: \_\_\_\_\_ VIN #: \_\_\_\_\_
12. Disposition of material: \_\_\_\_\_
13. Injuries or fatalities: \_\_\_\_\_
14. Other pertinent information: \_\_\_\_\_
15. Summary of incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
16. Name and signature of person reporting: \_\_\_\_\_

## Appendix F



### Computer Applications in Hazardous Chemical Emergency Management

#### A. Software

##### 1. General

LEPCs, emergency planners, and responders at the local level have a variety of computer programs and communications means available which can enhance efforts to build a comprehensive emergency plan, improve response capabilities, and increase the understanding of current EPCRA issues. The following provides an overview of several computer programs and how they may be used in emergency management or by LEPCs. Most of the programs are expensive but the first three are either free or can be purchased by even the most budget conscience LEPC. The computer Internet sources will only cost you telephone charges once you obtain access to the appropriately equipped computer.

If your LEPC has the funding to purchase computer equipment it is highly advisable to check the minimum hardware/software requirements for use of the following programs. Remember the requirements are minimums only – faster computers are now readily available and high capacity hard drive storage is now much cheaper to acquire. Use of mapping software will require larger amounts of disk storage capacity.

##### 2. CAMEO

CAMEO ® is a downloadable software application widely used to plan for and respond to chemical emergencies. It is one of the tools developed by the EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) and the National Oceanic and Atmospheric Administration Office of Response and Restoration (NOAA), to assist front-line chemical emergency planners and responders. The software is available in Macintosh or Windows formats.

CAMEO allows planners and responders to access, store, and evaluate information critical for developing emergency plans. Using CAMEO, responders can quickly obtain information about a given chemical and guidelines for dealing with it safely. They can predict the area downwind from the release of a chemical where hazardous concentrations may reach dangerous levels. They can also access

electronic maps to view the extent of an affected area, search for vulnerable locations, and plan their response. The CAMEO system, essentially, integrates a chemical database and a method to manage the data, an air dispersion model, and a mapping capability.

The latest version of this software is available for download at the EPA CEPPPO website: <http://www.epa.gov/ceppo/cameo/request.htm>. For users new to CAMEO, the Arizona Emergency Response Commission has released an April 2005 *CAMEO Companion*, designed to provide written help resource for all CAMEO Suite users. This software is especially designed for the occasional user whose skills in use of the program have faded due to infrequent use of the program. The CAMEO Companion may be downloaded as a Portable Document Format (PDF) at: <http://www.dem.state.az.us/azserc/leprespondertool.htm>.

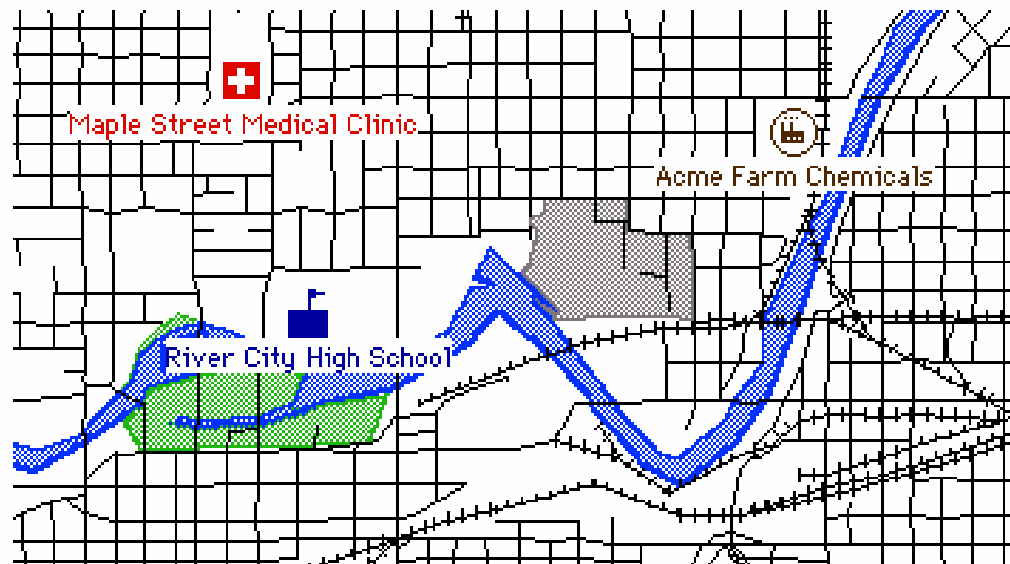
### ***About CAMEO's Main Components***

- a. **CAMEO** is a collection of applications and databases, jointly developed by NOAA and the Environmental Protection Agency to help emergency planners and responders plan for, and safely handle, chemical accidents. Here is a system overview. It includes:
  - A chemical database module containing response-related chemical information and Federal regulatory information on about 4,000 hazardous chemicals.
  - It also contains 60,000 chemical synonyms and identification numbers, which can quickly be searched so that unknown substances can be identified during an incident.
  - Once a chemical is identified, the module provides fire fighting, physical property, health hazards, first aid guidance, and spill response recommendations.
  - Chemical databases with screens similar to MSDSs are available for printout.
  - Databases for all facility information reported under SARA requirements, transporters of chemicals, resources, emergency contacts, populations at risk and more.
  - A mapping capability (MARPLOT) and plume dispersion modeling capability (ALOHA)
  - Upgrades may be executed from CAMEO DOS to Windows to bring chemical, facility, location, resource, and population databases to the Windows format.



b. **MARPLOT** (Version 3.3.1 – March 2004) is a downloadable electronic mapping application based upon Census 2000 figures now included in the CAMEO system, which allows:

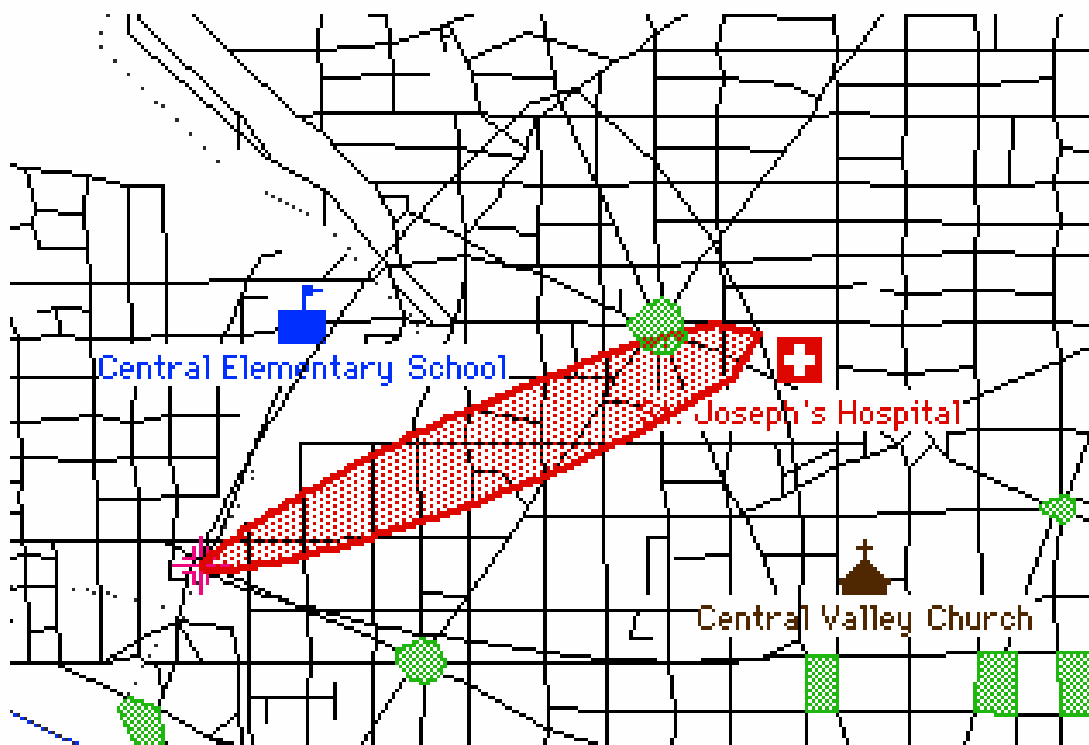
- Quick and flexible manipulation of U.S. Bureau of the Census TIGER/Line digital map files.
- The displaying of an ALOHA footprint on an electronic map of the local area.
- Users to add information to MARPLOT maps, such as the locations of facilities storing hazardous materials and populations of special concern (these could be hospitals, daycare centers, and schools). More information about these locations (such as addresses and phone numbers for emergency contacts) can be kept in other CAMEO databases.
- Using MARPLOT's search feature, users can quickly access and view this information, so that they can assess the degree of hazard posed by an incident and decide how to respond to it.
- The maps include street, street names, water features, places, and railroads.
- Editing capabilities are built into the program to allow the user to change street names, and add new streets. The Marplot map files may also be used in LandView5 which is available on CD-ROM by state or DVD-ROM for LandView6 for the entire U.S.



Sample of MARPLOT mapping

c. **ALOHA** is a downloadable application designed for emergency planning and response personnel to be used within CAMEO, to predict how a hazardous gas could move and spread if it is released into the atmosphere. It also includes the capability of:

- Producing graphical outputs that include estimates of the cloud footprint (representing the area where hazardous gas concentrations may reach a level of concern)
- Generating the rate and duration of release of the chemical to the atmosphere, and chemical concentration over time at locations of particular concern.



Sample of ALOHA Plume Dispersion Model

ALOHA software is included as a module within the CAMEO program mentioned above.

### 3. TIER II (Version 5.0)

This program allows companies that are required to report hazardous materials inventories to complete the Tier II Form on a 386 (or higher) computer and submit the records electronically to the local fire station, LEPC, and the state Tier II agency (DSHS). DSHS does accept Texas Tier II reports via electronic filing using Tier II software if a completed Electronic Filing Cover Sheet form accompanies it. For a copy of this form, contact the DSHS Hazard Communication Branch, (800) 452-2791 (Texas only) or (512) 834-6603. Facilities should check with their local LEPC and

fire department to see if they also accept these electronic files. This user-friendly program is free to any user and takes less than 1.4 MB of space on the user's computer. Facilities may update records (dBase format) from previous reports and send the revised records in a timely manner. The LEPC may use this program to retrieve Tier II records from many facilities and combine the files into one set of records. Files from Tier II may be "imported" into CAMEO. Call the EPA EPCRA Hotline at (800)424-9346 for more information.

#### **4. Chemical Reactivity Worksheet**

The Chemical Reactivity Worksheet is a free program developed by the CAMEO Team to find out about the reactivity of substances or mixtures of substances (reactivity is the tendency of substances to undergo chemical change). It includes:

- A database of reactivity information for more than 4,000 common hazardous chemicals. The database includes information about the special hazards of each chemical and about whether a chemical reacts with air, water, or other materials.
- A way for you to virtually "mix" chemicals—for example, the chemicals in derailed tank cars--to find out what dangers could arise from accidental mixing.

To get the Chemical Reactivity Worksheet, download a Windows or Macintosh version from the web site listed in Figure 2.

#### **5. LandView 5 and 6**

LandView 5 is an evolving community right-to-know software tool in the format of an electronic atlas, with both geographic and tabular information from selected EPA databases and the Census Bureau. Published originally on CD-ROM, it is now available by state. Like the CD-ROM version of the software, a new LandView6 is available on DVD-ROM for the entire U.S.

#### **6. ArcView2 and MapInfo**

True Windows geographic information system applications that are easy to use and allow for importing not only geographic point location files, but also photographs, satellite images, and layers of data exported from more powerful workstation programs. Extensive commercial data files and maps are available from a variety of vendors.

### **B. Internet**

As time passes, more and more government and private sector agencies maintain helpful and current home page sites on the Internet. For example, EPA's CEPPO has a home page that offers general information about CEPPO, EPCRA, risk management planning requirements of the Clean Air Act, as well as publication, regulations, databases, and software downloads. GDEM also has a home page that provides current staffing, functions, and other pertinent information. Due to constant

changes in Internet sites, Figure 1 is not presented as all-inclusive; however it does provide LEPCs a sampling of useful contact locations.

Agency	Internet Site	Internet Address
TX DPS/GDEM	Governor's Division of Emergency Management home page	<a href="http://www.txdps.state.tx.us/dem">http://www.txdps.state.tx.us/dem</a>
TCEQ	home page	<a href="http://www.tceq.state.tx.us">http://www.tceq.state.tx.us</a>
GLO	home page	<a href="http://www.glo.state.tx.us">http://www.glo.state.tx.us</a>
DSHS	home page	<a href="http://www.dshs.state.tx.us">http://www.dshs.state.tx.us</a>
EPA/CEPPO	home page	<a href="http://www.epa.gov/ceppo">http://www.epa.gov/ceppo</a>
EPA	CAMEO	<a href="http://www.epa.gov/ceppo/cameo">http://www.epa.gov/ceppo/cameo</a>
EPA HQ	home page	<a href="http://www.epa.gov">http://www.epa.gov</a>
CSB	U.S. Chemical Safety & Hazard Investigation Board	<a href="http://www.csb.gov">http://www.csb.gov</a>
FEMA	HMEP Grant	<a href="http://hazmat.dot.gov/training/state/hmep/hmep.htm">http://hazmat.dot.gov/training/state/hmep/hmep.htm</a>
FEMA	EMPG Grant	<a href="http://www.fema.gov/preparedness/empg.shtm">http://www.fema.gov/preparedness/empg.shtm</a>
DOT	Hazmat	<a href="http://hazmat.dot.gov">http://hazmat.dot.gov</a>
OSHA	Worker Health	<a href="http://osha.gov">http://osha.gov</a>
NIOSH	Emergency Response Resources	<a href="http://www.cdc.gov/niosh/topics/emres/default.html">http://www.cdc.gov/niosh/topics/emres/default.html</a>
NOAA	Homepage	<a href="http://response.restoration.noaa.gov">http://response.restoration.noaa.gov</a>
NOAA	Chemical Reactivity	<a href="http://response.restoration.noaa.gov/chemaids/react.html">http://response.restoration.noaa.gov/chemaids/react.html</a>

Figure 2: Examples of Some State & Federal Internet Sites

## Appendix G



### ***Listings of Legislation, Regulations, Publications and Other Materials***

#### **Legislation and Regulation**

Since the Local Emergency Planning Committee (LEPC) *A Primer for Local Planning for Hazardous Materials* was originally issued, many of the reference materials cited in the document have either been withdrawn by the issuing agency or superseded by later editions. In addition, much of the agency contact information has changed and in many cases been superseded by substitution of website information. The following are a list of internet sites for accessing the laws and regulations in this Appendix:

United States Code (laws)	<a href="http://uscode.house.gov/search/criteria.php">http://uscode.house.gov/search/criteria.php</a>
Code of Federal Regulations	<a href="http://www.gpoaccess.gov/cfr/index.html">http://www.gpoaccess.gov/cfr/index.html</a>
Texas Laws (statutes)	<a href="http://www.capitol.state.tx.us/statutes/statutes.html">http://www.capitol.state.tx.us/statutes/statutes.html</a>
Texas Administrative Code (Regulations)	<a href="http://www.sos.state.tx.us/tac/index.html">http://www.sos.state.tx.us/tac/index.html</a>

#### **1. FEDERAL**

- a. Emergency Planning and Community Right-to-Know Act of 1986, PL99-499 (as amended)
  - Also known as Title III of SARA, EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards.
- b. Comprehensive Environmental Response Compensation Liability Act (CERCLA) of 1980, PL96-510
  - CERCLA (pronounced SIR-cla) provides a Federal “Superfund” to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into

the environment. Through the Act, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

- c. Occupational Safety and Health Administration Standards, 29 CFR, Part 1910.120
  - This section covers hazardous waste operations and emergency response at locations such as treatment, storage, disposal, facilities and emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.
- d. Clean Water/Federal Water Pollution Control Act, PL95-2F1 (as amended)
  - The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, which set the basic structure for regulating discharges of pollutants to waters of the United States.
- e. Hazardous Materials Transportation Act of 1975, PL93-633 (as amended)
  - The objective of the HMTA is to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce."
- f. Oil Pollution Act of 1990
  - The Oil Pollution Act (OPA) of 1990 streamlined and strengthened EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and vessels to submit to the Federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. The OPA also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.
- g. Clean Air Act of 1990 (as amended)
  - The Clean Air Act is the comprehensive Federal law that regulates air emissions from area, stationary, and mobile sources. This law authorizes the U.S. Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment.

h. Toxic Substance Control Act (TSCA) of 1976

- The Toxic Substances Control Act was enacted by Congress to test, regulate, and screen all chemicals produced or imported into the United States. Many thousands of chemicals and their compounds are developed each year with unknown toxic or dangerous characteristics. To prevent tragic consequences, TSCA requires that any chemical that reaches the consumer marketplace be tested for possible toxic effects prior to commercial manufacture.

i. Resource Compensation and Recovery Act (RCRA) of 1976

- RCRA (pronounced "rick-rah") gave EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous wastes.

j. Pollution Prevention Act

- The Pollution Prevention Act focused industry, government, and public attention on reducing the amount of pollution through cost-effective changes in production, operation, and raw materials use. Opportunities for source reduction are often not realized because of existing regulations, and the industrial resources required for compliance, focus on treatment and disposal. Source reduction is fundamentally different and more desirable than waste management or pollution control.

k. Hazardous Materials Transportation Uniform Safety Act of 1990, PL 101-615

- The Act gave the authority to establish federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce. Established the Hazardous Materials Emergency Preparedness (HMEP) grants program to provide financial and technical assistance, as well as, national direction and guidance to enhance state, Territorial, Tribal, and local hazardous materials emergency planning and training. The program distributes fees collected from certain shippers and carriers of hazardous materials to emergency responders for HazMat training and to LEPCs for HazMat planning.

l. Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288 (as amended)

- This Act provides authority for the Federal government to assist state and local governments in carrying out their activities to alleviate the suffering and damage resulting from disasters.

m. Accidental Release Prevention Requirements: Risk Management Programs, 40 CFR, Part 68, Section 112 r 7

- EPA's regulation to prevent accidental releases of regulated substances and reduces the severity of those releases that do occur.

## 2. STATE

a. Texas Disaster Act of 1975 (Emergency Management), Government Code, Title 4, Chapter 418, and Vernon Supp. 1990

- This law gives the Governor the authority to issue disaster declarations, which gives the Governor special powers to deal with such disasters.

b. Solid Waste, Toxic Chemicals, Sewage, Litter, and Water (TCEQ Authorities), Health & Safety Code, Chapter 361

- This law is intended to provide a safeguard to the health, welfare, and physical property of the people and to protect the environment by controlling the management of solid waste, including, accounting for hazardous waste that is generated.

c. Texas Clean Air Act, Health & Safety Code, Chapter 382

- This law is intended to safeguard the state's air resources from pollution by controlling or abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property, including the esthetic enjoyment of air resources by the public and the maintenance of adequate visibility.
- It is intended that this law be vigorously enforced and that violations of this law or any rule or order of the Texas Commission on Environmental Quality result in expeditious initiation of enforcement actions as provided by this law.

d. Texas Community Right-to-Know Acts, Health & Safety Code, Chapters 505-507

- This law is to ensure that accessibility to information regarding hazardous chemicals is provided to: (1) fire departments responsible for dealing with chemical hazards during an emergency; (2) local emergency planning committees and other emergency planning organizations; and (3) the director to make the information available to the public through specific procedures.

e. Texas Hazard Communication Act (Worker Right-to-Know), Health & Safety Code, Chapter 502



- This law is to assure that employers provide information regarding hazardous chemicals in the workplace to employees who may be exposed to those chemicals in their workplace.
- f. Accidental Discharges and Spills, Texas Water Code, Chapter 26.039 and Subchapter G
  - This law states, whenever an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the commission as soon as possible and not later than 24 hours after the occurrence.
- g. Oil Spill Prevention & Response Act, Natural Resources Code, Chapter 40
  - This law is to exercise the police power of the state to protect its coastal waters and adjacent shorelines from oil spills through prevention and response by conferring upon the Commissioner of the General Land Office certain authorities and powers.
- h. Spill Prevention and Control, Texas Administrative Code, Title 30, Chapter 327
  - This law applies to discharges or spills that result in a release to the environment within the territorial limits of the State of Texas, including the coastal waters of this state.

### **3. REGIONAL AND/OR LOCAL**

Local and/or regional laws and ordinances pertaining to hazardous material response and/or planning passed by the city or the county and must be identified by local LEPCs.

## **B. Publications and Other Materials**

### **1. GENERAL**

There are many sources of references for the SARA Title III program. Section 2 below, provides a listing of references and also notes where the references can be obtained.

### **2. LISTING OF REFERENCES**

The references noted below are a small portion of materials that are available from various private and/or government sources. This list was developed from

listings published by the U.S. DOT, EPA, and FEMA. The LEPC needs to develop its own listing of publications, documents, audio-visual materials, etc. that it has available or intends to put in its library.

STATE PUBLISHED DOCUMENTS AVAILABLE

Reference (if any)	Title	Ref. Date	Published by	Ref. Location
---	State of TX Emergency Mgmt. Plan	2004	DPS	GDEM/EMCs
DEM -10	Local Emergency Mgt. Plan Development Handbook	2004	DPS	GDEM/EMCs
---	Sample Plan Annexes	2006	DPS	GDEM/RLOs
---	Texas Tier II Instructions	annual	DSHS	LEPC/Facility
---	SERC Grant Application	annual	DPS	GDEM
DEM - 27	Training Calendar	annual	DPS	GDEM

FEDERALLY PUBLISHED DOCUMENTS AVAILABLE

Reference (if any)	Title	Ref. Date	Published by	Ref. Location
EPA 230	Risk Communication About Chemicals in Your Community (for local officials)	1989	U.S. EPA	GDEM/LEPC
NRT - 1	HAZMAT Emergency Planning Guide	2001	NRT / FEMA	GDEM/LEPC
NRT - 2	Developing a HAZMAT Exercise Program	1990	NRT / FEMA	GDEM/LEPC
---	Preparedness for HAZMAT Emergency in Rail yards	1991	FEMA	GDEM/LEPC
550-B-96-015	Title III List of Lists	annual	U.S. EPA	EPA Region 6
SLG-101	Guide for All-Hazard Emergency Operations Planning	1996	FEMA	State/Local Gov't
5-0167	Evaluating the Comfort, Fit, function & Integrity of Chemical Suits	1991	FEMA	GDEM
5-0168	Physiologic Field Evaluation of Hazardous Materials Protective Ensembles	1991	FEMA	GDEM
5-0169	Field Evaluation of Chemical Protective Suits	1991	FEMA	GDEM
8-0701	Long-Term Problems of Land Contaminated by Nonradioactive Hazardous Chemicals: Sources, Impacts & Countermeasures	1988	FEMA	GDEM

8-0899	Developing A Hazardous Materials Exercise Program: A Handbook For State & Local Officials	1990	FEMA	GDEM
8-0952	Simulation Techniques for Hazardous Material Exercises	1991	FEMA	GDEM
8-0990	Hazardous Material Exercise Evaluation Methodology: Evaluation Forms	1992	FEMA	GDEM
8-0991	Hazardous Material Exercise Evaluation Methodology: Manual	1992	FEMA	GDEM
---	Guidelines for HazMat/WMD Response, Planning, and Prevention Training	2003	FEMA	---

## FEMA Independent Study Program (ISP)

Title	Course ID
An Introduction to Hazardous Materials	IS-5.A
Household Hazardous Materials – A Guide for Citizens	IS-55
Introduction to Incident Command System (ICS)	IS-100
An Orientation to Community Disaster Exercises	IS-120
Exercise Design (Professional Development Series)	IS-139
ICS For Single Resources & Initial Action Incidents	IS-200
Principles of Emergency Management (Professional Development Series)	IS-230
Emergency Planning	IS-235
The EOC's Role in Community Preparedness, Response, and Recovery Activities	IS-275
Hazardous Materials Prevention	IS-340
An Orientation to Hazardous Materials for Medical Personnel	IS-346
National Incident Management System (NIMS)	IS-700
National Response Plan (NRP): An Introduction	IS-800

NOTE: The Independent Study Program (ISP) is a distance learning program offered free of charge to the American public. It serves as both an alternate means to deliver valuable training to the professional and volunteer emergency management community, and an opportunity to improve public awareness and promote disaster preparedness nationally. Each year, the ISP staff issues more than 1,000,000 individual course completion certificates.

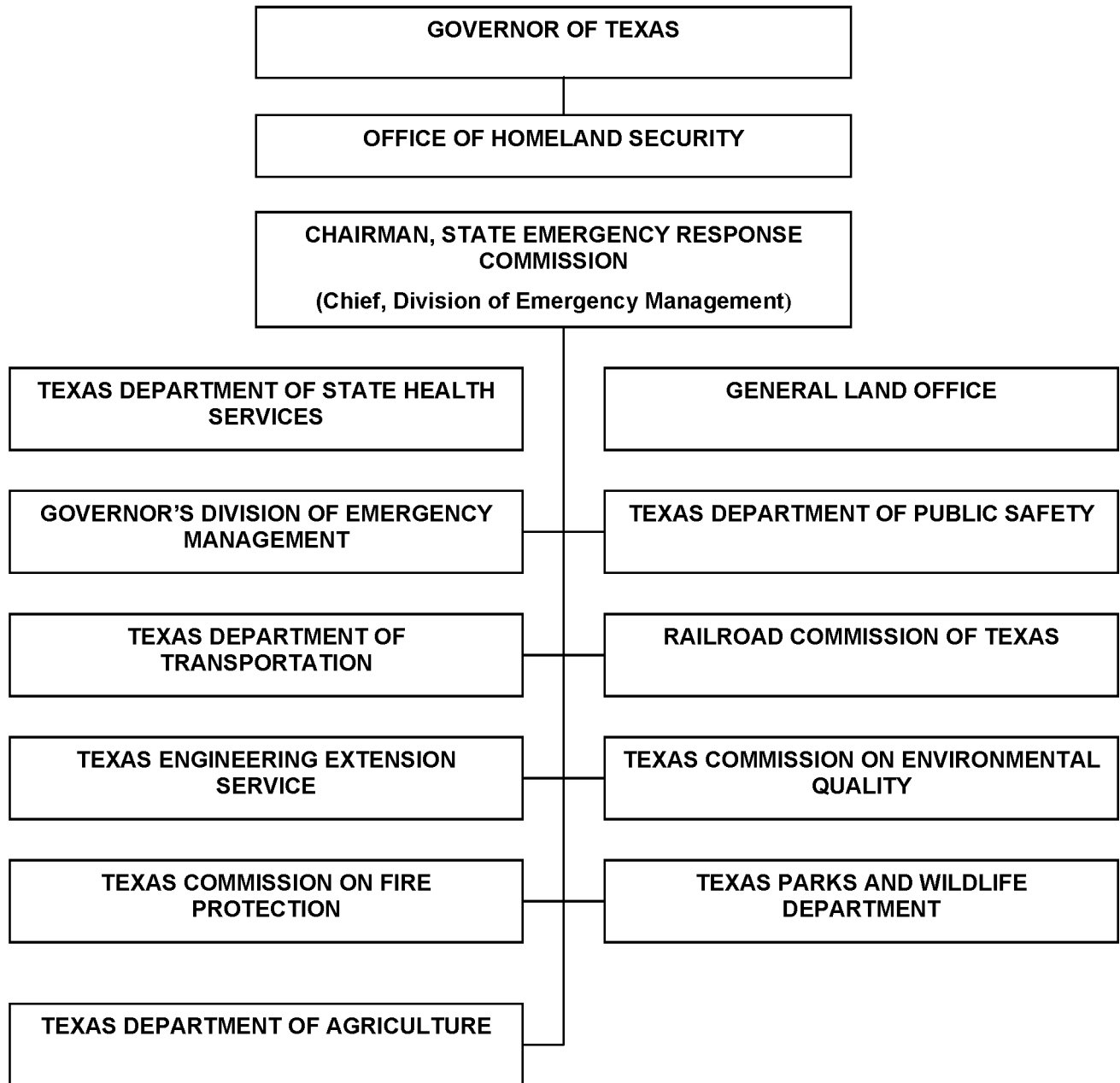
### **How to Get Started**

The fastest way to begin taking courses is to visit the FEMA website. You can learn about each course, download materials, and submit your final exams all from the convenience of your home or office. It's as easy as 1, 2, 3.

1. Go to the website at [www.training.fema.gov/EMIWeb/IS/](http://www.training.fema.gov/EMIWeb/IS/)
2. Click on "Our Courses" on the left-hand side of the page
3. Choose a course, and click on it.

## Appendix H

### State Emergency Response Commission (SERC)



AUTHORITY: EXECUTIVE ORDER OF THE GOVERNOR

## APPENDIX I

### Statutory Authority and State Agency Responsibilities Related to Hazardous Materials

#### General

In compliance with Title III of the federal government's 1986 Superfund Amendment and Reauthorization Act (the Emergency Planning and Community Right-to-Know Act (EPCRA)), the Governor designated the members of the State Emergency Management Council as the State Emergency Response Commission (SERC). By law, the Director of the Department of Public Safety (DPS) is the Director of the State Emergency Management Council. The Texas Commission on Environmental Quality was designated as the lead agency for hazardous material spill incidents; the Texas Department of State Health Services is responsible for receipt and documentation of information on chemical inventories and for developing procedures to provide and interpret the information for end users; and the Department of Public Safety, Texas Commission on Environmental Quality, the Fire Protection and Oil and Hazardous Material Training Divisions of the Texas Engineering Extension Service, the Texas Railroad Commission, the Texas Department of Transportation, and other members of the Council, continue with their responsibilities as outlined in the Texas Emergency Management Plan. These agencies are the primary response agencies. By assigning specific responsibility to members of the State Emergency Response Commission, the State of Texas maintains an active SERC. Hazardous material incidents can be reported to the SERC 24 hours a day by calling one hotline number, 800/832-8224. The phone calls are answered within the offices of the Governor's Division of Emergency Management, Department of Public Safety, and reports are forwarded to the appropriate SERC agency. By making this one call the owner/operator has in effect made the initial notification to the SERC. Authority and legal jurisdiction for state agencies with respect to hazardous material incidents can be found in subsequent pages.

#### A. Texas Commission on Environmental Quality (TCEQ)

Section 26.127 of the *Texas Water Code* establishes the Texas Commission on Environmental Quality (TCEQ) as the principal authority on matters relating to the quality of water in the State. In addition, the Hazardous Substances Spill Prevention and Control Act (Chapter 26, Subchapter G, §26.262, *Texas Water Code*) stipulates that it is the policy of this State to prevent the spill or discharge of hazardous substances into the waters in the State and to cause the removal of any spills and discharges without undue delay. This subchapter shall be construed to conform to Chapter 40 of the *Natural Resources Code*.

The TCEQ is the State's lead agency in spill response to certain inland oil spills, most hazardous substance spills, spills of other substances which may cause pollution, as well as any releases of substances which may adversely impact air quality. The TCEQ shall conduct spill response for the State, and shall otherwise administer the provisions of the Act.

Under the authority of certain provisions of Chapter 361 of the *Texas Health and Safety Code*, The TCEQ has additional removal authorities with respect to cleanup of a release or threatened release of hazardous substances at a facility on the TCEQ's registry as described in the Act.

The TCEQ has been designated by the Governor of Texas, in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (42 U.S.C. §9601, et seq.); the Superfund Amendments and Reauthorization Act of 1986 (SARA), (Public Law 99-499); the Clean Water Act, as amended (33 U.S.C. §1251, et seq.); and, the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), as the State's lead agency for Superfund activities and as one of the State's representatives to the federal Regional Response Team (RRT). In accordance with 40 CFR Part 300.32(b), the RRT serves as the regional body for planning and preparedness before a response action is taken and for coordination and advise during such actions.

The State's municipal hazardous waste and industrial solid waste program is implemented by 30 *Texas Administrative Code* (TAC, Chapter 335), adopted under the authority of the State Solid Waste Disposal Act (*Texas Health and Safety Code Ann.*, Chapter 361, *Vernon Supp.* 1990). Chapter 335 includes the requirement that any persons who conveys or transports hazardous waste by truck, ship, pipeline or other means, shall clean up any hazardous waste discharge or release or take such action as may be required or approved by the TCEQ so that the hazardous waste discharge or release no longer presents a hazard to human health or the environment (see 30 TAC 335.93). These Rules also require that owners and operators of hazardous industrial solid waste storage, processing, or disposal facilities must maintain and operate such facilities so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water which could threaten human health or the environment. Additionally, each owner or operator of a hazardous industrial solid waste facility must have a contingency plan for the facility designed to minimize the above possibilities (see 30 TAC 335.152, incorporating by reference 40 CFR Part 264). Disposition of solid waste, including hazardous waste, is regulated pursuant to the *Texas Health and Safety Codes*, Chapter 3610.

Under the authority of the Texas Clean Air Act (*Texas Health and Safety Code*, Chapter 382, *Vernon Supp.* 1990), the TCEQ is charged with safeguarding the State's air resources from pollution by controlling or abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility. The TCEQ Office of Air Quality requires facilities to report any major upset condition (see 31 TAC §101.6). A major upset is defined as an unscheduled occurrence or excursion of a process or operation that results in an emission of air contaminants that contravenes the Texas Clean Air Act and is beyond immediate control, or a release that is initiated to protect life in the immediate or adjacent areas (see 31 TAC §101.1). Many incidents may constitute a spill or discharge under the Hazardous Substances Spill Prevention and Control Act as well as a major upset under the TCEQ rules.

## **B. Texas General Land Office (GLO)**

The Texas General Land Office (GLO) is the state's lead agency for response to oil spills that enter or threaten to enter coastal waters pursuant to the Oil Spill Prevention and Response Act of 1991 (OSPR), *Texas Natural Resources Code* §40.00 *et seq.* In spills greater than 240 barrels from exploration & production (E&P) facilities, the GLO would be the lead state agency. The Railroad Commission of Texas (RRC) would be the lead state agency in spills less than 240 barrels from E&P facilities.

The GLO has been designated as a natural resource trustee under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.A. §§ 9601 *et seq.* and the Oil Pollution Act of 1990, 33 U.S.C.A. The State Trustees, GLO, TCEQ and TxP&W, have the obligation to protect and preserve natural resources of the State of Texas. Section 51.121 and 51.291 of the *Texas Natural Resources Code* also gives the GLO permitting authority, such as right-of-way on pipelines and platforms located on State land and anti-pollution requirements are built into GLO contracts and rules.

## **C. Railroad Commission of Texas (RRC)**

The Railroad Commission of Texas (RRC) has spill response authority for spills or releases from all activities associated with the exploration, development, or production, including storage or transportation, of oil, gas, and geothermal resources (*Texas Water Code* §26.131; and *Texas Natural Resources Code* §§ Title 3 and 5). Spills or releases associated with brine mining activities, underground storage of natural gas and hazardous liquids, and surface mines are also under the jurisdiction of the RRC (*Texas Water Code* §§26.131 and 27.036; *Texas Natural Resources Code*, Title 3 and 11; and *Texas Civil Statutes*, Article 6053-3). Any spill or discharge, whether hazardous or non-hazardous, that emanates from: (a) an oil, gas, or geothermal resource exploration, development, or production (including pipeline transportation) facility; (b) brine mining facility; (c) and underground natural gas or hazardous liquids storage facility; or (d) a surface mine, is under the jurisdiction of the RRC. The rule of thumb is that RRC jurisdiction extends from the wellhead to the refinery fence (TAC, Title 16, Part 1, Chapter 3, Rule §3.30).

Activities associated with the exploration, development, and production of oil or gas does not include refining or manufacturing processes. Activities at the following types of gas plants are, however, considered to be associated with oil and gas exploration, development, and productions: (a) gasoline plants; (b) natural gas or natural gas liquids processing plants (including gas fractionation facilities); (c) pressure maintenance plants; and (d) repressurizing plants. Except in the case of hazardous waste, the RRC has jurisdiction over all activities at these types of gas plants. Until the RRC is authorized by the Environmental Protection Agency (EPA) to administer the federal Resource Conservation and Recovery Act (RCRA), the Texas Commission on Environmental Quality (TCEQ) has jurisdiction over wastes generated at gas plants that are subject to hazardous waste regulation under RCRA. The RRC will obtain jurisdiction over wastes generated at gas plants that are subject to hazardous waste regulation under RCRA when EPA authorizes it to administer RCRA (*Health and Safety Code* §361.003 (37) and (38); and *Texas Natural Resources Code* 91.1011). This means that the TCEQ has response authority over hazardous waste spills



and releases at gas plants until the RRC is authorized to administer RCRA. The RRC has response authority over all other spills and releases associated with gas plant operations.

The RRC has spill response authority over all spills or releases of materials (whether or not they are hazardous) from crude oil and natural gas pipelines. The RRC does not, however, have response authority over spills or releases from pipelines carrying petroleum products such as gasoline, diesel, and fuel oil. Even though the RRC does not have response authority over spills or releases from pipelines carrying petroleum products, the RRC's Pipeline Safety Section may be involved in investigating a release of petroleum products from a pipeline.

The Pipeline Safety Section of the RRC regulates most intrastate pipelines carrying crude oil, natural gas, and other hazardous liquids (such as petroleum products, anhydrous ammonia, and carbon dioxide) from the standpoint of safety (*Texas Natural Resources Code*, Chapter 117). Personnel from the RRC's Pipeline Safety Section may be present at the scene of a spill or release to investigate whether a pipeline safety violation has occurred or not. A spill of crude oil into coastal waters may involve both the RRC and the GLO. Although the GLO is the lead agency for spills of oil, including crude oil, into coastal waters or that pose an imminent threat to coastal waters if not abated, the RRC is on-scene coordinator for coastal spills of 240 barrels or less (*Texas Natural Resources Code*, Chapter 40).

#### **D. Texas Department of State Health Services (DSHS)**

The Texas Department of State Health Services (DSHS) administers the Texas Hazard Communication Act (THCA, Chapter 502 of the Texas Health & Safety Code), which was originally developed as a worker and community right-to-know law to provide for public and employee access to hazardous chemical information. The law was amended in 1987 to allow for the payment of fees for filing the chemical inventories required under EPCRA. It was amended again in 1993 along with the creation of three new community right-to-know laws. The primary goal of revising the THCA was to make the requirements of the Act more consistent with the two existing federal right-to-know laws, the OSHA Hazard Communication Standard and the EPCRA.

**1. Right-To-Know Laws.** Texas has four right-to-know laws, one for worker (public employee) right-to-know, and three Texas Community Right-to-Know Acts (TCRAs):

- **Texas Hazard Communication Act (THCA, revised)<sup>1</sup>** - a *worker* right-to-know law which applies only to public employers (i.e., city, county, and state agencies; public schools, colleges, and universities; tax base-supported hospitals; river authorities; volunteer emergency service organizations; and agencies created by state law)

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<sup>1</sup> Further information on the revised THCA is available for public employers from the Hazard Communication Branch, 800 452-2791(Texas) or 512 834-6603.

- **Manufacturing Facility Community Right-to-Know Act** - a community right-to-know law that applies to facilities listed under Standard Industrial Classification (SIC) codes 2011 through 3999.
- **Public Employer Community Right-to-Know Act** - a community right-to-know law that applies to public employers (see the description under THCA, above).
- **Non-Manufacturing Facilities Community Right-to-Know Act** - a community right-to-know law that applies to all facilities which are *not* listed under SIC codes 2011-3999 and which are *not* public employers.

**Note: Federal facilities are *not* subject to any of the TCRAs; however, they are subject to EPCRA.**

## **2. Features Common to Both EPCRA and the TCRAs**

- a. All Texas facilities (with the exception of federal facilities) are covered by the TCRAs. Since the TCRAs' requirements are more stringent than Sections 311 and 312 of the federal EPCRA, compliance with the TCRAs will meet the compliance requirements of these two sections of the federal law.
- b. Each facility operator will be required to report an annual hazardous chemical inventory, using the Texas Tier II forms, if the facility exceeded the thresholds established in the TCRAs. ALL Texas facilities now have the SAME reporting thresholds. Since calendar Year 1993 Tier II Reports, the EPCRA thresholds have been adopted under the TCRAs and are set at the following levels:
  - (1) The Threshold Planning Quantity (TPQ) in pounds, or 500 pounds, whichever amount is less (on any one day during the year), for any of the chemicals listed on the Extremely Hazardous Substances (EHS) list.
  - (2) 10,000 pounds (on any one-day during the year) for hazardous chemicals which are not included on the EHS List.

**Note: Filing the annual Texas Tier II report and filing fee with the SERC (DSHS), and submitting copies to the LEPC and local fire department will meet the Tier II reporting requirements of BOTH EPCRA, Section 312, and the TCRAs.**

- c. All Texas facility operators who submit the Texas Tier II Report MUST submit both a completed Texas Tier II Cover Sheet and one or more completed chemical description sheets.
- d. All Texas Tier II reports received by the DSHS MUST be accompanied by a filing fee. Fees for multiple facility reports may be consolidated.

- e. <sup>2</sup>All Texas facility operators are required to provide hazardous chemical information at a *ZERO THRESHOLD* to a fire chief or a representative of the Local Emergency Planning Committee (LEPC), upon request. In other words, if a facility maintains any amount of one or more hazardous chemical, then information on the types and amounts of those chemicals must be provided to the fire chief or the LEPC, on request.
- f. <sup>2</sup>All Texas facility operators are required to provide a copy of a Material Safety Data Sheet (MSDS) for ANY hazardous chemical (regardless of amount) to DSHS, the fire chief or a representative of the LEPC, upon request. However, copies of MSDSs should NOT be submitted to DSHS unless they are specifically requested in writing.
- g. All Texas facility operators are subject to administrative penalties under the TCRAs.
- h. All Texas facilities will be subject to compliance inspections by DSHS. Under the Hazard Communication Branch's Enforcement Policy, inspections based on complaints will be given the highest priority. In addition, DSHS will randomly target facilities for compliance inspections, following the enforcement policy's risk-based strategy.

#### **E. Texas Department of Transportation (TxDOT)**

1. The Texas Department of Transportation (TxDOT) and the TCEQ, as provided in §25.264(f) of the *Texas Water Code*, have developed a contractual agreement whereby TxDOT personnel, equipment, and materials may be used in State-funded cleanup actions. While TxDOT personnel are not trained to clean up hazardous materials, they do help by building temporary access roads to spill sites, by delivering sand ahead of spill damming or ditching efforts, and helping in other similar support roles. All expenses and costs, resulting from cleanup activities sponsored by TCEQ, are paid from the Texas Spill Response Fund and will likely result in a cost recovery action by the TCEQ against the responsible party. TxDOT also pursues cost recovery and/or legal enforcement against responsible parties causing spills or dumping on TxDOT right-of-ways.
2. It is important to note that one major distinction between TxDOT and the U.S. Department of Transportation is that TxDOT has no regulatory authority in the area of transportation of hazardous materials, a point of frequent confusion by many.

#### **F. Department of Public Safety (DPS)**

The Texas Department of Public Safety (DPS) has adopted rules relating to the reporting of all transportation incidents involving releases of reportable quantities of hazardous materials and on-site coordination of transportation emergencies on public roads and railroads (*Texas Government Code*, §411.018). These rules specify DPS's role in on-site coordination and outline written report requirements for carriers involved in hazardous materials transportation incidents (see 37 TAC §§3.101 and 3.102).

<sup>2</sup>These provisions apply to ALL Texas facilities, even those that do NOT exceed the Tier II reporting thresholds.

During transportation incidents involving hazardous materials, the DPS official, as on-site coordinator, is responsible for on-site coordination of hazardous material transportation emergencies for all unincorporated areas and may assume the on-site coordination role within cities when requested to do so by local government (37 TAC §3.101(a)). The DPS law enforcement officer who is the first responder on-site is responsible for the on-site coordination (37 TAC §3.101(b)). The DPS on-site coordinator is authorized to make emergency rules when normal operating procedures prove inadequate (37 TAC §3.101(d)). DPS coordination responsibilities will be performed until relieved by appropriate DPS authority or until the incident is concluded. The DPS trooper is the traffic and site control officer, not the Incident Commander.

### **G. Governor's Division of Emergency Management (GDEM)**

If a spill presents or threatens to become a disaster, the Governor of Texas may utilize the authority granted under the Texas Disaster Act of 1975 (*Texas Government Code*, Chapter 418) to make available and bring to bear all resources of the State to prevent or lessen the impact of such a disaster. As defined in the Texas Disaster Act of 1975, disaster means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause or other public calamity requiring emergency action. A disaster is declared by executive order or proclamation of the Governor if a disaster has occurred or that the occurrence or the threat of a disaster is imminent. Such an executive order activates the recovery and rehabilitation phase of the *State of Texas Emergency Management Plan*.

The Texas Disaster Act of 1975 authorizes the Governor to establish an Emergency Management Council to advise and assist the Governor in all matters relating to disaster preparedness, emergency services, energy emergencies, and disaster recovery. The Emergency Management Council is composed of the heads of selected State agencies, boards and commissions, and representatives of organized volunteer groups whose legal functions relate to important phases of emergency management. The Director of the Office of Homeland Security also serves as the director of the Governor's Division of Emergency Management (GDEM) and chairs the Emergency Management Council.

Under the *State of Texas Emergency Management Plan*, the Emergency Management Council is responsible for the coordination and utilization of all State resources during a disaster. Operations of the Council are coordinated by GDEM. For emergencies concerning spills or discharges of hazardous substances or the release or threatened release of hazardous substances which may adversely impact the State's air quality, the TCEQ serves as the agency with primary responsibilities as indicated in Annex Q of the *State of Texas Emergency Management Plan*.

### **H. Texas Department of Agriculture**

The Texas Agricultural Hazard Communication Act, also known as the Right-To-Know Law, took effect on January 1, 1988. The purpose of this law is to provide agricultural employers and workers with important information about pesticides used on Texas crops, the health effects of these pesticides, and ways to minimize pesticide exposure to themselves and their families.

All products registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) are covered by the Act. This includes insecticides, fungicides, herbicides, etc.

The Agricultural Hazard Communication Act also has a provision to assist local emergency response personnel with emergency planning. The emergency reporting requirements apply to any entity that normally stores 55 gallons or 500 pounds total of the chemicals covered by the law at a location within one-quarter mile of three or more residences. All persons who store any pesticides in the above quantities are covered by this emergency provision regardless of payroll levels. In addition to agricultural employers, pesticide dealers, commercial and private applicators and others may be subject to reporting.

## **I. Texas Parks and Wildlife Department (TPWD)**

The Texas Parks and Wildlife Department (TPWD), as the Governor's designee as the State natural resource trustee for fish and wildlife resources, is the State agency with the primary responsibility for protecting the State's fish and wildlife resources (Chapter 12, *Texas Parks and Wildlife Code*). Section 12.0011 of the *Texas Parks and Wildlife Code* states that TPWD's resource protection activities include investigating fish kills and any type of pollution that may cause loss of fish and wildlife resources, taking necessary action to identify the cause and party responsible for the fish kill or pollution, estimating the monetary value of lost resources, and seeking restoration through presentation of evidence to the agency responsible for permitting or through suit in county or district court.

Section 26.129 of the *Texas Water Code* authorized the TPWD to enforce the provisions of Chapter 26 of the *Texas Water Code* to the extent that any pollution event, including discharges and oil and hazardous substance spills, affects aquatic life and wildlife. Section 26.124(b) of the *Texas Water Code* authorized the TPWD to have a suit brought, in which TPWD is entitled to recover damages for the injury, for a violation that is a proximate cause of injury to aquatic life or wildlife normally taken for commercial or sport purposes or to species on which this life is directly dependent for food. In determining damages, the court may consider the valuation of the injured resources established in rules adopted by the Parks and Wildlife Commission under Subchapter D, Chapter 12 of the *Texas Parks and Wildlife Code*.

Section 11.071 of the *Texas Parks and Wildlife Code* authorizes the TPWD to regulate the use of Department lands for oil, gas, and other mineral recovery and associated activities as the TPWD Commission considers reasonable and necessary to protect the surface estate of department lands or to protect human health or property. Department lands include State parks, wildlife management areas, and natural areas.

Chapter 86 of the *Texas Parks and Wildlife Code* authorizes the TPWD Commission to manage, control, and protect marl and sand of commercial value and all gravel, sand, and mudshell located within the tidewater limits of the State and on islands within those limits. This includes freshwater areas of the State not embraced by a survey of private land and on islands within those areas.

# Appendix J

## Local Emergency Planning Committee Membership Update Form

**INSTRUCTIONS:** When submitting this form to the State Emergency Response Commission (SERC) *always* completes BOX A. Complete BOX 1 if you are submitting a change for the LEPC Chairperson or BOX 2 if you are submitting a change for the Vice Chairperson, if you have one. Complete BOX A & the next page(s) to add a new member or members or to update information for an existing member or members of your LEPC. To obtain a copy of this form on diskette/CD in MS Word 6.0 format, call 512/424-7198. Completed forms should be returned to:

State Emergency Response Commission  
c/o Texas Department of Public Safety  
ATTN: GDEM - Preparedness Section  
P.O. Box 4087  
Austin, TX 78773-0223

### BOX A

County:	Date:
Area (if applicable):	Is This Your Entire LEPC Membership Listing? <span style="float: right;">Yes/No</span>
County Judge (print name):	
County Judge Approval (signature):	

#### LEPC MEMBERSHIP CATEGORIES:

*(In accordance with Public Law 99-499, Section 301 (c))*

NOTE: A single person may represent more than one category and more than one member may represent a category.

State/Local Official	Health	Local Environmental Group
Law Enforcement **	Hospital	Community Group
Fire-fighting	Broadcast Media	Facility Owners/Operators
Emergency Management	Print Media	(Subject to SARA Title III)
Emergency Medical Service	Transportation Personnel	Other

**\*\* ADVISORY NOTICE TO LAW ENFORCEMENT OFFICERS:** This information may be made available to the public under the Texas Open Records Act. **DO NOT** include your home address or telephone number(s).

### BOX 1: CHAIRPERSON UPDATE

Name:	Title:
Employer:	Address:
City, ST, Zip+4:	Telephone Number:
Membership Category (see above):	Fax Number:
EMAIL Address:	

### BOX 2: VICE CHAIRPERSON UPDATE (if appropriate)

Name:	Title:
Employer:	Address:
City, ST, Zip+4:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
Membership Category (see above):	

**General Membership Updates: see next page(s)**

## MEMBER UPDATES

Complete BOX A when submitting this page.  
Reproduce this page if there are more than seven memberships to be updated.

Name:	Title:
Employer:	Telephone Number
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?
<b>Membership Category</b> (see above):	

Name:	Title:
Employer:	Telephone Number:
Did this person replace a previous member: If so WHO?	Is this person a NEW MEMBER on your LEPC?

## Appendix K

### Hazardous Materials Courses Available through the Governor's Division of Emergency Management (GDEM)

- **First Responder Awareness Level: 8 Hours**

*This course is for all responders (Fire, EMS, Law Enforcement, Public Works, and Emergency Management)*

This is the entry-level course into Hazardous Materials Response. This course provides an understanding of what hazardous materials are and the risks associated with them, how to recognize that hazardous materials are present, how to use the DOT Emergency Response Guidebook, and how and when to call for assistance. This course is compliant with OSHA's 29 CFR 1910.120, EPA's 40 CFR Part 311, and NFPA Standard 472. This is a prerequisite for all other courses.

- **First Responder Operations Level: 16 Hours**

*This course is for all Fire and EMS responders and for some Law Enforcement, Public Works, and Emergency Management personnel.*

Covers basic hazard and risk assessment, the use and type of protective equipment, how to perform control, containment, and confinement operations, decontamination procedures and proper termination procedures. This course is compliant with OSHA's 29 CFR 1910.120, EPA's 40 CFR Part 311, and NFPA Standard 472. This is a prerequisite for all other listed courses.

- **Emergency Medical Responder Level I: 10 Hours**

*This course is for all EMS responders that respond to hazardous materials incidents in the Cold Zone.*

This course covers EMS response activities in the Cold Zone. This includes patient care and transportation. This course can be taken in lieu of, or in addition to, the Operations course. This is a prerequisite for EMS Level II.



- **Emergency Medical Responder Level II: 6 Hours**

*This course is for all EMS responders that respond to hazardous materials incidents in the Warm Zone.*

This course covers EMS response activities in the Warm Zone. This includes patient decontamination, care and treatment. This course can be taken in lieu of, or in addition to, the Operations course.

- **Hazardous Material On-Scene Incident Commander: 24 Hours**

*This course is for all individuals that could be in charge of an incident beyond the Awareness level. Individuals at this level also require Hazardous Materials Operations Training.*

This course includes an understanding of the risks associated with working in chemical protective clothing, hazardous materials terms, the incident command system to include the terminology used in the incident command system, how to implement the emergency response plan, and decontamination procedures.

- **Hazardous Materials Technician: 40 or 80 Hours**

*This course is for all individuals assigned to a Hazardous Materials Response Team.*

This course includes use and operation of detection instruments, proper selection of chemical protective clothing, advanced control and containment operations, implementation of decontamination procedures, methods and the ability to operate within the incident command system, and how to implement the emergency response plan. This course is compliant with OSHA's 29 CFR 1910.120 and EPA's 40 CFR Part 311. This course is a prerequisite for Oil Spill Response, Confined Space Rescue, Advanced Hazardous Materials Technician, and Chemistry of Hazardous Materials courses.

- **Advanced Hazardous Materials Technician: 24 Hours**

*This course is for individuals assigned to a Hazardous Materials Response Team.*

This course provides training for personnel already experienced in hazardous materials emergency response. The class covers inspection of protective clothing, calibration of instruments, and intense hands on exercises.

- **Coastal Oil Spill Response: 40 Hours**

*This course is for all individuals assigned to a Hazardous Materials Response Team that respond to an oil spill incident.*

This course emphasizes oil spills in estuarine and coastal environments. This course provides essential information and training needed to effectively manage spill response operations to include boom and skimmer design, shoreline protection, sorbents and chemical agents, aerial surveillance boat safety, boom deployment and operations, and moving oil on water.

- **Fresh Water Oil Spill Response: 40 Hours**

*This course is for all individuals assigned to a Hazardous Materials Response Team that response to an oil spill on land and or fresh water steams.*

This course emphasizes spills in rivers, small streams, on land and sub-surface. This course is similar to the Coastal Oil Response, with an emphasis on land and small waterway operations.

- **Confined Space Rescue: 40 Hours**

*This course is for all individuals assigned to a Hazardous Response Team.*

This course includes hands on exercises in the rescue operations involving confined space operations, use and operation of detection instruments, proper selection of chemical.

- **Chemistry of Hazardous Materials: 80 Hours**

*This course is for all individuals assigned to Hazardous Materials Response Team.*

This course explains how the chemicals react, what you can expect from the spill, and also what can happen with the mixing of chemicals.

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To host a course, your jurisdiction will need to provide a room with tables and chairs for the students, the audio visual equipment needed by the instructor, a screen, and a podium. GDEM will provide the instructor and student materials at no cost to the jurisdiction.

**To schedule any of the above courses, call the GDEM HazMat Training Officer, at 512/424-5985 or the HazMat Training Registrar at 512/424-2844.**

## Appendix L

### Contacts for Emergency Planning and Community Right-to-Know

General Information and LEPC Information	State Emergency Response Commission c/o Texas Department of Public Safety GDEM - Preparedness Section P.O. Box 4087 Austin, TX 78773-0001	512/424-2598 512/424-5677 512/424-2452 fax 512/424-5637
Inventory Reporting Section 301-303, 311 and 312	Texas Department of State Health Services Hazard Communication Branch 1100 W. 49th St. Austin, TX 78756	512/834-6603 TX only 800/452-2791 fax 512/834-6644
Incident Reporting Section 304	State Environmental Hotline (Fulfills SERC notification requirements)	24-hr 800/832-8224
Follow-up Incident Notification	Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711	512/463-7727 fax 512/239-2527
Toxic Release Inventory Section 313	Texas Commission on Environmental Quality Pollution Prevention and Recycling P.O. Box 13087 Austin, TX 78711	512/239-3100 fax 512/475-4599
Hazardous Materials Product and Chemical Information	CHEMTREC	24-hr 800/262-8200
Placard Markings, Highway Laws, Rules	Texas Department of Public Safety Traffic Law Enforcement Division P.O. Box 4087 Austin, TX 78771-0001	512/424-2116
U.S. EPA Emergency Response Unit	Region 6 1445 Ross Avenue Dallas, TX 75202-2733	214/655-2270
National Response Center (NRC), USCG	Operated by the U.S. Coast Guard Washington, D.C.	24-hr 800/424-8802
U.S. DOT	Fort Worth, TX	817/978-3225
Hazardous Cargo Routes, (TxDOT)	Traffic Operations/Traffic Engineering 125 East 11 Street Austin, TX 78701-2483	512/416-3122
North American Emergency Response	Year 2004 Publishing: Local Distribution-Available through Texas Engineering Extension Service, State Distribution-GDEM Public Information	409/846-9198 512/424-2138

## Appendix M

### Community Awareness and Outreach

#### 1. General

EPCRA does not require LEPCs to conduct public awareness programs, but it is desirable that LEPCs carry out such programs. The public needs to be aware of the dangers of hazardous substances and the procedures they need to follow in the event of orders for in-place sheltering or evacuation. Special facilities, such as nursing homes, schools, hospitals, public buildings, senior citizen housing, and others should also be included in emergency planning and awareness programs.

If not already in place, the LEPC should develop a program to provide for public education regarding hazardous substances. An important part of this program is the identification and education of administrators of special needs facilities and with the education of special populations living independently, such as the hearing-impaired, the blind, and the homebound.

This program could include presentations, audio-visual programs, written notices, pamphlets, and other materials to insure that community residents are aware of actions that may be required in the event of a hazardous materials incident.

The LEPC is encouraged to sponsor speakers for schools, clubs, and other groups, provide written or audio-visual programs, assist local response organizations with their public information programs, and coordinate other activities to take advantage of ongoing special events in the area. The EPA Region 6 and state agencies may from time to time conduct workshops in your area designed to improve hazardous materials reporting; the EPA will even mail invitations to the facilities for these workshops.

FEMA has several instructional programs on the subject, to include home study courses entitled "*An Introduction to Hazardous Materials*" (IS-5), "*Hazardous Material Prevention*" (IS-340), as well as, field-delivered cooperative courses entitled "*Hazardous Materials Introduction for Public Officials*" (G300), and others.

#### 2. Ideas for Outreach

The following are outreach ideas arranged by potential cost to the LEPC.

##### EXPENSIVE

- Newspaper advertisements (other than classified section)
- Slide shows

- Video programs
- Brochures- multi-page, high quality paper, in color
- Public service announcements (PSAs) professionally written and taped
- Posters
- Telephone book insert
- Billboard messages (or on structures such as oil storage tanks)
- School/day care educational programs (team effort by teachers & outside trainers) e.g., 'Wally Wise' shelter-in-place program & 'Kids CAER' educational program.

#### LOW COST

- Pamphlets - two sides, inexpensive paper, in black & white
- Classified newspaper advertisements
- Fact sheets
- Utility bill inserts
- Supermarket bag inserts
- Bumper stickers
- Peel-off stickers
- Website
- Computer diskette/CD
- Brochures
- Gas pump "toppers" (announcement displayed on the pumps)

#### FREE

- Newspaper press releases, articles and special features
- Newsletter articles in publications of other organizations
- School poster contest

- Photo display (using donated photos)
- PSAs on radio or TV (other than by professional production co.)
- Speeches to other community organizations
- Radio, TV interviews, talk programs, community bulletin boards
- Slide shows, video tapes, DVDs, or films that are borrowed
- Store window displays
- Anything borrowed, donated, or distributed free

## Appendix N

### National Response Plan

#### 1. General

The National Response Plan (NRP) was effective upon issuance (December 2004) with a phased implementation process during its first year. The three-phase plan started with a transitional period, that would allow departments and agencies to modify training, designate staffing of the NRP organizational elements, and become familiar with NRC structures, processes, and protocols. Phase II provided organizations a timeframe to modify existing Federal interagency plans to align with the NRP and to conduct necessary training. Four months after issuance, Phase III, would determine that the NRP be fully implemented, and that the existing Initial National Response Plan (INRP), Federal Response Plan (FRP), U.S. Government Domestic Terrorism Concept of Operations Plan (CONPLAN), and the Federal Radiological Emergency Response Plan (FRERP) would be superseded. Other existing Federal plans would be modified to be aligned with the NRP, such as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which will have national-level coordinating structure, processes, and protocols incorporated into the plan.

The NRP is an essential element of broader policy coordination and reconciliation mechanisms of the Federal government. In accordance with the plan maintenance provisions in the NRP, **DHS will periodically update the NRP as required to incorporate new Presidential directives, legislative changes, and procedural changes based on lessons learned from both exercises and real world incidents. Changes will include additions of new or supplementary material and deletions.** No proposed change may contradict or override authorities or other plans contained in statute, Executive order, or regulation. (per Notice of Change, dated May 25, 2006) The NRP is built on the template of the National Incident Management System (NIMS), which provides a consistent doctrinal framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident. While the NRP creates no new authorities, it serves to unify and enhance emergency management capabilities and resources of agencies and organization acting under their own authorities acting under their own authorities in response to a wide array of potential threats and hazards.

#### 2. Creation of the Plan

The plan was initially created to align and focus Federal coordination structures, capabilities, and resources into a unified, all discipline, and all hazard approach to domestic incident management. When fully implemented will vastly increase coordination among and between Federal, State, local and tribal organizations to help save lives and protect America's communities by increasing the speed, effectiveness, and efficiency of incident management.

The NRP is an all-discipline, all-hazard plan that establishes a single, comprehensive framework for the management of domestic incidents. It provides the structure and mechanisms for coordination of Federal support to State, local, and tribal incident managers, and for exercising direct Federal authorities and responsibilities.

Important to the LEPC, the NRP assists the homeland security mission of preventing domestic terrorism, reducing the vulnerability to natural and manmade hazards, and minimizing the damage while assisting in the recovery from any type of incident that occurs.

### **3. Organization of the National Response Plan**

The Base Plan with changes describes the structure and processes comprising a national approach to domestic incident management. It integrates the efforts and resources of Federal, State, local, tribal, private sector, and non-governmental organizations. As with State of Texas Emergency Management Plans, the document describes planning assumptions, roles and responsibilities, concept of operation, incident management actions, and plan maintenance instructions.

Appendixes provide more detailed supporting information, to include: terms, definitions, acronyms, authorities, and listing of national interagency plans.

Emergency Support Functions (ESF) Annexes detail missions, policies, structures, and responsibilities of Federal agencies for coordinating resource and program support to States, tribes, and other Federal agencies or other jurisdictions and entities during Incidents of National Significance. The ESFs have increased to 15 which are described by ESF number and scope at Figure 1 to this Appendix.

The plan provides Support Annexes which describe the functional processes and administrative requirements necessary to ensure efficient and effective implementation of NRP incident management objectives. These include: Financial Management; International Coordination; Logistics Management; Private-Sector Coordination; Public Affairs; Science and Technology; Tribal Relations; Volunteer and Donations Management; and Worker Safety and Health.

Finally, the NRP includes Incident Annexes applicable to situations requiring specialized, incident-specific implementation of the NRP. These Annexes are arranged alphabetically and address the specifics of contingency or hazard situations requiring specialized application of the NRP. The Annexes address the following situations:

- Biological Incident
- Catastrophic Incident
- Cyber Incident
- Food and Agriculture Incident (to be published in a subsequent version of the plan)
- Nuclear/Radiological Incident



- Oil and Hazardous Materials Incident
- Terrorism Incident Law Enforcement and Investigation

**Note:** The policies and procedures included in the Catastrophic Incident Annex are overarching and applicable for all hazards.

**APPENDIX N**  
**National Response Plan (NRP)**  
**Emergency Support Functions**  
**Figure 1.**

<b>ESF</b>	<b>Scope</b>
ESF # 1 - Transportation	<ul style="list-style-type: none"> <li>▪ Federal and civil transportation support</li> <li>▪ Transportation safety</li> <li>▪ Restoration/recovery of transportation infrastructure</li> <li>▪ Movement restrictions</li> <li>▪ Damage and impact assessments</li> </ul>
ESF # 2 – Communications	<ul style="list-style-type: none"> <li>▪ Coordination with telecommunications industry</li> <li>▪ Restoration/repair of telecommunications infrastructure</li> <li>▪ Protection, restoration, and sustainment of national cyber and information technology resources</li> </ul>
ESF # 3 – Public Works and Engineering	<ul style="list-style-type: none"> <li>▪ Infrastructure protection and emergency repair</li> <li>▪ Infrastructure restoration</li> <li>▪ Engineering services, construction management</li> <li>▪ Critical infrastructure liaison</li> </ul>
ESF # 4 – Firefighting	<ul style="list-style-type: none"> <li>▪ Firefighting activities on Federal lands</li> <li>▪ Resource support to rural and urban firefighting operations</li> </ul>
ESF # 5 – Emergency Management	<ul style="list-style-type: none"> <li>▪ Coordination of incident management efforts</li> <li>▪ Issuance of mission assignments</li> <li>▪ Resource and human capital</li> <li>▪ Incident action planning</li> <li>▪ Financial management</li> </ul>
ESF # 6 – Mass Care, Housing, and Human Services	<ul style="list-style-type: none"> <li>▪ Mass care</li> <li>▪ Disaster housing</li> <li>▪ Human services</li> </ul>
ESF # 7 – Resource Support	<ul style="list-style-type: none"> <li>▪ Resource support (facility space, office equipment and supplies, contracting services, etc.)</li> </ul>
ESF # 8 – Public Health and Medical Services	<ul style="list-style-type: none"> <li>▪ Public health</li> <li>▪ Medical</li> <li>▪ Mental health services</li> <li>▪ Mortuary services</li> </ul>
ESF # 9 – Urban Search and Rescue	<ul style="list-style-type: none"> <li>▪ Life-saving assistance</li> <li>▪ Urban search and rescue</li> </ul>
ESF # 10 – Oil and Hazardous Materials Response	<ul style="list-style-type: none"> <li>▪ Oil and hazardous materials (chemical, biological, radiological, etc.) response</li> <li>▪ Environmental safety and short- and long-term cleanup</li> </ul>
ESF # 11 – Agriculture and Natural Resources	<ul style="list-style-type: none"> <li>▪ Nutrition assistance</li> <li>▪ Animal and plant disease/pest response</li> <li>▪ Food safety and security</li> <li>▪ Support to access, traffic, and crowd control</li> </ul>
ESF # 12 – Energy	<ul style="list-style-type: none"> <li>▪ Energy infrastructure assessment, repair, and restoration</li> <li>▪ Energy industry utilities coordination</li> <li>▪ Energy forecast</li> </ul>
ESF # 13 – Public Safety and Security	<ul style="list-style-type: none"> <li>▪ Facility and resource security</li> <li>▪ Security planning and technical and resource assistance</li> <li>▪ Public safety/security support</li> <li>▪ Support to access, traffic, and crowd control</li> </ul>

**National Response Plan  
Emergency Support Functions  
(Continued)**

ESF # 14 – Long-term Community Recovery	<ul style="list-style-type: none"> <li>▪ Social and economic community impact assessment</li> <li>▪ Long-term community recovery assistance to States, local governments, and the private sector</li> <li>▪ Mitigation analysis and program implementation</li> </ul>
ESF # 15 – External Affairs	<ul style="list-style-type: none"> <li>▪ Emergency public information and protective action guidance</li> <li>▪ Media and community relations</li> <li>▪ Congressional and international affairs</li> <li>▪ Tribal and insular affairs</li> </ul>

**Support Annexes  
To the National Response Plan (NRP)**

The Support Annexes describe the frame work through which Federal departments and agencies; State, local, and tribal entities; the private sector; volunteer organizations; and nongovernmental organizations (NGOs) such as the American red Cross coordinate and execute the common functional processes and administrative requirements necessary to ensure efficient and effective incident management. The annexes address the following areas:

- Financial Management
- International Coordination
- Logistics Management
- Private-Sector Coordination
- Public Affairs
- Science and Technology
- Tribal Relations
- Volunteer and Donations Management
- Worker Safety and Health

**Incident Annexes  
Of the National Response Plan (NRP)**

The Incident Annexes address contingency or hazard situations requiring specialized application of the NRP. The annexes (arranged alphabetically) address the following incident specific situations:

- Biological Incidents
- Catastrophic Incident
- Cyber Incident
- Food and Agriculture Incident (to be published)
- Nuclear/Radiological Incident
- Oil and Hazardous Materials Incident
- Terrorism Incident Law Enforcement Investigation

Policies and procedures in the Catastrophic Incident Annex are overarching and applicable for all hazards. Similarly, the mechanisms in the Terrorism Incident Law Enforcement and Investigation Annex apply when terrorism is associated with any incident.

Each annex explains unique authorities pertinent to that incident, the special actions or declarations that may result, and any special policies that may apply.

## APPENDIX O

### National Incident Management System (NIMS)

#### 1. General

The National Incident Management System (NIMS) provides a consistent nationwide approach for Federal, State, local, and tribal governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

#### 2. Key Features of NIMS

Building on a foundation of existing incident management and emergency response systems used by jurisdictions and functional disciplines at all levels, the NIMS integrates the best practices that have proven effective over the years into a comprehensive framework for use by all incident management organizations in an all hazard context (terrorist attack, natural disasters, and other emergencies) nationwide. This shared focus will enable responders and emergency management personnel to employ using a system that is both flexible and nationally standardized to provide a consistent and adjustable approach to any incident at hand.

Six major components make up this system approach.

◆ **Command and Management.** NIMS standard incident command structures are based on three key organizational systems:

- (1) The Incident Command System (ICS). The ICS defines the operating characteristics, interactive management components, and structure of incident management and emergency response organizations responding throughout the life cycle of an incident.
- (2) Multiagency Coordination Systems. These systems define the operating characteristics, interactive management components, and organizational structure of supporting incident management entities engaged at the Federal, State, local, tribal and regional levels through mutual-aid agreement and other assistance arrangements.
- (3) Public Information Systems are the processes, procedures, and systems for communicating accurate and timely information to the public during crisis or emergency situations.

◆ **Preparedness.** Those activities conducted well in advance of a potential incident to ensure the organization is fully prepared on a day-to-day basis.

- (1) Planning. Describes how personnel, equipment, and other resources are used to support incident management and emergency response activities.

This planning function provides the mechanisms and systems for setting priorities, integrating multiple entities and functions, and ensuring that communications and other systems are available and integrated to support the full spectrum of incident management.

- (2) Training. Training activities include standardized course developed for multiagency incident command and control, organizational structure, and standardized operational procedures; discipline-specific and agency-specific management course; and courses for the integration and use of supporting technologies.
- (3) Exercises. Exercises are those events that allow incident management organizations and personnel to participate in realistic scenarios that simulate participation in an actual incident or event. These exercises involved both organizations and their personnel in practice of how they will react to a real incident and allow interaction and interoperability with other levels of government, agencies, and resources during incident operations.
- (4) Personnel Qualification and Certification. A collection of national-level standards and performance measures identified and published to ensure incident managers and emergency responders are appropriately qualified and officially certified to perform NIMS related functions.
- (5) Equipment Acquisition and Certification. The acquisition of standardized and performance rated equipment to perform mission essential tasks during events or incidents that ensure compatibility and interoperability with similar equipment used in other jurisdiction.
- (6) Mutual Aid. Mutual-aid agreements are the established means for one jurisdiction to provide resources, facilities, service, and other required support to another jurisdiction during an incident or emergency. These give-take relationships are established in written format before an incident or emergency to ensure necessary assistance is provided during an incident or emergency.
- (7) Publications Management. The use of standardized forms and records to include naming and numbering conventions, managing publication and promulgation of documents, and exercising control over sensitive documents. This also includes periodic review and revision of publications on an established schedule.

#### ◆ Resource Management

NIMS defines a standardized mechanism and establishes requirements for the description, inventory, mobilization, dispatch, tracking, and recovery of resources throughout the lifecycle of an incident or emergency.

## ◆ **Communications and Information Management**

NIMS identifies the requirements for standardized communications, information management (collection, analysis, and dissemination), and information sharing throughout all levels of incident management. Elements of this component include:

- (1) Incident Management Communications. This is the means to ensure effective, interoperable communications processes, procedures, and systems exists in support of a wide variety of incident management activities that crosses both agency and jurisdictional boundaries.
- (2) Information Management. This includes the necessary information processes, procedures, and systems to ensure that information flows efficiently through a system of commonly accepted architecture that supports numerous agencies and jurisdictions responsible for managing or directing domestic incidents and emergencies. Effective information management enhances incident management and response and helps ensure that crisis decision-makers are better informed.

## ◆ **Supporting Technologies**

The component supports the use of established and cutting edge technology and technology systems to provide those capabilities essential to implementing and refining the NIMS. These include voice and data communications systems, information management systems, and data displays. Also included in this component are specialized technologies to facilitate ongoing operations and incident management activities in situations that call for unique technology-based capabilities.

## ◆ **Ongoing Management and Maintenance**

This component establishes strategic direction for and oversight of the NIMS, supporting both routine review and continuous refinement of the system and its components over the long term.

## APPENDIX P

### National Response System (NRS) / National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

#### 1. General

The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) was completed in September 1968, in response to the grounding of an oil tanker off the coast of England which spilled 100,000 tons of oil that eventually washed ashore, causing massive environmental and economic damage.

The NCP provides an organizational structure and procedures for preparing for and responding to discharges of oil and release of hazardous substances, pollutants, and contamination.

Revisions to the NCP created the National Response Team (NRT), assigning it the duty of an emergency response team whenever an incident exceeded the capabilities of one of the 13 Regional Response Teams (RRT), or when an incident affected two or more regions, or when the incident affected national security or presented a major hazard to a substantial danger to public health or welfare of the United States.

The NRT is composed of 16 Federal agencies which have major responsibilities in environmental, transportation, emergency management, worker safety, and public health issues. The RRTs are composed of representatives from Federal agencies and State representatives with major responsibilities in environmental, transportation, and emergency management from each state in the Federal region. The RRTs are planning, policy, and coordinating bodies which provide advice and support to the Federal On-Scene Coordinator (FOSC). The FOSC is the Federal official pre-designated by the EPA or United States Coast Guard (USCG) to coordinate and direct Federal responses and removals under the NCP. The RRT(s) may be activated as an incident specific response team when a discharge or release:

- ▶ Exceeds response capabilities available to the FOSC;
- ▶ Transects state boundaries;
- ▶ May pose substantial threat to the public health or environment; or
- ▶ Is considered a worst-case discharge.

If the assistance requested by the OSC exceeds the RRT's capabilities, the RRT may request assistance from the NRT. As a national body the NRT is responsible for coordinating Federal planning, preparedness, and response actions related to oil discharges and hazardous substance releases.

An essential element of the NCP framework for response management is the Incident Command System (ICS) that is led by a unified command. The unified



command is a necessary tool for effectively managing multijurisdictional responses to oil spills and hazardous substances releases. It brings together the functions of the federal government, state, and local government, and the party responsible for an incident to achieve an effective and efficient response.

## **2. CERCLA**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, to address the problems of hazardous substance releases. The legislation was a response to a number of hazardous waste sites, most notably Love Canal, as they gained media attention.

The attention generated by these stories revealed a significant gap in statutory authority to respond to spills of oil and other hazardous substances in navigable waters, and a lack of Federal law and funding to respond to spill or disposals that affect ground water or other surface water sources, air, land, or soils.

The ability to respond to hazardous substance incidents was consequently limited. CERCLA provided the Federal government with the new authority to clean up hazardous substance releases that affect any portion of the environment. However, CERCLA authority was limited to only 725 hazardous substances, and did not cover oil-based fuels or natural gas.

CERCLA designated that the Federal government identify hazardous material releases and provided Superfund monies to take necessary removal and remediation actions. The act allowed the government to sue the responsible party to recover the cost of these actions. In addition, CERCLA authorized the Federal government to issue administrative orders or seek a court order directing potentially responsible parties to take appropriate response actions.

The passage of CERCLA necessitated a revision to the NCP to include coverage of spills to any environmental media by over 725 designated hazardous substances. By Executive Order, the President transferred authority for the NCP to the U.S. Environmental Protection Agency (EPA). While adoption of both CERCLA and a revised NCP did not change the structure of the NRS, it did expand the duties of those responding to encompass a much broader range of spills.

Changes to the NCP since the passage of CERCLA have focused on a remedial action program – a program to identify, evaluate, and respond to hazardous waste sites, not an emergency response program.

## **3. SARA (Title III/Emergency Planning and Community Right-to-Know Act)**

In the early 1980's, a survey conducted by the NRT revealed contingency plans were often poorly done or totally lacking, training was limited, and emergency response training was given a low priority. In addition, the survey determined that capabilities varied greatly from State to State.

Limited amounts of response equipment and equipment availability for responders came into clearer focus soon after the survey due to the disaster caused by the release of methyl isocyanate in Bhopal, India, where over 2,000 people were killed. A subsequent release of the chemical aldicarb in West Virginia, intensified concern about emergency response capabilities in the U.S., and started a push to support State and local preparedness and response capabilities.

Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986. The Act is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA).

EPCRA requires Local Emergency Planning Committees (LEPCs), hence this publication, and the required development of plans to respond to extremely hazardous substance emergencies and the required reporting of a variety of information on hazardous chemicals used and stored by industry. EPCRA required the NRT to publish guidance for the preparation and implementation of emergency plans that the LEPCs developed under the statute.

SARA (EPCRA) was the first statutory recognition of the NRT and the RRTs.

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