



State of Kansas Local Emergency Planning Committee Handbook



SEPTEMBER 2011

LOCAL EMERGENCY PLANNING COMMITTEE HANDBOOK

Published for the Commission on
Emergency Planning and Response by the
Kansas Division of Emergency Management



This document can be found on the internet at
<http://www.kansastag.gov/KDEM.asp?PageID=177>

This handbook was published by the Kansas Division of Emergency Management, a division of the Adjutant General's Department. Parts of the handbook have been extracted from the State of Texas: "*A Local Emergency Planning Committee (LEPC) Handbook: A Primer for Local Emergency Planning for Hazardous Materials*" developed by the Texas State Emergency Response Commission, Texas Department of Public Safety, Division of Emergency Management and the guidebook developed by the United States Environmental Protection Agency Region VI.

Kansas is grateful for the use of this material in the development of this handbook.

Additionally, this handbook has also been compiled from information obtained from Handbooks of the States of North Dakota, Maine, Minnesota, and Vermont.

LOCAL EMERGENCY PLANNING COMMITTEE HANDBOOK

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LEPC COMPLIANCE CERTIFICATION

The following must be met by the Local Emergency Planning Committees (LEPCs) as requirements for compliance with federal and State laws and regulations and Commission on Emergency Planning and Response policies and procedures. This checklist must be completed, signed, and returned annually by **December 31**, even if the LEPC is not a recipient of grant funds.

Return to: CEPR Local Emergency Planning Committee
 c/o Kansas Division of Emergency Management
 ATTN: Technological Hazards Section
 2800 SW Topeka Blvd.
 Topeka, KS 66611-1220

A check mark in the squares on the left will indicate a YES response.

- Have changes in the LEPC Bylaws and Membership list been submitted to the CEPR? Membership lists must be submitted annually.
- Bylaws reviewed/updated - Date: _____ Submitted: _____
 (only if updated)
- Membership list reviewed/updated - Date: _____ Submitted: _____
- Have LEPC meetings been held and have agendas and minutes of all meetings (or their location, e.g. LEPC website) been forwarded to the CEPR?
- Has the LEPC reviewed and/or updated their Local Emergency Operations Plan within the last year? Has KDEM Planning Section been notified and/or provided the Plan review results and updates?
- Review/update - Date: _____ Submitted: _____
- Has the LEPC conducted and reported on an exercise, tabletop, functional, or full scale, of its Local Emergency Operations Plan within the last year?
- Indicate the date of the most recent exercise: _____
- Has the LEPC met the **annual** requirement of publishing the Emergency Planning and Community Right-to-Know Act "information availability" through print or electronic media?
- Date of publication: _____ Or website link: _____

As chairman of the _____ Local Emergency Planning
 County Name

Committee, I attest all information provided on this compliance certification is accurate.

 LEPC Chair Signature Date: _____

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LEPC Membership Update Form

INSTRUCTIONS: When submitting this form to the Commission on Emergency Planning and Response (CEPR), *always* complete 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 and the next page(s) to add a new member or members or to update information for an existing member or members of your LEPC. Completed forms should be returned annually to:

CEPR Local Emergency Planning Committee
c/o Kansas Division of Emergency Management
ATTN: Technological Hazards Section
2800 SW Topeka Blvd.
Topeka, KS 66611-1220

BOX A (Mailing address to Submit Tier II forms)

County:	Date:
LEPC Mailing Address:	City: Zip:
LEPC Chairperson (print name):	
LEPC Approval (signature of Chairperson):	

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	Information Coordinator
Law Enforcement	Hospital	Community Group	
Firefighting	Broadcast Media	Facility Owners/Operators	
Emergency Management	Transportation	Emergency Medical Service	

****ADVISORY NOTICE:** This information may be made available to the public under the Kansas Open Records Act. **DO NOT** include home addresses or telephone number(s).

BOX 1: CHAIRPERSON UPDATE

Name:	Title:
Employer:	Address:
City, State, Zip:	Telephone Number:
Membership Category:	Fax Number
Email:	

BOX 2: VICE-CHAIRPERSON UPDATE (if applicable)

Name:	Title:
Employer:	Address:
City, State, Zip:	Telephone Number:
Membership Category:	Fax Number
Email:	

MEMBER UPDATES*Reproduce this page if there are more than six memberships to be updated.*

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

Name:	Title:
Employer:	Telephone Number:
Email:	
Is this person a NEW MEMBER on your LEPC? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did this person replace a previous member? If so, WHO? <input type="checkbox"/> YES, _____ <input type="checkbox"/> NO
Membership Category (see above):	

PART I: INTRODUCTION

PURPOSE

This handbook is designed for Local Emergency Planning Committees (LEPCs) in the State of Kansas. This handbook was developed to provide general guidance on LEPC duties, responsibilities and organization.

HISTORY AND BACKGROUND

The LEPC is a product of federal legislation that was passed after the Bhopal disaster in India, where thousands of people died because of an accident involving an 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 provide them access to information on chemicals at individual facilities, their uses, and release into the environment. The Kansas Legislature also enacted Right-to-Know laws that are very similar to the existing federal Right-to-Know laws. As a result, states and communities, working with industry, are better able to protect public health and the environment.

PREFACE

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 emergencies, LEPCs are in the best position to assist local governments in developing plans to respond to hazardous material emergencies and natural disasters. 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 Commission on Emergency Planning and Response (CEPR) as representing the current policy regarding the role of LEPCs for the implementation of EPCRA and their relationship to the CEPR. This handbook was prepared by the Kansas Division of Emergency Management (KDEM) as a reference. 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.

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PART II: IMPLEMENTATION OF SARA TITLE III IN KANSAS

On October 17, 1986, in response to a growing concern for safety around chemical facilities, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA). The federal law requires the governor of each state to establish a State Emergency Response Commission (SERC) and for the Commission to designate Emergency Planning Districts (EPDs) within the state, and to appoint a Local Emergency Planning Committee (LEPC) for each district. In Kansas, each county is considered an EPD. LEPC membership must meet the criteria established by EPCRA. LEPC members are nominated by the County and approved by the SERC. In 1999, Reorganization Order Number 29 created the Commission on Emergency Planning and Response ([KSA 65-5721](#)) and abolished the SERC ([KSA 65-5723](#)).

COMMISSION ON EMERGENCY PLANNING AND RESPONSE

The Kansas Commission on Emergency Planning and Response (CEPR) is responsible for carrying out all requirements of EPCRA and for the purpose of providing assistance in the coordination of state agency activities relating to: (1) training, preparedness, and response; and (2) chemical release reporting and prevention, transportation, manufacture, storage, handling, and use.

The CEPR is comprised of 27 representatives from various state and local government organizations and industry ([Figure 1](#)). Membership of the CEPR includes agency heads from the A Chairperson and a Vice-Chairperson are elected annually by the CEPR members. Members are required to serve a term of four years. The CEPR meets quarterly.

PRIMARY CEPR RESPONSIBILITIES

The purpose of the Commission on Emergency Planning and Response is to facilitate a coordinated effort for mitigation, preparedness, response, and recovery from emergencies and disasters in Kansas. The CEPR has the following functions, powers, and duties ([KSA 65-5722](#)):

- (a) Carry out all requirements of the federal emergency planning and community right-to-know act of 1986, [42 U.S.C. 11001-11005](#), and amendments thereto, hereinafter called the "federal act";
- (b) provide assistance and advice in establishing policy for the coordination of state agency activities relating to emergency training, preparedness, planning, and response;
- (c) provide assistance and advice in establishing policy and procedures for chemical release reporting and prevention, transportation, manufacture, storage, handling, and use;

- (d) facilitate and advise the division of emergency management, the adjutant general, and others in the preparation and implementation of all emergency plans prepared by state agencies;
- (e) facilitate and advise the division of emergency management, the adjutant general, and others in the preparation and implementation of statewide, interjurisdictional, and local emergency plans prepared in accordance with state and federal law;
- (f) designate, and revise as necessary, the boundaries of emergency planning districts in accordance with the federal act;
- (g) approve the local emergency planning committee for each emergency planning district;
- (h) review reports about responses to disaster emergencies and make recommendations to the appropriate parties involved in the response concerning improved prevention, mitigation, and preparedness;
- (i) provide assistance and advice to the division of emergency management and the adjutant general in coordinating, advising, or planning tasks related to community right-to-know reporting, toxic chemical release reporting, management of hazardous substances, emergency planning and preparedness for all types of hazards and emergency planning and preparedness for all types of disasters, as defined in K.S.A. 48-904, and amendments thereto;
- (j) recommend procedures to integrate, as appropriate, hazardous substance response planning under 42 U.S.C. 11001-11005, federal contingency planning under 33 U.S.C. 1321 and other federal laws as applicable to hazardous substance discharges, and state, regional, and local planning;
- (k) provide recommendations and advice to the adjutant general and the secretary of health and environment regarding the adoption of regulations as authorized to carry out the purposes of all state hazard preparedness and planning laws and the federal act, 42 U.S.C. 11001-11005;
- (l) approve the fees established by rules and regulations of the adjutant general to cover all or part of the total operational costs of implementing the provisions of the federal act; and
- (m) provide assistance and advice to the division of emergency management and the adjutant general in developing and implementing a plan for regional emergency medical response teams.

The Kansas Division of Emergency Management (KDEM) and the Kansas Department of Health and Environment (KDHE) share EPCRA responsibilities in Kansas on behalf of the CEPR. Below is a table identifying the section each agency has responsibility over.

EPCRA SECTION	RESPONSIBLE AGENCY	CONTACT
302	KDHE	Right to Know (785) 296-1688
303	KDEM	Planning and Mitigation (785) 274-1431
304	KDEM	(785) 275-0297 24-hour Notification
311-312	KDHE	Right to Know (785) 296-1688
313	KDHE	Right to Know (785) 296-1688



Commission on Emergency Planning and Response	
Adjutant General's Department <i>Statutory Appointment</i>	Kansas Department of Health and Environment <i>Statutory Appointment</i>
Kansas Department of Transportation <i>Statutory Appointment</i>	Kansas Department of Agriculture <i>Statutory Appointment</i>
Kansas Highway Patrol <i>Statutory Appointment</i>	Kansas Animal Health Department <i>Statutory Appointment</i>
Kansas State Fire Marshal <i>Statutory Appointment</i>	Kansas Department of Commerce <i>Statutory Appointment</i>
Kansas Bureau of Investigation <i>Statutory Appointment</i>	Kansas Commission on Disability Concerns <i>Governor Appointment</i>
Kansas Livestock Association <i>Governor Appointment</i>	Homeland Security Council Representative <i>Governor Appointment</i>
City Representative <i>Governor Appointment</i>	Business and Industry Representatives (3) <i>Governor Appointment</i>
County Representative <i>Governor Appointment</i>	Public Works Services Representative <i>Governor Appointment</i>
Firefighter Representative <i>Governor Appointment</i>	Law Enforcement Representative <i>Governor Appointment</i>
Hospital Representative <i>Governor Appointment</i>	Public Health Representative <i>Governor Appointment</i>
Emergency Medical Services <i>Governor Appointment</i>	Transportation, Rail, and Trucking Representative <i>Governor Appointment</i>
Energy Representative <i>Governor Appointment</i>	County Emergency Managers Representative <i>Governor Appointment</i>
Tribal Representative <i>Governor Appointment</i>	

Figure 1. CEPR is comprised of 27 representatives from various state and local government organizations and industry.

PART III: UNDERSTANDING EPCRA

EPCRA is made up of Sections 301-330 of Public Law 99-499 with Sections 302-313 and Section 324, being most common for LEPCs. The following is a brief description of these important sections:

SECTION 302

[\(40 CFR Part 302\)](#)

SECTION 302—EXTREMELY HAZARDOUS SUBSTANCES (EHS). Facilities that have EHS present at or above an amount known as the Threshold Planning Quantity (TPQ) must report this to the CEPR and the LEPC. The report must be filed within 60 days of the substance arriving at the facility. The facility must designate a liaison person to coordinate EHS response planning with the LEPC. The LEPC must incorporate facility information into the local emergency operations plan for the county. Section 302 substances are subject to Section 312 (Tier II) reporting as well.

The Environmental Protection Agency (EPA) designates which substances are EHS. The best single source for EHS is the EPA List of Lists, which contains not only Section 302 substances, but Section 304 substances, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) substances, and Section 313 substances. The Section 302 notification is a one-time report and does not have to be refilled unless new substances are brought on the facility (even temporarily) or old ones are permanently removed.

SECTION 303

[\(40 CFR Part 355\)](#)

SECTION 303 MANDATES PLANNING. Section 303 requires the CEPR to develop a comprehensive emergency response plan for the state. The LEPC is also required to prepare a comprehensive local emergency operations plan for the county which must be updated at least annually. Local changes in facilities, substances stored, etc., may indicate if more frequent reviews should be done. The county plan is to be submitted to the Kansas Division of Emergency Management (KDEM), who accepts it on behalf of the CEPR, for approval. *Hazardous Materials Emergency Planning Guide, NRT-1* details the nine areas to be addressed by response plans, as required by Section 303. [Appendix M](#) of this document details the SARA Title III planning requirements that have been incorporated into the Kansas Planning Standards.

SECTION 304

[\(40 CFR Part 370\)](#)

SECTION 304 ESTABLISHES REQUIREMENTS FOR ACCIDENTAL RELEASES of substances either on the Section 302 list or the CERCLA list. Under Section 302, substances on the Section 302 or CERCLA lists are assigned Reportable Quantities (RQ). Any accidental release of these substances at or above the RQ triggers reporting requirements to the LEPC, CEPR (KDEM receives notifications on behalf of the CEPR), and the National Response Center (NRC).

SECTION 311 AND 312

[\(40 CFR Part 370\)](#)

SECTIONS 311 (MSDS) AND 312 (Tier II) DEAL WITH FACILITIES. These sections require facilities to make annual reports to the CEPR and LEPC regarding hazardous substances defined by the Occupational Safety and Health Act of 1970 (OSHA). If OSHA requires a facility to post or have available for inspection a Material Safety Data Sheet (MSDS) for a substance, that substance is reportable under Section 311 and 312 of EPCRA. Section 302 substances must also be listed on the Tier II report. Kansas does not require Tier I reports because the [Tier II](#) provides the required information and more. The reports are due March 1 of each year and are for the previous calendar year. The facility must send copies of the report to the Kansas Department of Health and Environment (who accepts the reports on behalf of the CEPR), LEPC, and the local fire department. Tier II reports, along with Section 302 reports, provide the information required for emergency planning and community Right-to-Know Act. In Kansas, the facility fee is based on the quantity of chemicals reported on the Tier II form. Any owner or operator who violates Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$25,000 per day for each such violation. Detailed Kansas Tier II instructions are provided in [Appendix L](#).

SECTION 313

[\(40 CFR Part 372\)](#)

SECTION 313 DEALS WITH THE ROUTINE RELEASE OF TOXIC OR HAZARDOUS SUBSTANCES INTO THE ENVIRONMENT. This is known as Toxic Release Inventory (TRI) and is part of a manufacturing or operating process. The quantity and type of release are known and the reporting threshold is based on the total quantity released during the year. Section 313 differs from Section 304; which deals only with accidental releases. Kansas has few facilities subject to Section 313 reporting and the LEPC will not receive the TRI report directly. Any LEPC that has concerns about TRI or want more information about it should contact the Kansas Department of Health and Environment, Bureau of Air and Radiation.

SECTION 322

[\(40 CFR Part 350\)](#)

SECTION 322 ALLOWS A FACILITY TO WITHHOLD THE IDENTITY OF A CHEMICAL if revealing it could compromise company operations. Section 322 has very narrow criteria, identified in 40 CFR part 350. In practice, less than one percent of facilities in the United States have filed such claims. Section 322 addresses trade secrets as they apply EPCRA Sections 303, 311, 312, and 313 reporting; a facility cannot claim trade secrets under Section 304 of the statute. Only chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. Even if chemical identity information can be legally withheld from the public, EPCRA Section 323 allows the information to be disclosed to

health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment activities.

SECTION 324

SECTION 324 IS THE RIGHT-TO-KNOW PORTION OF EPCRA. It requires that Emergency Operations Plans, MSDSs, and Tier II report information be made available to the general public. Each LEPC is required to annually publish a notice, through print or electronic media, that the Emergency Operations Plans, MSDSs, and Tier II forms have been submitted and it must state the location where such documents may be reviewed during normal business hours. Facilities that have submitted Tier II reports may request the LEPC to keep the location of the hazardous materials within the facility confidential. Do not confuse this provision with the trade secret exception in Section 322.

Reporting Schedules Summary

Section

302	One time notification to CEPR (KDHE) and LEPC
303	One time submission; updates sent as necessary (KDEM)
304	Each time a release above a reportable quantity occurs; to LEPC and CEPR (KDEM)
311	One time submission; update only for new chemicals or information; to CEPR (KDHE), LEPC, fire department
312	Annually, by March 1 to CEPR (KDHE), LEPC, fire department
313	Annually, by July 1, to EPA and CEPR (KDHE)



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PART IV: LOCAL EMERGENCY PLANNING COMMITTEE

PURPOSE

Local Emergency Planning Committees (LEPCs) work to understand the hazards in the community, develop emergency plans in case of an accidental release or natural disaster, and look for ways to prevent accidents. The role of LEPCs is to form a partnership between local governments and industries to enhance all-hazards preparedness. The local government is responsible for all-hazards planning and response within their jurisdiction. This includes:

- ensuring the local hazard analysis adequately addresses all-hazards incidents;
- incorporating planning for all-hazards incidents into the local emergency operations plan and annexes;
- assessing capabilities and developing all-hazards response capability using local resources, mutual aid and contractors;
- training responders; and
- exercising the plan.

Industry must 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 CEPR, 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 community right-to-know programs and all-hazards planning. Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the district. 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. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about hazardous substances and natural disaster emergency planning and health and environmental risks. Citizens will expect the LEPC to reply to questions about hazards and risk management actions.

LEPC DUTIES AND RESPONSIBILITIES

As mentioned in Part 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 all-hazards planning. LEPCs also help to provide local governments and the public with information about all-hazards in their communities.

Primary LEPC Responsibilities

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

1. Shall review local emergency operations plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303(a)). Plan review results and updates should be submitted to KDEM in writing along with a copy of the LEPC meeting minutes documenting review of the Plan. (Detailed LEPC meeting minutes may be submitted in lieu of written review results.)
2. Shall make available each Material Safety Data Sheet (MSDS), chemical list described in Section 311(a)(2) or Kansas 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(c)).
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 a 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)).

Additional LEPC Responsibilities

1. The LEPC shall appoint a Chairperson, an Information Coordinator, and establish bylaws under which the committee shall function (EPCRA, Section 301(c)). The bylaws shall include provisions for public notification of committee activities, public meetings to discuss the emergency operations plan, public comments, and response to such comments by the committee ([See Appendix A for sample bylaws](#)). Other considerations that the LEPC should make in rulemaking are:
 - a. Term of office
 - b. Removal from the LEPC
 - c. Authority of the LEPC
 - d. Immunity for LEPC members
2. The LEPC shall notify the CEPR of nominations for changes in the makeup of the committee. **The LEPC members shall be nominated by County Commissioners and will be approved by the CEPR.** Nominations must be submitted in written form. A current membership list should be sent to the CEPR on an annual basis to be considered "active". Provide the CEPR an address for LEPC correspondence to include where facilities should submit their Tier II forms. Provide the CEPR an email address for the LEPC Chairperson.
3. The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's local emergency operations 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)).
4. The LEPC shall annually publish a notice through print or electronic means that the local emergency operations plan, MSDS, and Tier II inventory forms have been submitted under this section (Section 324(b)).
5. The LEPC shall submit the [LEPC Compliance Certification Form](#) annually by December 31st ([see page v](#)).



LEPC STRUCTURE

Membership

The LEPC, as is the case for the CEPR, must have membership representation from a cross-section of the community it serves. 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
- Firefighting
- Transportation personnel
- Hospital personnel
- Broadcast and/or print media
- Local environmental group
- Law enforcement
- Emergency management personnel
- Emergency medical personnel
- Health officials
- Community groups
- Owners and operators of covered facilities

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. [Appendix B](#) contains examples of potential community members that a LEPC can solicit for membership. There is no law regulating the maximum number of members on a LEPC. Ideally, LEPC members should be true volunteers who are interested in emergency programs and community right-to-know activities. Because the LEPC's members represent the community, they should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise will be essential as the LEPC develops a plan tailored to the needs of the community. An example letter requesting participation from an owner/operator of a covered facility has been included as [Appendix C](#).

Involving individuals who have expertise in areas of LEPC concerns 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.

Appointments

1. Chairperson. 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 individuals 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.
2. Information Coordinator. 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.

3. Others. Positions not required by law, but which have proven very useful are: Vice-Chairperson, Secretary-Treasurer, and Chairpersons of standing committees; see [Appendix A, Article IV](#) for sample position descriptions.

The LEPC members shall be nominated by County Commissioners and will be approved by the CEPR. KDEM maintains the official LEPC membership database on behalf of the CEPR. The State provides this information to the public, industry, federal agencies, and other states as requested. **It is therefore important that your LEPC membership is current and KDEM is kept apprised of all membership changes;** see [page vii for a membership form](#).



Subcommittees

Although subcommittees are not required, dividing the work among them 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 county, 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 CEPR.
- 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 (not required) are:

1. **Planning Subcommittee**, whose responsibilities may include:
 - a. Developing and assisting in the revision of the emergency operations plan;
 - b. Establishing a vulnerability zone determination methodology;
 - c. Reviewing the site specific Hazardous Materials Response Plans submitted from each facility with quantities of EHSs; and
 - d. Reviewing the LEPC plan annually.

2. **A Public Information Subcommittee**, whose responsibilities may include:
 - a. Writing and publishing public notices;
 - b. Establishing an information storage and retrieval system; and
 - c. Performing citizen/neighborhood outreach to inform them of current plans and other available information.

3. **A Training and Exercise Subcommittee**, whose responsibilities may include:
 - a. Conducting training needs assessment;
 - b. Requesting grant funding to provide for training needs;
 - c. Coordinating training programs; and
 - d. Establishing an exercise schedule.

4. **An Executive Subcommittee**, whose responsibilities may include:
 - a. Being familiar with local, state, and federal laws which impact the all-hazards planning process;
 - b. Developing long-term goals for the LEPC;
 - c. Attending to LEPC member needs;
 - d. Reviewing terms of current LEPC members and soliciting volunteers to fill vacancies; and
 - e. Development of LEPC timetables for other subcommittees.

5. **A Resource Development Subcommittee**, whose responsibilities may include:
 - a. Researching community resources for emergency response (e.g., various types of equipment, facilities, and available expertise);
 - b. Maintaining a current LEPC resource inventory;
 - c. Identifying alternative resources upon which the community may draw in time of emergency or disaster; and
 - d. 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.

6. **An Emergency Response Subcommittee**, whose responsibilities may include:
 - a. Developing emergency response procedures in conjunction with local government personnel that may be utilized for all-hazard responses; and
 - b. Education on the local Incident Command System (ICS) procedures to reinforce and coordinate local governmental emergency response.
7. **A Finance Subcommittee**, whose responsibilities may include:
 - a. Management of the LEPC budget; and
 - b. Examining sources of and recommending uses of LEPC funds.
8. **A Business/Industry Outreach Subcommittee**, whose responsibilities may include:
 - a. Development initiatives that will encourage participation by community commercial businesses and industrial facilities.

BYLAWS

LEPCs shall write bylaws or rules by which the committee will function. The bylaws should contain information regarding the committee's formation, responsibilities, election of officers, terms of service for general members and officers, frequency of meetings, and any other information the committee deems pertinent. 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 A](#).

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. At a minimum, counties should consider meeting annually for populations of 1000 or less in the county, semi-annually for populations of 1000-10,000, or quarterly for populations greater than 10,000.

A meeting of an LEPC is subject to public scrutiny through the Kansas Open Meetings Act (KOMA). LEPCs should confer with their county attorney on requirement of KOMA, as appropriate. All meetings of the LEPC or any subcommittee should be open to the public, except under circumstances where KOMA permits otherwise. 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.

Meetings 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. An example agenda is included in [Appendix F](#).

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.

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. [Appendix E](#) has several helpful hints for holding a successful LEPC meeting.

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.

Maintenance of Records

At a minimum, LEPCs should maintain the following records for:

RECORD	1 YR	2YR	5 YR	Until Superseded	No Longer Useful
Local emergency management plans and pertinent annexes				X^D	
Material Safety Data Sheets (MSDS) or information on where to obtain them				X^D	
Initial and follow-up hazardous chemical spill release reports			X^D		
LEPC bylaws				X^D	
Minutes of LEPC and committee meetings					X^P
Kansas Tier II reports for covered facilities		X^D			
LEPC membership list	X^D				

[Records Retention and Disposition Schedules - Kansas Historical Society](#)

Record Disposition

P: Permanent Storage (can be in electronic format)

D: Destroy

PUBLIC INQUIRIES AND AWARENESS

Section 324 of EPCRA provides the public access to information gathered under the law. The section requires all lists of MSDS chemicals, hazardous chemical inventory forms, toxic release inventories (TRIs), follow up spill notices, and the emergency response plan be made available to the public during normal working hours. This applies to the LEPCs as well as the CEPR. The LEPC must publish a notice annually to inform the public of the availability and location of the information. 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. An example of an EPCRA Public Notice can be found in [Appendix I](#).

According to national LEPC surveys, 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 H](#) provides ideas on awareness projects for the public.

LEPC ACTIVITIES

To satisfy the letter of the law, LEPCs need only to do what is listed in the section of this handbook about duties and responsibilities. But there is much more that needs to be done. LEPCs can do much to safeguard the health and welfare of the citizens within their jurisdiction by undertaking projects or activities that enhance the public awareness of, and government's capability to respond to, hazardous materials incidents and natural disasters. More information and suggestions on LEPC activities can be found in [Appendix H](#).

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. The cost of implementing EPCRA at the LEPC level will vary, depending on the extent of program development, as well as other factors. Communities have found a wide range of solutions to the funding problem. Examples of some solutions can be found in [Appendix J](#).

PART V: REPORTING REQUIREMENTS FOR FACILITIES WITH HAZARDOUS MATERIALS

TYPES OF HAZARDOUS MATERIALS SUBJECT TO REGULATION

There are five groups of chemicals subject to emergency planning and reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) and Kansas Emergency Planning and Right-to-Know Acts.

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 Kansas, the presence of EHSs in quantities above the threshold planning quantity (TPQ) or 500 pounds, whichever is greater, requires the submission of a chemical inventory report to the LEPC, local fire department, and CEPR (Kansas Department of Health and Environment, KDHE, accepts the chemical inventory report on behalf of the CEPR). The EHS list, with TPQs (threshold planning quantities) and RQs (reportable quantities) are listed in [40 CFR Part 355, Appendices A and B](#). Because of the hazards they pose, any release of an EHS, greater than the RQ, must be reported immediately to designated federal, state, and local emergency response officials.
2. **HAZARDOUS SUBSTANCES**. These are listed under the Superfund hazardous waste cleanup Act (Section 103 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The current list contains approximately 720 chemicals ([40 CFR Part 302](#)). Release 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 or environment.
3. **HAZARDOUS CHEMICALS**. These are not included on a specific list, but are defined by the OSHA Hazard Communication Standard in [29 CFR Section 1910.1200](#), as chemicals which represent a physical or health hazard. Inventories of these chemicals must be submitted to the CEPR, LEPCs, and 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. These chemicals are reported on March 1 on the annual Tier II report. In Kansas, the Department of Health and Environment, Bureau of Air and Radiation, receives the Tier II reports. Material Safety Data Sheets (MSDS) for these chemicals must also be submitted if requested. EPCRA lists some exemptions to inventory reporting for certain foods, household items, products used in routine agricultural operations, and other substances.
4. **TOXIC CHEMICALS**. There are now more than 700 chemicals or chemical categories identified as toxic chemicals. They were selected by Congress primarily because of their

chronic or long-term adverse effects on human health. Estimates of the releases of these chemicals into the environment (air, land, or water) must be reported annually to the CEPR and the EPA. The list of toxic chemical is contained in [40 CFR Part 372](#).

- 5. RISK MANAGEMENT PLAN LIST OF TOXICS AND FLAMMABLES.** There are a total of 140 regulated substances on the list promulgated in 1994 (77 toxics and 63 flammables). Inventories of these chemicals above established thresholds in a process at a facility trigger the development and submittal of Risk Management Plan (RMP). The list is found in [40 CFR Part 68](#).

The EPA has compiled a listing of chemicals subject to reporting entitled [Title III List of Lists](#). This document identifies hazardous substances subject to reporting requirements of EPCRA, CERCLA, and CAA section 112r. Please note that this list does not cover all the hazardous chemicals subject to inventory reporting under federal regulations because OSHA regulates some 70,000 chemicals under its hazard communication standard.

Any spill or release of a hazardous substance, listed in the *Title III List of Lists*, must be reported to Kansas Division of Emergency Management (KDEM) if the reportable quantity is exceeded. In addition, Kansas Regulation [K.A.R. 28-48](#) as authorized by [K.S.A. 65-171d](#) explains what is reportable to Kansas Department of Health and Environment (KDHE). To satisfy the requirements of K.A.R. 28-48-2 all spills that impact the soil or waters of the state must be reported to KDHE. [Appendix K](#) provides more information on spill reporting requirements in Kansas.

SPILL NOTIFICATION FORM

Kansas has developed a spill notification document called a "[Form A](#)"; this document is for hazardous materials incidents, accidental releases and continuous release notifications. It is recommended that industry, Emergency Managers, LEPCs and first responders maintain a copy of the "Form A" for reporting hazardous material release incidents, orphan drums (drums or containers of chemicals dumped at the side of the road), unknown spills, citizen complaints, etc.

Initial notification of a hazardous substance release must be made verbally via telephone or radio to KDEM and the LEPC. KDEM will issue a confirmation number to the caller and instruct the spiller to complete the Spill Notification Form (a.k.a "Form A") online at <http://spillreporting.kansastag.gov>. If web access is not available, the "Form A" may be faxed into the Kansas Division of Emergency Management at (785) 274-1426. A copy of the "Form A" must be sent to the LEPC where the spill occurred. A paper version of the "Form A" is provided in [Appendix K](#). The form can also be downloaded from the KDEM webpage:

<http://www.kansastag.gov/KDEM.asp?PageID=175>



The "Form A" is a support document to the initial verbal notification. The Form A may be updated and used as the written after action report for an incident, **ONLY IF** it is updated with all information after the incident has concluded all the required information on actions taken to respond to and contain the release.

LEPCs can become registered users on the on-line spill reporting database. By becoming a registered user, LEPCs can have access to summary reports for hazardous materials spills that have occurred in their county. To request a username and password from KDEM's Spill Coordinator, please call (785) 274-1423.

HAZARDOUS SUBSTANCE INVENTORY REPORTING

There are fixed facilities in every county in Kansas 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 facilities, ammonia refrigeration systems, utilities, and other areas. The ambiguity exempting federal facilities from EPCRA reporting was closed by a [Presidential Executive Order 12856, dated August 3, 1993.](#)

HAZARDOUS SUBSTANCE INVENTORY REPORTS

1. Identification of Facilities Subject to Special Planning Requirements
 - a. Tier II forms should be submitted to the LEPC and the Kansas Department of Health and Environment (KDHE) when the facility has sufficient EHSs to warrant reporting. KDHE is the designated agency to receive the Tier II forms on behalf of the Commission on Emergency Planning and Response (CEPR).
 - b. 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
 - a. Covered facilities must annually submit a Tier II form to KDHE, LEPC, and the local fire department.
 - b. Covered facilities must submit MSDSs if requested by above agencies.
 - c. The annual Kansas Tier II report and filing fee must be submitted to KDHE by March 1 of each year.
 - i. Section 311 must be filed within 90 days of acquiring new hazardous chemicals.
 - ii. Section 312 by March 1 of each year for the previous calendar year.
 - iii. Changes must be submitted within 60 days.

3. Yearly Toxic Chemical Release Reporting

- a. Covered facilities submit written Toxic Chemical Release Inventory Form A(s) or R(s) to EPA's Central Data Exchange (CDX) via the internet at www.epa.gov/cdx and KDHE by July 1 of each year for the previous calendar year (Section 313 of EPCRA; 40 CFR 372).

EMERGENCY RELEASE NOTIFICATION

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.

1. Covered facilities or transporters must make immediate notification to an emergency 24-hour phone number designated by each LEPC, the CEPR (785-296-8013 or 800-275-0297) and the National Response Center (NRC) (800-424-8802). The Kansas Division of Emergency Management receives the emergency release notifications on behalf of the CEPR.
2. Written follow-ups must be filed with KDEM and the LEPC. The Form A or a written letter with all of the required information needs to be submitted.
3. After transportation incidents involving hazardous substances, carriers must also submit a written report to KDEM and the LEPC.
4. If the spill impacts the soil or waters of the state, KDHE, Bureau of Remediation must also be notified (785-296-1679).



RISK MANAGEMENT PROGRAMS [Clean Air Act Section 112(r)]

Section 112 (r) of the Clean Air Act 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.

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. 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). 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.

Risk Management Plan (RMP) Basics

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

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

At a minimum, LEPCs can expect to get involved in the following areas of the RMP rule:

1. Emergency Response Program of the final rule, which requires the owner or operator of a covered facility to provide the name and telephone of the local agency with which the facility emergency response plan is coordinated. Facilities may have approached LEPCs with requests for the mentioned coordination. LEPCs should familiarize themselves with those emergency response plans.
2. 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 read about future changes planned to improve safety.
3. LEPCs should review the hazard assessments provided by the facilities. The vulnerable zones may add significantly to the planning efforts of the LEPC.

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PART VI: HAZARDOUS MATERIALS RESPONSE OPTIONS

INTRODUCTION

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.

Local Response

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 across the state. Some jurisdictions have special HazMat teams which can respond to incidents where general firefighters cannot.

State Response

The Kansas State Fire Marshal's Office has established contracts between individual local fire departments and their office for HazMat teams. The fire departments agree to provide team members and regional response outside their local jurisdiction and the State Fire Marshal's Office provides training and equipment at no cost to the department. The State Fire Marshal's Office also reimburses all costs associated with actual HazMat responses.

The twelve regional response teams, consisting of nationally accredited hazardous materials technicians, are fully equipped to enter the area immediately surrounding the hazardous material in order to monitor the environment and mitigate the incident. The regional response teams comprise a network and are able to support each other with personnel and or equipment when needed. These teams can respond to most areas in Kansas within an hour or less in order to address HazMat incidents and accidents as well as terrorist events involving chemical, biological, radiological, or nuclear (CBRN) products.

The regional response teams are located in the following areas: Coffeyville, Colby, Emporia, Ford County, Hays, Manhattan, Overland Park, Salina, Sedgwick County, Seward County, Topeka, and Wellington.

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 operations plan.

REIMBURSEMENT OPPORTUNITIES

Although LEPCs cannot be reimbursed for expending any funds in a hazardous materials incident, there are alternative options for recouping expenses. Section 123 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), authorizes EPA to reimburse local governments for expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats. These measures are defined as those 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 the [Local Governments Reimbursement \(LGR\) Program](#). Through this program, the EPA has reimbursed local governments for releases from transportation accidents, dumped wastes, tire fires, and contamination from drug labs. Releases of oil-related products are not covered, unless the oil is mixed with a hazardous substance. The LGR program provides a "safety net" of up to \$25,000 per incident to local governments that do not have funds available to pay for response actions. To determine eligibility, requirements, and to obtain an application or more information on the LGR program, visit the EPA website. Below are a few success stories where the LGR program was able to assist the local governments.

LGR Success Stories

Wichita, Kansas - Hazardous Materials Response

Late evening, May 24, 2009 - a cook sat in his kitchen mixing up a batch of methamphetamine. Given his lack of chemistry skills, something went terribly wrong and flames burst out in his home. Wichita, Kansas first responders arrived on the scene, contained the fire and secured the site. Although the responsible party was charged with manufacturing the drug, he was uninsured and unable to pay the response costs. As a result, the LGR program provided the City of Wichita with a full award of \$2,036.83 to help pay for materials and overtime costs. (Application 1521)

Gadsden, Alabama - Hazardous Materials Response

On a cold morning in March 2008, the Gadsden-Etowah County Emergency Management Agency in Alabama received a call from the City of Gadsden's Public Works Department alerting them about an illegal chemical dump. Local HazMat were called and responded to the scene where they secured the area and assisted with the cleanup and decontamination of the site. Unable to locate the responsible party, Gadsden incurred over \$36,000 in expenses related to the response. As a result, the City had to draw upon unbudgeted funds to pay for the incident. The LGR program provided a full award of \$25,000 to the City of Gadsden which the City applied to contractor costs associated with the response. (Application 1495)

Wahpeton, North Dakota - Chemical Fire

In the early morning hours of February 18, 2008, members of the Wahpeton, North Dakota Fire Department arrived on the scene of a large industrial fire at a chemical plating plant. It took several hours for firefighters to battle the blaze, contain the fire and secure the scene. Responding to the fire cost the City of Wahpeton nearly \$45,000 which Wahpeton was unable to recover from the facility or other potential sources. In an attempt to determine how to pay for this unexpected incident, Wahpeton learned about the LGR program and applied for reimbursement. The City received a full award of \$25,000 which helped cover the costs of materials and equipment damaged or destroyed during the response. (Application 1492)

Calloway County, Kentucky - Mercury Spill

A commotion broke out at East Calloway Middle School in early November 2006 after a student accidentally released mercury on a school bus and proceeded to contaminate school grounds. Students, teachers and staff were inspected for contamination and a contractor was called to assist with the cleanup and decontamination of the school. Calloway County, Kentucky incurred close to \$50,000 in expenses related to this response. Since students were the responsible party and did not have the means to pay for the incident, the Local Governments Reimbursement (LGR) program provided Calloway County with a full award of \$25,000 which the County applied to contractor costs associated with the incident. (Application 1472)

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APPENDICES

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APPENDIX A Sample LEPC Bylaws

Bylaws can be adapted to meet the needs of your jurisdiction—this is simply an example

BYLAWS OF THE _____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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 are those set out in SARA Title III/EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe or District Commissioners, and/or the Commission on Emergency Planning and Response (CEPR), which is formerly known as the State Emergency Response Commission (SERC) in Kansas. In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop an all-hazards emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of SARA Title III.

The LEPC shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings or activities.
3. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform an all-hazards analysis.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Establish and maintain a system of data management.
6. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public that all meetings, including sub-committee and ad hoc committee meetings, are open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the Commission on Emergency Planning and Response (CEPR), or the county council. The LEPC will make assessments of resources necessary to implement the emergency operations plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose

of the Community Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or transported within the planning district. Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, aircraft and waters of commerce.

ARTICLE II MEMBERSHIP

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials, law enforcement, emergency management, firefighting personnel, first aid/EMS personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. **The members shall be nominated by County Commissioners and will be approved by the CEPR.** Membership updates will be provided to the CEPR on an annual basis or whenever there is a change in membership.

Section 1. Qualification. The organization shall consist of those members nominated by the County Commissioners and approved by the CEPR for membership in this body. Those people's names shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

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 ___year(s). 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 provided in Article III, Section 3.

Section 4. Inactive Members. Appointed members shall be considered inactive when they have missed more than ____ (insert number) consecutive Committee meetings without notification to the Committee Chair or staff office of significant reasons why they were unable to attend meetings. The annual report listing members declared inactive will be provided to the County Commissioners and the CEPR.

Section 5. 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 Commissioners who will make the recommendation to the CEPR for approval.

Section 6. Duties. The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

Section 7. Meetings. The LEPC shall meet at least _____. 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 ____ members. The special committees shall meet as the work under their groupings proceeds.

Section 8. Quorum. The presence of _____ 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 ____ members shall constitute a quorum for the transaction of business.

Section 9. Agenda. Any member may request that the Chairperson place an item on the meeting agenda. If the chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of ____ members of the Committee.

Section 10. Rules of Order. The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section 11. Notice of Meetings. An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County in accordance with SARA Title III (EPCRA). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan.

ARTICLE III 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 1. 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 2. 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 ____ year(s).

Section 3. 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 4. 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 5. 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 6. Information Coordinator. The LEPC will appoint an Information Coordinator. The Coordinator shall process requests from the public for information under Section 324 (Right-to-Know), 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 SUBCOMMITTEES (OPTIONAL)

Although subcommittees are not required, dividing the work among them can facilitate planning and data management.

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 in Section 2. 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 emergency response plans 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 By-Laws. These by-laws shall become effective upon approval by a majority of those in attendance at the organization meeting.

Section 4. Disqualification. Any member who is unable to attend a meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with ___ or more absences is subject to disqualification at the request of the LEPC to the county council and the CEPR.

ARTICLE VI AMENDMENTS

Section 1. Amendments. These by-laws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revision to the by-laws.

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 Rule; Publication of Proposals. The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC. Proposed rules are subject to public comment 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 initially be considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves the 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 that responds to comments and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption. Upon adoption of any rule by the LEPC, the Information Coordinator shall also publish the LEPC's 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.

Section 5. Emergency Rules. In emergency circumstances, 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.

FINAL RULES

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.

Public Notification and General Participation

- A.** 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.
- B.** Not less than once each calendar year, the LEPC shall publish, through print or electronic means, 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 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 respond to each and every comment received.

LEPC Participation in the Planning Process

- A.** The Kansas Emergency Management Act, as amended, requires each local and inter-jurisdictional agency to prepare and keep current an emergency management for its area.

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.

- E. **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 confidentiality 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.

**THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF _____
COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT
THE REGULAR MEETING OF THE LEPC ON THIS THE _____ DAY OF
_____, IN THE YEAR _____.**

LEPC CHAIRPERSON (PRINTED)

CHAIRMAN, COUNTY COMMISSIONERS
(PRINTED)

LEPC CHAIRPERSON SIGNATURE/DATE

CHAIRMAN, COUNTY COMMISSIONERS
SIGNATURE/DATE

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APPENDIX B
EXAMPLES OF LEPC MEMBERSHIP

State/Local Official	Commissioner, Sheriff, County Clerk, County Attorney, Mayor
Law Enforcement	Police Officers, Police Chief, Sheriff, Deputies
Firefighting	Fire Chief, Firefighters
Emergency Management	Emergency Preparedness Coordinator, Emergency Coordinators for Businesses
Health	County Health Dept, Doctors, Mental Health
Hospital	Hospital Administrator/Director
Broadcast Media/ Communications Media	Newspaper, Website Developer, Public Information, RACES, Ham Radio Club, local weather reporters
Emergency Medical Services	Director of County Ambulance, EMS Technicians
Transportation	Highway Dept, School Bus Director, Airport Authority, trucking company, transit
Local Environmental Group	County Extension Office, Noxious Weed Dept, Sierra Club, Conservation Groups, Audubon Society
Community Group	Red Cross, Salvation Army, Special Needs groups, Humane Society, Ministerial Alliance, Chamber of Commerce, Garden Club, Rotary Club, Kiwanis, Lion's Club
Facility Owners/Operators	Any representative from a facility using/storing hazardous materials within your county

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APPENDIX C

Sample Invitation Letter to Request Participation on LEPC

[County Letterhead]

[Date]

[Name]

[Address]

Re: Local Emergency Planning Committee

Dear [Enter Name]:

As you may be aware, [County] government is required under the federal Emergency Planning and Community Right-to-Know Act to have a Local Emergency Planning Committee (LEPC). The activities of this committee include maintenance of an Emergency Operations Plan for natural disasters and chemical accidents, receiving chemical reports from subject facilities, and making that information available to the public.

Currently, [County] LEPC is reorganizing and soliciting individuals for participation. Since your facility is subject to the reporting provisions of EPCRA and plays a vital role in the emergency planning process, it would be valuable to have an individual from your facility become an active member on [County] LEPC. I would like to extend an invitation for your facility to participate. Please notify me as soon as possible with your response, such expertise and knowledge would be of great value to the LEPC.

The LEPC meets [Number] times per [Month, Quarter, Year] at [Time] on the [Number] day of the month. The meetings begin promptly and last no more than [Number] hours unless there is a special presentation or a special situation that needs to be addressed.

My mailing address is [Address] or you can contact me by email at [Email Address] or reach me by phone at [Phone Number].

Sincerely,

LEPC Chairperson

cc: *

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APPENDIX D

LEPC Self-Evaluation Tool

The following checklist has been developed for the sole purpose of conducting a self-assessment of your LEPC. Below are criteria used for evaluating a LEPC. Place a check mark next to each item completed by the LEPC. Total the number of check marks in the "YES" column to evaluate your LEPC. These tools are for internal LEPC use only.

LEPC STRUCTURE AND ORGANIZATION		YES	NO	N/A
1	Achieved genuinely broad-based and balanced membership?			
2	Adopted by-laws?			
3	Hold regular, well-attended meetings (at least quarterly)?			
4	Ensured LEPC meetings are accessible and well-publicized (time, place, publicity)?			
5	Provide LEPC members advance agendas and written minutes?			
6	Submits annual membership list to CEPR?			
7	Organized active subcommittees and established clear membership roles?			
8	Produced an annual report (covering trends in accidents, hazards, enforcement, drills, site-specific risk reduction, etc)?			
9	Annually submits the LEPC Compliance form to the CEPR by December 31?			
10	Focused on all-hazards?			
11	Worked toward reducing vulnerability zones and accident potentials?			
12	Maintained own identity independent from the host agency?			
13	Improved emergency response and mitigation?			
14	Set progress objectives (funding, participation, communication, etc) and annually evaluate progress toward achieving those goals?			
15	Secured adequate funding sources (through agency budgets, grants, donations, etc)?			

LEPC EMERGENCY RESPONSE PLANNING		YES	NO	N/A
16	Submitted a Local Emergency Operations Plan to the Commission on Emergency Planning and Response?			
17	Annually review and update as necessary the LEOP?			
18	Coordination exists between EHS facilities and fire departments, as well as other response organizations (police, hospitals, etc)?			
19	Established alert and warning systems to notify the public?			
20	Established a means to determine the severity of a chemical release or natural disaster and the area and population likely to be affected?			
21	Identified potential shelters and evacuation routes?			
22	Identified the facility emergency response coordinators for regulated facilities within jurisdiction?			
23	Maintain an inventory of emergency response resources (equipment, facilities, and expertise)?			
24	Provided education on protective actions (evacuation/shelter-in-place) to the public and first responders?			
25	Evaluated the protective capacity of shelter-in-place structures?			
26	Acknowledged the limits of emergency response capabilities for protecting people, property, and the environment?			
27	Received emergency response plans from the regulated facilities?			
28	Conducted a hazard analysis?			
29	Ensured that hazard analyses are incorporated into plans?			
30	Established notification procedures are in place by which facility emergency response coordinators will notify first responders in the event of a hazardous chemical emergency.			
COMMUNITY HAZARD ANALYSIS		YES	NO	N/A
31	Developed easily understood community maps showing EHS facilities, vulnerability zones, transportation routes, etc?			
32	Conducted a commodity flow study to identify chemicals and volume of hazardous materials moving through the community?			
33	Identified potential hazards from natural events such as flood, tornado, earthquake, drought, winter storm, etc?			

34	Identified critical facilities, vulnerable environments, and potentially exposed populations (e.g. schools, nursing homes, residential areas, workers on site)?			
35	Prepared or obtained worst-case and lesser release scenarios at each EHS facility and those in transportation?			
36	Assessed potential risks and developed a prioritized list?			
LEPC TRAINING AND EXERCISES		YES	NO	N/A
37	Developed emergency response drills and exercises to evaluate the effectiveness of our LEOP?			
38	Established a schedule to regularly conduct drills and emergency response exercises?			
39	Participated in the annual Training and Exercise Planning Workshop (T&EPW)?			
40	Sponsored training for fire, medical, police, hazmat teams, hospitals, and other response personnel?			
41	Held seminars for the public on the hazards within their community and how they can protect life and property?			
42	Participated in drills and exercises with regulated facilities within the jurisdiction?			
COMMUNITY RIGHT-TO-KNOW		YES	NO	N/A
43	Publicized availability of right-to-know information?			
44	Computerized data for ease of access and analysis?			
45	Established a convenient information request process?			
46	Provided Tier II chemical storage information as required?			
47	Publicized community hazard maps with vulnerability zones through printed or electronic media?			
48	Discussed or publicized options for reducing vulnerable zones (e.g. safer technologies)?			
49	Regularly contacts each reporting facility to promote better understanding of EPCRA requirements by the facility owner or operator?			
50	Provides information on EPCRA to new businesses?			
51	Ensures that all required facilities that must annually report extremely hazardous substance are submitting their Tier II forms?			

ACCIDENT PREVENTION		YES	NO	N/A
52	Promoted exploration of inherently safer technologies (safer chemicals, lower pressure or temperatures, less storage, fewer shipments)?			
53	Promoted other facility safety improvements (e.g. secondary containment, automatic shutoffs, alarms, etc)?			
54	Provided the hazard analysis to planning commissions, zoning boards, public works, citizen advisory councils, and other local entities?			
55	Analyzed spill reports for response and prevention lessons?			
56	Given recognition for hazard reduction efforts (e.g. annual awards)?			
PUBLIC AWARENESS		YES	NO	N/A
57	Maintains a LEPC website for the public to access?			
58	Prints an annual EPCRA notice for local news releases or displays the EPCRA public notice on our website?			
59	Provides public service announcements concerning all-hazard preparedness to local radio and television stations?			
60	Conducts activities in the community to heighten the public's awareness of hazards in the community?			

	YES	NO	N/A
TOTALS			

SCORING: TOTAL NUMBER IN "YES" COLUMN

60-51	Outstanding
50-41	Good
40-31	Progressing
30-21	Mediocre
20-11	Inadequate
10-0	Non-Functioning

APPENDIX E

Holding an Effective LEPC Meeting

The LEPC has many tasks it must perform, the members are volunteers, their time is valuable and to be successful the LEPC must operate in a businesslike manner. Whenever possible, the site of the meeting should be the same, month after month. A well thought out 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. Send each committee member a copy of the completed agenda prior to the scheduled meeting. The advanced time necessary for the members to review the agenda is one to two weeks. Send any information pertinent to the upcoming meeting along with the agenda. This way, members can prepare themselves for the meeting in advance. In order to keep LEPC members motivated, regular scheduling of meetings is essential.

Public meetings offer a clear and immediate benefit; however, public meetings should be used sparingly. LEPCs should hold public meetings to present or review emergency plans. A large public meeting could be useful after an accident when many people have questions. If a current emergency plan has become controversial, a meeting could offer the community a chance at wider participation in revising it.

Regular meetings offer members the opportunity to continue contingency plan review and revision. Regular meetings also offer the opportunity for the LEPC to broaden its role in the community to meet the capabilities and the commitment of its members. The following guidelines for conducting a meeting are presented for your review and consideration:

BEFORE THE MEETING

- Have a specific purpose/objective for each meeting
- Identify topics and material to be covered.
- Invite key people, guest speakers / presenters
- Establish an appropriate time frame
- PREPARE AN AGENDA
- Notify membership of meeting times and distribute the agenda (early)
- Make logistical arrangements, reserve space, seating, audio/video, etc.

AT THE BEGINNING OF THE MEETING

- Start on time
- Clarify the purpose/objective of the meeting
- Introduce guests or new personnel
- Clarify ground rules, i.e. one topic/speakers at a time, etc.
- Establish time objective

DURING THE MEETING

- Make an opening statement, review the minutes of the last meeting
- Focus on one agenda item at a time, keep the meeting on track

- Collect and clarify relevant information
- Maintain control over time and discussions
- Record ideas and action items
- Summarize information discussed
- Reach agreement on specified decisions and actions

AT THE END OF THE MEETING

- Review action items and responsibilities (who will do what, when)
- Summarize and set follow-up date(s)

AFTER THE MEETING

- Prepare minutes and/or follow-up correspondence if necessary
- Follow-up on action items
- Ask yourself, "What went well?" and "What could be improved?"

GUIDELINES FOR BECOMING A BETTER PARTICIPANT AT MEETINGS

The LEPC is composed of individuals that represent various types of agencies, departments, organizations, groups or occupations within the planning district. These members must represent their constituents in ALL LEPC activities and must provide a channel of information and coordination. The following guidelines outline action each individual member should consider in order to become a better informed and more productive participant in the activities of the committee.

BEFORE THE MEETING

- Review the agenda items, clarify the purpose of the meeting
- Consider your input in regards to agenda items
- Gather/prepare any materials/information you may need
- Arrange material to present in a clear and concise manner
- Take writing materials with you to the meeting

DURING THE MEETING

- Arrive on time
- Be seated and ready to go at the start time
- Participate in discussions and activities
- LISTEN
- Stay on the subject being presented
- Present your information and ideas clearly/concisely
- Avoid side conversations, pay attention, be polite
- Take your own notes, don't rely on the minutes of the meeting

AT THE END OF THE MEETING

- Clarify items requiring your actions
- Ask yourself "Did I represent my constituents?"

PROVEN IDEAS TO HELP KEEP COMMITTEES ACTIVE

- **Conduct Annual Meeting to Review the Plan.** Provide an opportunity for each first responder department to review with the Committee their roles and missions during a response as detailed by the plan. This agenda item allows the committee to meet one of the legislated mandates (annual review of the plan)
- **Conduct a Meeting Near the Tier II Report Deadline.** This meeting provides an opportunity for facilities to hand deliver Tier II reports to the Committee. Additionally, some Committees utilize this meeting to provide assistance to facilities in completing Tier II forms. This process helps both the Committee and facility in documenting more accurate reports and more importantly it serves as a reminder to smaller industries that Tier II forms are due.
- **Invite Guest Speakers to Address Topics of Interest to Members.** Topics that are perennial favorites are: cost recovery, district HazMat team response considerations, industry safety programs, and clean up contractor considerations. Governmental agencies such as Kansas Division of Emergency Management, HazMat Team representatives, EPA, local industry, and clean-up contractor representatives are generally willing to come to present material.
- **Conduct an After Action Meeting for Incident Response.** Conducting a review of a local response to identify best practices as well as lessons learned is a unique opportunity to incorporate changes to the Plan.
- **Conduct a Facility Process Review.** The review can serve as an awareness tool for the responder community. Having an industry explain how and why they use hazardous substances can be a beneficial means of improving awareness of the specific facility and the hazardous substances used. It also familiarizes the responders where the various hazardous substances are used or stored.
- **Conduct Review of Any New Regulation of Law.** Reviewing any new law or regulation recently passed by a governmental body or governing standard organization (National Fire Protection Association) that impacts the Committee allows members to keep current on the multitude of laws and regulations.
- **Conduct a Review of Available Software.** There are many software programs that are available to industry or the emergency response community to help with topics associated with committee activities. CAMEO and Tier II Submit software are all public domain programs that can provide assistance to response agencies and the LEPC.

- **Tour Facilities within the Jurisdiction.** Touring a regulated facility in the county is an effective way to connect the private and public sectors. It allows LEPC members to become more familiar with the hazardous materials within their jurisdiction. LEPCs can also tour non-regulated facilities, such as the local Humane Society, to review their emergency operations plans and discuss how to coordinate efforts during a disaster.
- **Conduct Table-Top Exercises.** LEPC meetings are the ideal location to discuss potential disaster scenarios and identify how each agency would coordinate with one another and respond to the disaster. By making the scenarios realistic, the input provided by the LEPC members can be incorporated into the emergency operations plan or hazard specific annexes. Table-top exercises provide a great opportunity to identify where additional planning is required. The most effective table-top exercise scenarios are those that are inclusive of all the LEPC members and the organizations they represent.

APPENDIX F
Sample LEPC Meeting Agenda

[County] Local Emergency Planning Committee
[LEPC Mailing Address]
[LEPC Phone Number]

Date:
Time:
Location:

Agenda

1. Roll Call
2. Approval of Minutes
3. Communications/Mail Slot
4. Reports of Subcommittees
5. Old (Unfinished) Business
6. Special Presentations
7. New Business
8. Public Comments
9. Date, time, place and tentative agenda of the next regular meeting
10. Adjournment

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APPENDIX G

Robert's Rules of Order

Parliamentary Procedure is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion. Parliamentary Procedure is important because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers' reports.
5. Committee reports.
6. Special orders—Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor

- a. Wait until the last speaker has finished.
- b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
- c. Wait until the Chairman recognizes you.

2. Make Your Motion

- a. Speak in a clear and concise manner.
- b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ..."
- c. Avoid personalities and stay on your subject.

3. Wait for Someone to Second Your Motion

4. Another member will second your motion or the Chairman will call for a second.

5. If there is no second to your motion it is lost.

6. The Chairman States Your Motion

- a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
- b. The membership then either debates your motion, or may move directly to a vote.
- c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.

7. Expanding on Your Motion

- a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
- b. The mover is always allowed to speak first.
- c. All comments and debate must be directed to the chairman.
- d. Keep to the time limit for speaking that has been established.
- e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.

8. Putting the Question to the Membership

- a. The Chairman asks, "Are you ready to vote on the question?"
- b. If there is no more discussion, a vote is taken.
- c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. **By Voice** -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count.
2. **By Roll Call** -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
3. **By General Consent** -- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. **By Division** -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. **By Ballot** -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. **Motion to Table** -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. **Motion to Postpone Indefinitely** -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.
5. Most importantly, *BE COURTEOUS*.

Robert's Rules of Order Motion Charts

Part 1. Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion (§ indicates the section from *Robert's Rules of Order Newly Revised—10th Edition*)

§	PURPOSE:	YOU SAY:	Interrupt?	2 nd ?	Debate?	Amend?	Vote?
§21	Close meeting	I move to adjourn	NO	YES	NO	NO	Majority
§20	Take break	I move to recess for...	NO	YES	NO	YES	Majority
§19	Register complaint	I rise to a question of privilege	YES	NO	NO	NO	None
§18	Make follow agenda	I call for the orders of the day	YES	NO	NO	NO	None
§17	Lay aside temporarily	I move to lay the question on the table	NO	YES	NO	NO	Majority
§16	Close debate	I move the previous question	NO	YES	NO	NO	2/3
§15	Limit or extend debate	I move that debate be limited to...	NO	YES	NO	YES	2/3
§14	Postpone to a certain time	I move to postpone the motion to...	NO	YES	YES	YES	Majority
§13	Refer to committee	I move to refer the motion to...	NO	YES	YES	YES	Majority
§12	Modify wording of motion	I move to amend the motion by...	NO	YES	YES	YES	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	NO	YES	YES	NO	Majority
§10	Bring business before an assembly (a main motion)	I move that [or "to"]	NO	YES	YES	YES	Majority

Part 2. Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	Interrupt?	2 nd ?	Debate?	Amend?	Vote?
§23	Enforce rules	Point of Order	YES	NO	NO	NO	None
§24	Submit matter to assembly	I appeal from the decision of the Chair	YES	YES	VARIABLES	NO	Majority
§25	Suspend rules	I move to suspend the rules	NO	YES	NO	NO	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	YES	NO	NO	NO	2/3
§27	Divide motion	I move to divide the question	NO	YES	NO	YES	Majority
§29	Demand a rising vote	I move for a rising vote	YES	NO	NO	NO	None
§33	Parliamentary law question	Parliamentary inquiry	YES	NO	NO	NO	None
§33	Request for information	Point of information	YES	NO	NO	NO	None

Part 3. Motions That Bring a Question Again Before the Assembly. No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	Interrupt?	2 nd ?	Debate?	Amend?	Vote?
§34	Take matter from table	I move to take from the table...	NO	YES	NO	NO	Majority
§35	Cancel previous action	I move to rescind...	NO	YES	YES	YES	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider...	NO	YES	Varies	NO	Majority

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APPENDIX H

LEPC Activities

The following is a list of activities that LEPCs across the state have undertaken, often at little cost, but all with large benefits. Also these projects are eligible for partial or full funding under the KDEM managed Hazardous Materials Emergency Preparedness (HMEP) federal grant program. The list of activities noted below is not all-inclusive, but does provide examples of useful projects.

PREPAREDNESS ACTIVITIES

1. **LEPC sponsored exercises:** This is a good way to satisfy KDEM exercise requirements while enhancing county or municipal disaster response capability. The exercises do not need to have a complex scenario to be challenging, but should have elements that will exercise a few of the target capabilities.
2. **Hazards/Vulnerability/Capability Assessments:** In its simplest form, a way to find out what/where the hazard threat is, who is vulnerable, and what capability exists to respond to an incident.
 - a. **Hazard/Threat Assessment:** Gather and analyze information about natural and technological hazards. This includes information on floods, droughts, wild line fires, severe winter storms, and the potential disasters resulting from human threats. This includes local industry required to report under EPCRA, propane facilities, bulk fuel storage facilities, and other fixed facilities. Also, transportation related threats traveling along roads, railroads, and airports should be plotted on a map. Determine the most hazardous chemical at that location and what the worst case effects would be if a release occurred. Then draw a circle around that facility equal to the distance a chemical “plume” or other effect, like a blast shock wave, would travel.
 - b. **Vulnerability Assessment:** Look at census data, or other information available to the county to determine who and what lies within the vulnerability circles noted above. Look for any special cases like schools, nursing homes, shopping malls, as well as neighborhood populations.
 - c. **Capability Assessment:** Look at what the jurisdiction has to respond to the threat. Look at not only county or municipal assets like fire departments, HazMat teams, law enforcement, emergency medical and other government owned assets, but also private industry that may have response teams or equipment. Plot these on the hazards map.

Once all the plotting is completed, look at the whole picture to find any deficiencies in response. Then make plans to fix them.

3. **Hazardous Materials Commodity Flow Studies:** This is a transportation related effort whereby survey teams determine the HazMat flowing down the roads and/or railroads within the LEPCs jurisdiction. The goal is to find out the types, classes, and quantities (if possible) in rank order, of the chemical transportation threat. A vulnerability study along the route could also be done to determine what populations are at risk. Basically, a flow study is accomplished by:
 - a. Determining the route to be studied. It could be a major highway through the county or city, or a heavily traveled road through populous areas. A railroad study is particularly useful since railroads often run through city centers.
 - b. Develop a survey schedule that covers such variables as time of day, day of week, season, etc.
 - c. Assign teams to points along the route offering safe but good visual observation.
 - d. Conduct the survey by recording the data contained on a carrier's hazmat placard affixed to the carrier's vehicle.
 - e. Once the survey is complete do some statistical work to determine the percentages.
4. **Facility Surveys/Visits:** A program whereby LEPC members visit facilities to determine specifically where hazardous materials are located at the site, what response capabilities the facility has, identification of access and exit routes, and so forth. Particularly useful if members of the fire department servicing that facility participate. Also, facility surveys are useful to determine if that facility must report under EPCRA requirements.
5. **Hazardous Materials Reference Libraries:** Acquire and maintain reference materials concerning hazardous materials. Such publications as the NIOSH series of chemical guides handbook of reactive chemicals, chemical desk references, NFPA HazMat Response Guidebooks, as well as many others provide an excellent reference source for your fire departments or HazMat team.
6. **Establish and Maintain a Tier II Data Base:** One EPCRA requirement is that LEPCs must be the repository for Tier II reports provided by those facilities that are required to report their holdings. A useful project is to keep an automated database of these reports which enables quick reference in case of an incident. The CAMEO (Computer-Aided Management of Emergency Operations) software is a helpful tool for managing the data and can be downloaded from the Environmental Protection Agency's (EPA) website at: www.epa.gov/emergencies/content/cameo.
7. **LEPC Sponsored HazMat Training for Responders:** Grant-funded training conducted in county locations for fire, EMS, law enforcement, and other response forces. Courses consist of Awareness, Operations, and Technician level training in hazardous materials response, incident command, chemistry, and many more. LEPCs can apply to KDEM for the Hazardous Materials Emergency Preparedness Grant funds for responder training.

PUBLIC OUTREACH AND INFORMATION ACTIVITIES

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 web-based 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 web-based, 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 7 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.A), "[*Are You Ready? An In-Depth Guide to Citizen Preparedness*](#)" (IS-22) and "[*Hazardous Material Prevention*](#)" (IS-340).

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

EXPENSIVE

- Newspaper advertisements (other than classified section)
- 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)
- Hazardous Materials Amnesty Day

LOW COST

- Pamphlets - two sides, inexpensive paper, in black & white
- Classified newspaper advertisements
- Fact sheets
- Utility bill inserts
- Informational booth at county fair
- Supermarket bag inserts
- Bumper stickers
- Peel-off stickers
- Website
- Slideshow
- 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 I
Example EPCRA Notice of Publication

PUBLIC NOTICE

**ACCESSIBILITY OF SARA TITLE III HAZARDOUS
SUBSTANCE INFORMATION**

Section 324 of the Emergency Planning and Community Right to Know Act, also known as SARA Title III (Superfund Amendments and Reauthorization Act of 1986, PL99-499) requires public notice at least once annually informing the public of the means to access information about extremely hazardous substances that are manufactured, stored, and used within their community. Follow-up emergency notices may subsequently be issued.

Accordingly, information concerning LEPC meetings, SARA Title III hazardous materials planning which is included in our _____ County Emergency Operations Response Plan, materials safety data sheets (MSDS), hazardous chemical inventory forms, listing extremely hazardous substances manufactured, stored, or used within _____ County can be obtained during normal business hours by contacting _____ at _____.

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APPENDIX J

Examples of LEPC Funding Sources

Volunteer 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.

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.

Grants

Federal Grants. 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 funding 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 Kansas share of this federal grant is administered by KDEM as the prime grantee. KDEM then provides the necessary training or sub-grant funds directly to LEPCs (checks actually go to a city or county fiscal agent). Kansas HMEP planning and training grant guidance can be found in Attachment 1 to this appendix.

The Federal Emergency Management Agency (FEMA) also provides funds for local emergency management through its Emergency Management Performance Grant (EMPG). EMPG is offered to give "assistance to counties in developing disaster and assistance plans, programs, capabilities, and organizations. The purpose of the program is to ensure that a comprehensive emergency management system exists for disasters or emergencies resulting from natural disasters, accidental, or man-caused events. For information about obtaining EMPG funds, contact KDEM.

Supplemental Environmental Projects (SEPs). Once an action has been commenced by EPA against a facility for not submitting a Tier Two 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. 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; and
- prepared compliance articles developed by the facility, which were reviewed by EPA Region 6 for accuracy, and submitted to trade journals.

Industry Donations

Some of the most active funding programs in the country for LEPCs, are where industry is present. A funding option is for the county and city, each provide \$5,000 and industry could voluntarily provide another \$10,000 for use by the LEPC information committee in undertaking public education about community right-to-know. Industry has contributed this money in the interest of providing the public with a full understanding of the information reported. Funding for other LEPC activities can come primarily from the city and county.

If LEPCs incorporate as non-profit corporation and receive tax-exempt status, this step improves the LEPC's ability to solicit monies from facilities and from the county directly, avoiding the delay of applying for funding through the county government channels. In order to meet the budget, the LEPC can propose to the Commissioners a dollar matching concept between facilities and the county government. To provide an indication of what each facility's "fair share" of the industry contribution should be, the LEPC should analyze Tier II forms and prepare a scale of suggested contribution amounts. These voluntary contributions can be solicited by a letter sent to each facility and municipality annually.

ATTACHMENT 1

KANSAS HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) PLANNING AND TRAINING GRANT GUIDE

Hazardous Materials Emergency Preparedness (HMEP) program provides 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 HMEP Grant Program distributes fees collected from shippers and carriers of hazardous materials and distributes money to Local Emergency Planning Committees for local hazmat planning and training activities. Local Emergency Planning Committees (LEPCs) are eligible for submitting applications and proposals for HMEP planning and training grants. A "Local Emergency Planning Committee (LEPC) means a committee appointed by the State Emergency Response Commission under section 301(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (*49 CFR 110.20*). Kansas Emergency Management is responsible for administering HMEP Grants and activities in Kansas. An overview of the HMEP Planning, Training and Prevention Standards, Grant Closing Requirements, Progress Report, Travel Requirements, and Grant Closing Documentation are described below.

Activities that are allowed under HMEP are:

Planning

1. Development, improvement, and implementation of emergency plans required under the Emergency Planning and Community Right-to-Know Act of 1986, as well as exercises which test the emergency plan. Enhancement of emergency plans to include hazard analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials.
2. An assessment to determine flow patterns of hazardous materials within a State, between a State and another State or Indian country, and development and maintenance of a system to keep such information current.
3. An assessment of the need for regional hazardous materials emergency response teams.
4. An assessment of local response capabilities.
5. Conduct of emergency response drills and exercises associated with emergency preparedness plans.
6. Provision of technical staff to support the planning effort.
7. Additional activities the PHMSA Grant Administrator deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.

Training

1. An assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum.
2. Delivery of comprehensive preparedness and response training to public sector employees. Design and delivery of preparedness and response training to meet specialized needs. Financial assistance for trainees and for the trainers, if appropriate, such as tuition, travel expenses to and from a training facility, and room and board while at the training facility.
3. Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans.
4. Expenses associated with training by a person (including a department, agency, or instrumentality of a State or political subdivision thereof or an Indian tribe) and activities necessary to monitor such training including, but not limited to examinations, critiques and instructor evaluations.
5. Provision of staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders.
6. Additional activities the PHMSA Grant Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant.

HMEP grant projects submitted for funding by the LEPCs will require approval from the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Kansas Division of Emergency Management (KDEM). Proposals that would lead to prevention and mitigation of hazmat transportation related incidents will receive higher priority. Regional projects will receive higher priority over single county projects.

Guidelines for Response, Planning, and Prevention Training

In order to assist with meeting the above objectives, FEMA has published Guidelines for HazMat/WMD Response, Planning and Prevention Training. The Planning and Training Curriculum provide requirements that would lead to full competency of public sector responders. A summary of the objectives, requirements, and competencies as described in the guideline is listed below for your convenience. For detail information, please visit the website:

<http://www.usfa.fema.gov/downloads/pdf/publications/hmep9-1801.pdf>.

The Curriculum Guideline can also be downloaded from this website or can be ordered by calling (301) 447-1009 for a copy.

Planning Curriculum Guidelines

The goal of the Planning Curriculum Guidelines is to enhance the knowledge, skills, and attitudes of the broad spectrum of State, Tribal, Territory and local training audiences who develop or contribute to the development of local hazardous materials response plans. The curriculum is structured into three training levels based on general skill requirements of the training audience: Planning Orientation, Planning Essentials, and Planning Specialties. Planning Orientation focuses on general awareness of the planning requirements and process and is targeted for general audiences. Planning Essentials focuses on the minimum competencies needed to develop local response plans and is targeted for local planning team members. Planning Specialties focuses on advanced, specialized planning skills that are needed by selected personnel at the State, Tribal, Territory and local levels to provide specialized roles and services in the planning process.

The Planning Curriculum Guidelines are organized into the following subsections:

- General Training Issues-Planning and Prevention
- Planning Orientation
- Planning Essentials
- Planning Specialties
- Commodity Flow Study
- Capability Assessment
- Planning for Protective Actions
- Plan Implementation and Maintenance
- Facility Planning
- Planning for Public Education

The Planning curriculum guideline published by FEMA describes the objectives, criteria and standards for the planning grants. The curriculum of the planning grants and is structured into three training levels based on general skill requirements of the training audience: Planning Orientation, Planning Essentials, and Planning Specialties. Planning Orientation focuses on general awareness of the planning requirements and process and is targeted for general audiences.

Response Curriculum Guidelines

There are two tracks of objectives in each training category of the Hazardous Materials Incident Response Curriculum Guidelines. The first track, *required training*, describes minimum training requirements as defined by OSHA 19010.120(q). The second track, *recommended training*, recommends training objectives that reflect the training organization described in the NFPA 472 and 473 standards and other training recommendations incorporated by or developed by the national author team. Both tracks describe training levels that are the *minimum training* appropriate for the competencies in each section. They can be expanded by individual jurisdictions to better ensure effectiveness of training. Directions for self-assessment of courses

using the guidelines are available from the HMEP curriculum program for both required and recommended training tracks.

The Hazardous Materials and Terrorist Incident Response Guidelines are organized into the following subsections:

- General Training Issues-Incident Response
- First Responder Awareness
- First Responder Operations
- Hazardous Materials Technician
- On-Scene Incident Commander
- Hazardous Materials Branch Officer
- Safety Officer at Hazardous Materials Incidents (including Hazardous Materials Branch Safety Officer)
- Hazardous Materials Specialist (OSHA) with Private Sector Specialist Employee A and Technician Specialties: Tank Car, Cargo Tank, Intermodal Tank (NFPA)
- Specialist Employee (OSHA) with Private Sector Specialist Employee B and C (NFPA)
- Emergency Medical Services Level 1
- Emergency Medical Services Level 2
- Hospital Emergency Room Personnel
- Hazardous Materials and Terrorist Incident Response Special Topics
- Hazardous Materials and Terrorist Incident Response Related Standards

Prevention Curriculum Guidelines

Hazardous materials prevention is based on the concept that the majority of accidents don't just happen they are caused. While the use of chemicals may involve risk, the factors that precipitate most accidents are at some point under an organization's or an individual's control. Therefore, most chemical accidents and the damage they cause are by definition preventable.

The goal of the Prevention Curriculum Guidelines is to enhance the knowledge, skills, and attitudes of the broad spectrum of professional private and public sector, State, Tribal, Territory and local training audiences who, in the course of their normal work, have the opportunity through better practices to prevent the risk and likelihood of occurrence of hazardous materials incidents.

The Hazardous Materials Prevention Guidelines are organized into the following sections:

- Prevention Training Issues
- Prevention Awareness
- Prevention Policy Development
- Transportation/Facility Prevention Program Management
- Community Prevention Program Management
- Prevention in Operations
- Design and Plans Review
- Inspection and Enforcement

- Appendix A: Prevention Authorities
- Appendix B: Training Mandates
- Appendix C: Federal Programs
- Appendix D: OSHA 1910.119

HMEP Curriculum Guidelines cover a host of subjects such as planning and training compliance standards, which must be followed to be in compliance with HMEP funding requirements. The next edition of the HMEP Curriculum guidelines is under development, and will include: complete new responder training requirements fully consistent with the new NFPA 472; new hospital first receiver training requirements consistent with new JCAHO requirements; new incident command system (ICS) training guidelines consistent with and cross walking NIMS, FIRESCOPE and the National Wildfire Coordinating Group, the Fire Service Incident Management System Consortium, OSHA, and NFPA requirements; and new Training Program Management guidelines providing guidance on curriculum design, on risk-based training planning needed for implementation of new NFPA 472 training, on delivery management and record keeping, and on emerging instructor certification and responder certification systems and procedures.

Additional Planning and Training Requirements

Hazmat Plans: If the proposal includes Hazmat Planning or Enhancement of Emergency Plans, the planning analysis will be inclusive of the pieces required by law under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) program, i.e., development, improvement, and implementation of emergency plans, conducting hazard analysis, and conducting exercises to test the emergency plans. The planning analysis should include of hazardous materials at fixed facilities or transported through the county, man-made and chemicals impacted by natural hazards. A chemical-by-chemical hazard, vulnerability and risk analysis must be completed and maintained by the LEPC and responding entities. This data can be maintained in a separate database from the LEOP. Documentation of the database and the analysis must be provided upon request. Primary and secondary hazards from an incident should be identified in the plan. Functional tools such as maps, charts and graphs should be developed to support the findings of the study. Documentation of the database and the analysis must be provided upon request. To comply with the Kansas Planning Standards the LEPC/contractor should consult the "Hazardous Materials Emergency Planning Guide", NRT-1. ****Note:** The "Planning Analysis" is the support document to the local emergency operations plan and should be developed prior to the plan being written.

Commodity Flow Studies: If a Commodity Flow Study is conducted utilizing HMEP Grant funds, a copy of these documents should be provided during the closing phase of the HMEP Grant award process.

Assessment of Local Response Capabilities: If a Local Emergency Operations Plan (LEOP) is prepared with HMEP Grant funds, a letter indicating when the plan was submitted to the KDEM Planning Section is required. This information should be provided during the closing phase of the HMEP Grant award process.

Drills and Exercises.

Applications submitted for grant funds to support HazMat exercises should follow the Homeland Security Exercise and Evaluation Program (HSEEP). The proposal should specify the scope, purpose, and the objectives of the proposed exercise. The Homeland Security Exercise and Evaluation Program (HSEEP) is the foundation of the statewide exercise program which provides partners with a standardized policy, methodology, and terminology for exercise development, conduct and evaluation processes. For additional information please visit the link <http://www.kansastag.gov/KDEM.asp?PageID=193>. Please use the After Action Report Template (AAR Template) to provide the required information related to the exercise.

Technical Staff to Support the Planning Effort: If HMEP Grant funds are used to contract or hire personnel to assist with the development of the Local Emergency Operations Plan, the LEPC must indicate the duties and the timeline of when each annex of the plan is anticipated for completion (staff funded under planning grants cannot be diverted to support other requirements of EPCRA). When contracting or hiring a Hazardous Materials Planner with a HMEP Grant, summary of the job description, the performance of the individual and accomplishments must be submitted with the Grant closing letter.

Training of Responders or EMS Personnel: All training proposals must meet the training standards described in the HMEP Curriculum Guideline for the specified training. The training program that do not meet the OSHA, NFPA or EPA standards as stated in the Curriculum may not be eligible for funding unless was pre approved by PHMSA.

Conduct of Emergency Response Drills and Exercises Associated with Emergency Preparedness Plans: Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans are allowed under HMEP. For participation in exercises, personnel expenses, overtime, travel, and per diem are **not** allowable expenses. Equipment rental and purchase of supplies may be allowed, depending on the necessity and must be approved by the Grant Administrator.

Non-Eligible Expenses

Considering the limited funds available, KDEM emphasizes on planning and training proposals that addresses regional needs and will be most beneficial to the counties. The following activities/items are considered as non-eligible for HMEP funding.

- food and beverages for consumption for training or exercise
- expenses not related to hazardous materials
- expenses claimed and/or reimbursed by another program
- expenses counted as match funds toward another program
- expenses that supplant existing funds/programs
- salary

- entertainment costs
- office supplies are not allowable
- software is not allowable with the exception of cameo
- software to manage Title III materials is not allowable
- operational equipment is not allowable
- Equipment purchases, including computer hardware and software not allowable. However, one set of demonstration equipment for training props, not including computer hardware and software, may be purchased with the approval of the Office of Emergency Management and USDOT.
- For participation in exercises, **personnel expenses, overtime, travel, and per diem** are not allowable expenses
- Time and fringe benefits of employees and the use of equipment or facilities owned by the agency or jurisdiction receiving the training. However, these expenses may be used as a soft match of funds required under this grant application
- Any costs disallowed or stated as ineligible in OMB Circular A-87 or 49 CFR Part 110 Final Rule.

HMEP Allowable Expenses

The following is a list of LEPC hazardous materials emergency response related planning and training expenses allowed under the guidelines of the Hazardous Materials Emergency Planning (HMEP) Grant.

- Grant funds are to be used for developing or updating your LEPC hazardous materials plan exercising your plan, and/or conducting commodity flow studies, hazard analysis or activities described earlier that are in compliance with CFR110.40. Grant funds may also be used for hazardous materials training. .

A list of Hazmat Training allowed by PHMSA in the past is appended below. During the application process, a letter describing the training plan should be submitted to the HMEP Program Manager. The letter should indicate tentative date and location of the class, class size, name of the instructor/ or entity (academy, training facility, company) providing the training, and standards to be fulfilled (OSHA, NFPA, etc), and how the proposed training will benefit the community.

List of Training Allowed in the Past by PHMSA

- Basic Life Support/Hazardous Materials
- Advance Life Support, EMS – II
- Chemistry of Hazardous Materials
- Confined Space Rescue (not Rope Recue)
- Hazardous Materials Incident Response Technician

- Hazardous Materials Incident Response: Awareness
- Hazardous Materials Incident Response: Operations
- Hazmat Air Monitoring
- Hazmat Incident Commander
- Hazmat IQ
- Highway Specialist (40 hr)
- Ignitable Liquids
- Tank Car Specialist
- Intermodal Specialist
- Transportation Community Awareness and Emergency Response (TRANSCAER)

Equipment:

Equipment for training and exercise can be purchased or rented with HMEP Grant funds.

- Operational equipments are not allowed, any request for equipments must be pre-approved by PHMSA and KDEM.
- All requests must be reasonable allowable and allocable.

Fund Matching Requirement

The LEPCs are required to supply a match of 20% of the total project cost. The 20% match can be in-kind (soft match), contributions or a combination of both (see 49 CFR 110.40). The easiest matches for a planning grant include non-EMPG labor for emergency managers or donated labor from other LEPC members working on the project, donated copying expenses or other supplies by the LEPC and/or a facility fee for a contractor using your facility while working on your project. Other hard and soft matches may be used. **This match must be funds that do not currently match other Federal Grant Awards.** It must come from local sources and cannot already have been used for a match for another grant. Applicants are responsible for implementing the selected proposals and accounting for the awards they receive.

Examples of 20% matching costs (per USDOT Research Support Program Administrative (RSPA) Division) are:

- Salaries, fringe benefits, per diem, housing, or travel expenses incurred by any person other than a STATE employee while attending training classes or involved with the program.
- Private contributions such as corporate contributions of facilities or services. (e.g. tanker, cargo tank trailers, van trailer, training site, hazmat equipment, first aid ambulance stand-by, classroom space)
- Voluntary contributions such as: firefighter support, emergency personnel support, and the time of any LEPC member.
- Equipment or facilities used for exercises, whether public or private.
- Voluntary expenditures such as:
 - A person in the community who is a chemical engineer or a physician donates their time during an exercise.

- A professor volunteers to be a trainer or train-the-trainers.
- Citizens volunteer to set up or participate in exercises.
- Facility space (e.g. a surplus school building used as hazmat academy) is donated to house courses or conduct exercises.
- University students volunteer time to participate in exercises, aid data collection or assist in exercise report generation.

NOTE: All in-kind matching costs must be reasonable, allowable, and allocable to the project.

Reimbursement of HMEP Funds

A reimbursement methodology is in place for disbursement of HMEP funds. The LEPCs must provide documentation that the project for which reimbursement is being claimed is either in progress or has been completed. This means the grant recipients will be required to submit either receipts or invoices to KDEM prior to the funds are being released. According to USDOT, there is a 3-4 weeks turn-around time from when the documentation is received at USDOT from KDEM and when the funds are disbursed to the State. In order to request reimbursement for HMEP projects, the LEPCs must adhere to the following guideline.

Training:

If the HMEP proposal includes hazmat training provided by a contractor and the training has already taken place, please send a copy of the invoice/receipt to KDEM for reimbursement.

If the proposal includes hazmat training offered by a vendor, a company, an agency or a private training facility and the training has not already taken place, please obtain pertinent invoices that include the training venue and date and submit them to KDEM one month prior to the training. If the grant proposal included other training related costs, please submit a cost estimate to KDEM that includes course fees, tuition, travel, hotel, and per-diem.

Planning and Exercises:

If your proposal includes a Planning or Exercise project and you have hired a contractor for the job, please use a progressive payment method (pay as you go) for the project. You can set up specific milestones to be achieved during a quarter or a timeline of your choice and request the contractor to submit invoices after completion of each target. KDEM will reimburse the LEPC upon receipt of each invoice.

If the project is already complete, the LEPC should send request for reimbursement to KDEM and close the grant as soon as possible by providing copies of deliverables, certificates, class roster, evaluations, exercise report, copy of plans, and finally, a completed grant closeout checklist.

Subgrantees must provide a written progress report to KDEM by with each reimbursement request. This report shall include the following information:

- Encumbrances along with supporting documentation (i.e., Executed purchase orders, contracts, invoices along with copies of cancelled checks to support payment of invoices, etc.).
- Identify specific milestones reached or accomplished with specific dates and indicate any problems anticipated in accomplishing the project during the grant period.

Since HMEP is a reimbursement program, any approved expenses encumbered during the grant performance period are reimbursable, subject to the availability of funds from USDOT. However, KDEM sets August 31 as the deadline for closing the grant to allow sufficient time to close any gaps and complete the closing paperwork for USDOT within the grant performance period.

Items Required for Grant Closing

Upon completion of the proposed grant projects, the LEPCs must submit a grant closing report with supporting documents. Typically, such documents would include copies of checks, orders and vouchers, receipts, invoices, bills, training certificates, deliverables, etc showing that the funds were utilized to achieve the outcome of the project. The supporting documents should be submitted to KDEM before reimbursement occurs. Final oversight for the financial report and matching documentation should be provided by the County Financial Officer or a person who has signing authority for funding. The narrative information supporting soft match elements must be sufficiently written/explained to provide the reviewers with adequate assurance that appropriate levels of effort were contributed/expended. Examples of documentation that should be provided with a Grant closing report are listed below.

Invoices. Original Invoices from contractors and suppliers are required. If an original is not available from the service provider, create an invoice on your agency's letterhead including the project name, total project costs, date(s), and your signature (or the signature of the appropriate official). Attach a copy of all supporting cost documentation to the invoice.

Deliverables. When requesting expenses reimbursement for completed projects, please provide a complete copy of the final work product whenever feasible. The following documents may be considered as supporting documents and should be forwarded to the HMEP Grant coordinator.

- A legible roster containing the student and instructor names and agency
- An evaluation form completed by each participant
- A completed Course Manager – Course Evaluation form
- An agenda that is specific to the class for which you are requesting reimbursement
- If the course uses a curriculum that is new to Kansas, provide a student manual and instructor guide in addition to the above-mentioned items.
- Student Discipline Worksheet – the U.S. DOT requires all states to provide a discipline break-out for training at the end of each grant year. This worksheet is required for reimbursement.

- If an outreach brochure or other literature is produced, a copy of each publication should be included.

A narrative of progress for incomplete projects. Due to the deadline restrictions stated in the Grant application packet, the grant recipients may break projects with a longer duration into smaller sections for reimbursement purposes. When requesting reimbursement for a portion of an incomplete project, it may not be possible to include deliverables. If this is the case, a narrative of progress on the project for which the LEPC received a grant, as well as a breakdown of the associated expenses should be included.

In-Kind Match Documentation. A 20% in-kind or cash-match is required. If there is no system in place at the county level to report in-kind match, then the payroll form, Form 15 may be used. If the LEPC is matching this grant with hard dollars, the source of those funds must be identified, as well as the dollar amount being matched.

Certificates. Once HazMat Technician, higher level or specialized training courses are completed, copies of the certificates should be submitted to the HMEP Grant Coordinator during the closing phase of the HMEP Grant award process.

Specialized Training. If a HazMat Operations class is funded with HMEP funds, a letter to the HMEP Grant Coordinator should be submitted, indicating the date and location of the class, the number of the expected students, name of the instructor, and standards to be fulfilled (OSHA, CFR, NFPA, etc.). If a HazMat Technician, higher level or specialized training courses, such as "Advance HazMat Life Support" or "WMD Terrorism Response", is funded with HMEP Grant funds, a letter to the HMEP Grant Coordinator should be submitted, indicating proposed dates of attendance to the class, school or academy providing the training, standards to be fulfilled (OSHA, CFR, NFPA, etc.), names and social security numbers from the students attending. Minimum enrollment for an Awareness or Operations or EMS Hazardous Material Responder class is 10 students. Maximum participation shall be based upon budget constraints and the instructor's limitations.

Interim/Obligation Report

Past experience with the HMEP program indicates that some LEPCs fail to complete projects within the stipulated grant period, leaving grant funds to be returned to the Granting authority. The grantee must obligate all funds no later than March 31, of the 2nd year of the grant award period. Any funding not obligated by March 31 may be reallocated to other eligible LEPCs. In addition, grantee must provide a written progress report to their respective KDEM by March 31 of the grant award period. This report shall include the following information:

- Encumbrances along with supporting documentation (i.e., fully executed purchase orders, contracts, invoices along with cancelled checks to support payment of invoices, etc.).
- Identify specific milestones reached or to be accomplished and indicate any problems anticipated in accomplishing the project during the grant period.

Final Report

Grant recipients are required to send their request for reimbursement of expenditures, the final grant closing report to the Kansas Division of Emergency Management by August 31, of the following year (the Grant Closing Date with KDEM). The original signature of the Chief Fiscal Officer is required along with appropriate copies of receipts, payrolls, timesheets, and descriptions of work accomplished and other documentation supporting the expenditures. Original supporting documents are to be maintained at the county level where they are subject to State and Federal audit for three (3) years from the date the final expenditure report is submitted. All information in the planning grant proposal must be completed as completely and accurately as possible. All applications must contain the signature of the local LEPC Chairman or the signature of another authorized official (such as the Emergency Manager) certifying that the information in the application is correct.

APPENDIX K

Hazardous Materials Reporting Requirements in Kansas

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 364 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 Kansas Right-to-Know Act
- d. **How?** Submit a Tier II form
- e. **To Whom?** The LEPC and Kansas Department of Health and Environment (KDHE), Bureau of Air and Radiation. Call 785-296-1688 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 Kansas 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 Kansas, public entities are also subject to reporting. Certain substances are exempt from reporting. Refer to the Tier II Reporting Forms & Instruction on KDHE's website at:

www.kdheks.gov/radiation/indexRTK.html

- c. Why?** Sections 311 & 312 of EPCRA; 40 CFR 370.20; Kansas Right-to-Know Act.

- d. How?** Section 311 - A facility should complete a Kansas 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 KDHE.

Section 312 - A facility should complete a Kansas Tier II form for submission, along with a filing fee, as their EPCRA Section 312 Emergency and Hazardous Chemical Inventory.

- e. To Whom?** The facility will send the original Tier II report and fee to the KDHE, Bureau of Air and Radiation with copies to the LEPC and to the local fire department having jurisdiction over the facility. Contact KDHE, Bureau of Air and Radiation, (785) 296-1688 for more information.

- 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 7, phone (800) 223-0425, and KDHE, phone (785) 296-1688.

- e. **To Whom?** EPA National Headquarters and KDHE
- f. **By When?** By July 1 of each year, reporting on emissions and usage for the preceding year.

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 Attachment 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 364 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 364 EHSs and CERCLA 302(a) hazardous substances.
- c. **Why?** Section 304 of EPCRA; 40 CFR 355; CERCLA 40 CFR 302; K.A.R 28-65-3; K.S.A 65-5705.
- d. **To Whom?** The facility must report to:
 - (1) The 24-hour emergency phone number designated by the LEPC
 - (2) KDEM (receives notification on behalf of the CEPR) at its emergency response number (785) 296-8013 or (800) 275-0297.
 - (3) The National Response Center (NRC) at (800) 424-8802.
 - (4) KDHE, for any spill that impacts the soil, ground water, or waterway at (785) 296-1679

Copies of written follow-up reports/Form A must go to the LEPC and KDEM.

- e. **By When?** As soon as it is determined that a spill or release has occurred for a substance covered by the law. Follow-up notifications (Form A) must be made as soon as practical after the release, but no later than 7 working days.

- f. How Made?** Initial notifications should be made by phone or radio. If the release occurs from a fixed facility, the LEPC, KDEM, and the NRC must be notified. If the spill impacts the soil or waterway, KDHE must also be notified. When a transportation-related release occurs LEPC notification is fulfilled by calling 911.

2. Determining What Spills Are Reportable to KDEM

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.

The RQ for oil, petroleum product, and used oil shall be:

- (1) For spills onto land - 110 gallons; or
- (2) For spills directly into water in the state - a quantity sufficient to create a sheen.

d. Other Reportable Incidents

- (1) All explosions and/or fires associated with oil, gas, and geothermal activities.
- (2) Any injury, death, property damage, evacuation from gas pipelines or hazardous liquid pipelines or other significant incident.
- (3) Any incident, accident, or theft involving radiological materials
- (4) Any injury, death, property damage, or evacuation resulting from any hazardous event

3. Determining What Spills Are Reportable to KDHE, Bureau of Environmental Remediation (BER) at 785-296-1679

- a. **Report within two (2) hours of discovery to BER spills of brine, product or any chemical that impacts the soils or waters of the state.** Examples of spills subject to the two (2) hour reporting requirement are:
 - (1) Uncontrolled spill;
 - (2) Spill enters a waterway;
 - (3) Spill will result in potential fish kill or threat to wildlife;
 - (4) Spill of sufficient quantity to impact groundwater;
 - (5) Brine spill amount greater than 1 barrel that impacts soil.

- b. **Spills that do not significantly impact the soils or waters of the state can be reported during normal business hours.** Example:
 - (1) Brine spill amount that is less than one barrel.

- c. **Spills that do not have to be reported at all are spills that do not impact the soils or waters of the state.** Examples are:
 - (1) Dripping valves, salt crystals on brine valves;
 - (2) Spills within a containment structure that does not threaten human health, safety or the environment.

- d. **Provide notification to KDHE, Underground Hydrocarbon Storage (UHS) Unit in the Bureau of Water, within two (2) hours of any event that could result in potential harm to or endanger public health, safety or the environment (K.A.R 28-45-12 (h)).** UHS Unit's emergency response number is 785-224-6717. Two-hour reportable incidents include:
 - (1) The release of product or any other chemical that poses a threat to public health, safety, or the environment. (The notification of releases of brine and product also follows guidelines for BER's spill notification procedure.);
 - (2) The over pressuring, overfilling, establishment of communication, or any other event that causes a loss of integrity to the cavern or well and results in a potential threat to public health, safety or the environment;
 - (3) Equipment malfunction that cannot be readily corrected and could result in a threat to public health, safety or the environment;
 - (4) Uncontrolled release of brine or product;
 - (5) Any event that requires emergency notification of agencies as outlined in the facility emergency response plan.

- e. If the reportable event does not endanger public health, safety, or the environment, it can be reported during normal business hours.** Examples are:
- (1) Alarms that have been triggered by conditions such as lightning, ice, etc.;
 - (2) Pressure exceeded the maximum allowable operating pressure but was corrected and did not pose a threat.

FORM A

Hazardous Materials Incidents / Accidents / Continuous Releases

REPORT INCIDENT IMMEDIATELY to the KANSAS DIVISION OF EMERGENCY MANAGEMENT (KDEM)

Telephone (785) 296-8013 or (800) 275-0297. THIS COMPLETED FORM must be submitted on-line or faxed (785) 274-1426 to KDEM, Technological Hazards Section, **AS SOON AS PRACTICABLE (not to exceed 7 days)** after the verbal notification. Form A(s) may be used as the written follow-up notification to KDEM **ONLY IF** an **UPDATED** Form A is submitted after the incident has concluded and includes additional information on the cause of the release, information on actual response actions taken, identification of any acute or chronic health risks and advice regarding medical attention necessary for citizens exposed, if appropriate. Additional information can be mailed to KDEM at: 2800 SW Topeka Blvd, Topeka, KS 66611.

- The following fields may have multiple entries: Commodity, Physical Form, Incident Mode, Truck/Trailer Number, Railcar Number, and Placard. If there is not enough room on this form to report these fields or "What Happened" or "Actions Taken to Remediate the Incident" please attach another page with the additional details.
- 1. KDEM CONFIRMATION NUMBER: _____ IS THIS AN UPDATE TO A PREVIOUSLY SUBMITTED FORM A: YES () NO ()
- 2. IF A CONTINUOUS RELEASE ENTER STATE CR-ERNS #: _____ DUN & BRADSTREET #: _____

Caller	3. PERSON INITIATING THE CALL: _____ SPILLER: YES () NO ()	
	Name	Title or Position
	4. REPRESENTING: _____ () _____ Ext. _____	
	Organization	Call Back Number
5. ORGANIZATION ADDRESS: _____		
	Street	City County
6. EMAIL _____		

Incident	7. NOTIFICATION: TIME _____ A.M. _____ DATE _____ P.M. _____ INCIDENT DISCOVERY: TIME _____ A.M. _____ DATE _____ P.M. _____
	8. LOCATION: CITY _____ COUNTY _____
	9. INCIDENT ADDRESS/LOCATION: (e.g. milepost, HWY, RR, intersection, TWP/RANGE, LAT./LONG.) _____
	10. MANUFACTURER AND/OR SHIPPER: _____
	11. CAUSE OF RELEASE: (CHECK ALL THAT APPLY) EXPLOSION () FIRE () SPILL () EQUIPMENT FAILURE () OPERATOR ERROR () NATURAL PHENOMENON () DUMPING () OTHER () _____
	12. INCIDENT MODE: MOTOR CARRIER () FIXED FACILITY () PIPE LINE () RAIL () OTHER () _____
	13. WHAT HAPPENED: _____
	14. WIND CONDITIONS: DIRECTION _____ SPEED _____ (e.g. 0-5 mph, 6-10 mph and 11> mph)
	15. WEATHER TYPE: (e.g. Sunshine, Rain, Snow, Sleet, Ice, Fog, etc.) _____
	16. ARE THERE ANY RESIDENCES WITHIN ¼ MILE: YES () APPROXIMATE NUMBER: _____
	17. PERSONAL INJURIES: NO () YES () NUMBER: _____ FATALITIES: NO () YES () NUMBER: _____
	18. EMERGENCY CREWS ON SCENE: (CHECK ALL THAT APPLY) FIRE () LAW ENFORCEMENT () AMBULANCE () EMERGENCY MANAGEMENT () KSFM REGIONAL RESPONSE TEAM () OTHER _____
	19. IS INCIDENT AREA SECURED: NO () YES ()

Appendix L

Tier II Reporting Instructions

**Kansas Commission on Emergency Planning & Response
Kansas Department of Health and Environment
KANSAS TIER II INSTRUCTIONS**

GENERAL INFORMATION

Submission of a Tier II form is required by the Kansas Commission on Emergency Planning & Response under the Federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and Kansas EPCRA. The Tier II form provides state and local officials and the public with information on extremely hazardous and hazardous chemical substances present at your facility.

WHO MUST SUBMIT THIS FORM?

The owner or operator of a facility where extremely hazardous or hazardous chemical substances are used, produced or stored must submit Tier II information either by hard copy or via the web if the quantity of hazardous chemicals on hand exceeds specific thresholds (see below). If you wish to use the web and have not previously requested a user ID and password, contact the Hazardous Chemical Information Unit as directed on page four (4) of these instructions.

WHAT CHEMICALS MUST BE REPORTED?

Hazardous chemical substances that must be reported include any substances for which your facility must prepare or have available material safety data sheets under OSHA's Hazard Communication Standard 1910.1200. If your facility has more than 10,000 lbs of a hazardous chemical on hand at any one time during the calendar year, the chemical must be reported on the Tier II.

In addition, extremely hazardous substances as specified in 40 CFR Part 355 must be reported on the Tier II form if a facility has more than 500 pounds or the threshold planning quantity, on hand, at any one time during the calendar year, whichever is lower. To obtain a list of extremely hazardous substances and their respective thresholds, contact the Kansas Department of Health & Environment at (785) 296-1688 or find the "Title III List of Lists" at <http://www.epa.gov/superfund/contacts/infocenter/epcra.htm>.

WHAT CHEMICALS ARE EXCLUDED?

Section 311(e) of EPCRA excludes the following substances from reporting requirements. These exclusions do not apply to the reporting of extremely hazardous substances under Section 302 of EPCRA.

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in a manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a

technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

This information does not have to be submitted if all the chemicals located at your facility are exempt from reporting. OSHA regulations, Section 1910.1200(b), stipulate exemptions from the requirement to prepare or have available MSDS.

WHEN TO SUBMIT THIS FORM.

Owners or operators of facilities that have chemical substances on hand in quantities that are subject to reporting under Section 312 of EPCRA must submit Kansas Tier II forms by March 1 of each year. If new chemical substances that require reporting are brought on site an update is required within 2 months for Section 302 extremely hazardous substance reporting and within 3 months for Section 311 inventory reporting. The Kansas Tier II can be used to update, by marking the appropriate box in item 5 of the Kansas Tier II form (Section 302, Section 311 and update, or Section 312 and update).

WHERE TO SEND YOUR COMPLETED TIER II.

Send a completed Tier II form to each of the following organizations:

- (1) Kansas Department of Health & Environment
Right-to-Know Section
1000 SW Jackson, Suite 330
Topeka KS 66612-1365
- (2) Local Emergency Planning Committee. To obtain the address either call KDHE at (785) 296-1688 or find at <http://www.kansastag.gov/KDEM.asp?PageID=183>.
- (3) The fire protection service which covers your facility.

PENALTIES

Any owner or operator who violates Tier II reporting requirements shall be liable to the United States for a civil penalty of up to \$25,000 per day for each such violation.

**Kansas Commission on Emergency Planning & Response
 Kansas Department of Health & Environment
 KANSAS TIER II INSTRUCTIONS**

How to Fill Out the Tier II Form

1. REPORTING PERIOD & PAGES

Enter the year for which the report applies. If there is more than one page, enter the page number and the total number of pages. The Tier II form may be copied as needed.

2. FACILITY IDENTIFICATION

Enter the full name of your facility and company identification where appropriate. Enter the full street address or state route. If a street address is not available, enter other information that describes the physical location of the facility (such as longitude and latitude, section, township and range). Include city, county, state and zip code. Enter the nearest cross street intersection (list the street). If submitting an aggregate report, write "see attached aggregate report" here.

2a. NEW FACILITY

Indicate whether or not the facility is new and filing for the first time by your company.

3. OWNER/OPERATOR

Enter the owner's or operator's full business name, mailing address and phone number. If the forms are submitted by someone other than the owner/operator list the submitter on the line provided.

4. EMERGENCY CONTACTS

Enter the name, title and work phone number of two local persons who can be called if emergency responders need assistance in responding to an incident at the facility. Provide an emergency phone number where such emergency information will be available 24 hours a day. This requirement is mandatory. The facility must make an arrangement to ensure that 24-hour contacts are available. Also, the first person listed under "Emergency Contacts," is the facility coordinator as described in 40 CFR Part 355.

5. SECTION REPORTING

Indicate what section the Kansas Tier II is being submitted to satisfy (Section 302, 311, or 312). You can check more than one, if applicable.

Indicate whether this is the initial submission for the calendar year, or an update that is being sent because your facility is using, producing or storing additional hazardous chemicals that were not reported earlier.

Also check the box if you are submitting the same information this year as last year.

6a. CHEMICAL DESCRIPTION

The main sections of the Tier II form require specific information on amounts and locations of hazardous chemicals as defined in the OSHA Hazard Communication Standard.

Enter the chemical name or common name of each hazardous chemical substance, along with the Chemical Abstract Service (CAS) registry number, if available. For mixtures, enter the CAS number of the

HAZARD CATEGORY COMPARISON FOR REPORTING UNDER SECTIONS 311-312	
<u>EPA Hazard Categories</u>	<u>OSHA Hazard Categories</u>
Fire Hazard	Flammable Combustion Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute)	Highly Toxic Toxic Irritant Sensitizer Corrosive Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens Other chemicals with an adverse effect with long term exposure

mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, leave this item blank. For all mixtures, report as many components as possible and their CAS numbers, under section 6b.

If you are withholding the name of a chemical, as a trade secret, in accordance with criteria specified in EPCRA Section 322, enter the generic class or category that is structurally descriptive of the chemical and check the box marked "Trade Secret". Trade secret information should be submitted to EPA and must include substantiation. Please refer to EPA's final regulation on trade secrecy (40 CFR Part 350) for details.

CHEMICAL FORM

Check all boxes that apply to the chemical reported. If the chemical is or contains an extremely hazardous substance check the "EHS" box and list the specific substance in section 6b. If the substance is a mixture check the "MIX" box and list components of the mixture in section 6b.

EXAMPLE

You have pure chlorine gas on hand, as well as two mixtures that contain liquid chlorine. You write "chlorine" and enter the CAS number. Then you check "pure" and "mix" B as well as "liquid" and "gas".

CHEMICAL HAZARDS

For each chemical you have listed, check all the physical and health hazard boxes that apply. These hazard categories are defined in 40 CFR 370.2. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, 29 CFR

**Kansas Commission on Emergency Planning & Response
 Kansas Department of Health & Environment
 KANSAS TIER II INSTRUCTIONS**

How to Fill Out the Tier II Form

1910.1200. Mark extremely hazardous substances.

6b. MIXTURE COMPONENT INFORMATION

If the chemical reported in 6a is a mixture, then list each component of that mixture, the percentage of that component in the mix, (if known) and the Chemical Abstract Service (CAS) number, if available for the component. If additional space is needed use the back of the Kansas Tier II form along with appropriate references.

6c. STORAGE CODES AND LOCATIONS

List all non-confidential chemical locations in this column, along with storage containers and the conditions of storage associated with each location. Please note that a particular chemical may be located in several places around the facility. Each row of boxes followed by a line represents a unique location for the same chemical.

CONTAINER STORAGE CODES Enter in the First Box	
--	--

CODES	TYPES OF STORAGE
A	Above Ground Tank
B	Below Ground Tank
C	Tank Inside Building
D	Steel Drum
E	Plastic or Non-Metallic Drum
F	Can
G	Carboy
H	Silo
I	Fiber Drum
J	Bag
K	Box
L	Cylinder
M	Glass Bottles or Jugs
N	Plastic Bottles or Jugs
O	Tote Bin
P	Tank Wagon
Q	Rail Car
R	Other

PRESSURE CODES Enter in the Second Box	
CODES	STORAGE CONDITIONS
(PRESSURE)	
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
TEMPERATURE CODES Enter in the Third Box	
CODES	STORAGE CONDITIONS
(TEMPERATURE)	
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature, but not cryogenic
7	Cryogenic conditions

Provide a brief description of the precise location of the hazardous chemical substances reported in 6a, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates. For each chemical, indicate at a minimum the building or lot. Where practical, the room or area may be indicated.

If the chemical is present in more than one building, lot, or area, continue your responses down the page as needed. If the chemical exists everywhere at the plant site simultaneously, you may report the chemical is ubiquitous.

INVENTORY AMOUNTS

For each hazardous chemical, estimate the greatest amount present at your facility at any one time during the calendar year. Enter the estimated amount in pounds.

For each hazardous chemical, estimate the average weight in pounds that was present at your facility during the year. Enter this estimated amount.

Enter the estimated number of days that the hazardous chemical was found on-site.

Calculate all amounts as weight in pounds. To convert gas or liquid volume to weight in pounds, multiply by the appropriate density factor. (For liquids multiply gallons x specific gravity from the MSDS x 8.33 = weight in pounds).

If a chemical is part of a mixture, you have the option of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical. For example, if a hazardous solution weighs 100 pounds, but is composed of only 5 percent

**Kansas Commission on Emergency Planning & Response
 Kansas Department of Health & Environment
 KANSAS TIER II INSTRUCTIONS**

How to Fill Out the Tier II Form

of a particular hazardous chemical, you can indicate either 100 pounds of the mixture or five pounds of the chemical. For extremely hazardous substances (EHS) the amount of an EHS at a facility (both in pure EHS substances and EHSs in mixtures) must be combined for purposes of threshold determination.

If you are reporting this chemical even though it is present in quantities below the reporting threshold, you may mark the "Optional Report" box. These materials will not be included in the fee calculations.

7. CERTIFICATION

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate and complete. On the first page of the Tier II report, enter your full name and official title. Sign your name and enter the current date. An original signature is required on at least the first page of the submission. Submissions to the Kansas State Emergency Response Commission, LEPC, and fire department must each contain an original signature on at least the first page.

Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. A signature stamp can be used provided the Hazardous Chemical Information Unit receives a letter from the person authorized to sign legal documents and whose signature stamp will be used, stating the signature facsimile is being authorized for use. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.

8. OPTIONAL ATTACHMENTS

If you choose to attach one of the following, check the appropriate attachments box at the bottom of the Tier II form.

- (1) A site plan with site coordinates indicated for buildings, lots and areas throughout your facility.
- (2) A list of site coordinate(s) abbreviations that correspond to buildings, lots and areas throughout your facility.
- (3) A description of dikes and other safeguard measures for storage locations throughout your facility.

CONFIDENTIAL INFORMATION

Under Section 324 of EPCRA, you may elect to have certain location information confidential. If you choose to do so, contact the Kansas State Emergency Response Commission/Hazardous Chemical Information Unit for instructions.

AGGREGATE REPORTING

If you have common ownership or operate several facilities that have the same chemicals at each location in similar quantities* you can complete one Kansas Tier II report and the aggregate reporting form for all these facilities. "Similar quantities" is defined in the chart below. The Kansas Tier II is complete as per the instruction except in section 2 you will indicate "see attached Aggregate Reporting Form". The Aggregate Reporting Form is completed listing each facility, name, location (address

or legal description), and the county in which it is located. If a particular facility is new and has not been previously reported by you, indicate this by placing a check mark in the appropriate box under the column marked "New Facility".

Attach the Aggregate Reporting Form to the Kansas Tier II.

*Similar quantities are defined as quantities that fall within the same range codes of the federal Tier II reporting ranges. This table has been reproduced for your reference.

Range Code	Weight in Pound	
	From	To
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	higher than 1 billion

An example of a similar quantity would be gasoline reported at two locations, the first at 12,000 pounds the second at 40,000 pounds. Both quantities fall in the 04 range above and are therefore considered similar in quantities. If the same chemical substance at two locations falls within two different range codes they are not considered similar in quantity and must be reported as separate facilities.

SPECIAL REPORTING CONSIDERATIONS

- 1. Facilities storing threshold quantities of petroleum fuels (gasoline, gasohol, aviation fuel, diesel #1 and #2) shall be exempt from fee requirements provided: the petroleum fuel storage tank is registered with KDHE's Storage Tank Program, the petroleum fuels have been reported on the special storage tank form provided by the department to comply with Section 312 Tier II reporting, and the facility owner/operator has paid the storage tank program annual fee in compliance with K.A.R. 4-17 or 28-44-28.
- 2. Each owner/operator of an oil or gas well required to report under Section 312 (Tier II) of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25 regardless of the number of wells (as defined under K.S.A. 55-150) reporting under an individual owner or operator business name.
- 3. Sand, gravel, clay, salt or brine are reportable under Section 312; however, no fees are associated with these "hazardous" substances.

WEB BASED REPORTING

Section 312 Tier II reports can now be submitted via the web. The website is located at <http://kansas.tier2online.com>. To gain access, facilities will need a User ID and password. Contact [Marla Oestreich](mailto:Marla.Oestreich@kdheks.gov) at moestrei@kdheks.gov or (785)296-1688 for this information.

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APPENDIX M

Planning Standards Checklist for SARA Title III Compliance

Section 303(a) of the Superfund Amendments and Reauthorization Act (SARA) of 1986 requires each local emergency planning committee to prepare comprehensive hazardous substances emergency response plans. The local emergency planning committee is required to review the plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

Section 303(b) requires each local emergency planning committee to evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and to make recommendations with respect to additional resources that may be required and the means for providing these additional resources.

Section 303(c) specifically states that each emergency management plan shall include (but is not limited to) each of the following items below. These requirements have also been incorporated into the Kansas Planning Standards for Local Emergency Operations Plans development.

- (1) Identification of facilities subject to the requirements of this subtitle that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in Section 302(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subtitle, such as hospitals or natural gas facilities.
- (2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.
- (3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
- (4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of Section 304).
- (5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
- (6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subtitle, and an identification of the persons responsible for such equipment and facilities.

- (7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- (8) Training programs, including schedules for training of local emergency response and medical personnel.
- (9) Methods and schedules for exercising the emergency plan.

GUIDELINES FOR SARA TITLE III PLANNING

Below is a set of guidelines for each SARA Item. Each set of guidelines provides:

- The SARA Item stated in full.
- The intent of the Item.
- Specification of information required.
- Recommendations are sometimes provided.

(1a) Identification of facilities subject to the requirements of SARA Title III, Section 302 within the emergency planning district.

Intent

The intent of this item is to identify for public safety information and planning purposes any high risk facilities within the jurisdiction that use or store on site large amounts of especially hazardous substances (as defined by SARA Title III regulations).

Required

Include a current list of covered SARA Title III facilities within the jurisdiction, providing current name of each facility, street address of the facility and an emergency contact telephone number for the facility.

(1b) Identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in Section 302 (a).

Intent

The intent of this item is to identify the location of the covered facilities that may be transporting extremely hazardous substances and to identify the primary and secondary routes used within the jurisdiction for such transportation.

Required

1. Identify the location of covered 302 facilities within the jurisdiction.
2. Identify the primary and secondary routes used for transportation of extremely hazardous substances to and from the covered facilities.

Recommended

Maps are the preferred method of doing this item and are recommended; however, maps are not required and the information can be provided in writing.

- (1c) *Identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of SARA Title III, Section 302, such as hospitals or natural gas facilities.*

Intent

The intent of this item is to identify non-302 facilities with hazardous materials that add risk due to their proximity to Section 302 facilities if a release occurs at either facility within the jurisdiction, such as hospitals, daycare centers, schools, fire stations, local government offices, etc.

Required

1. Name and address of 302 facility.
2. Name and address of nearby non-302 facilities contributing additional risk.
3. Name and address of nearby facilities at additional risk because of nearness to 302 facility.
4. Primary and Secondary Contact names at those nearby non-302 or at risk facilities, including title and 24 hour telephone number.

Recommended

1. A list of relevant hazardous materials at nearby non-302 facilities is desirable but not required.
2. Maps are the preferred method of doing this item and are recommended; however, maps are not required and the information can be provided in writing.
3. A description of occupancy is desirable but not required.

- (2a) *Methods and procedures to be followed by facility owners and operators to respond to any release of such substance.*

Intent

The intent of this item is to set forth minimal emergency response actions to be followed by covered facilities and to assure immediate notification of designated public safety authorities to facilitate a timely and appropriate governmental response, if necessary.

Required

1. Covered facilities in the jurisdiction must maintain current emergency plans describing methods and procedures to be followed by facility personnel if there is an accidental release of a hazardous substance (such plans may incorporate requirements of various federal or state agencies and counties or municipalities).

2. At a minimum, facility plans must meet the emergency notification requirements of SARA Title III, Section 304. Accordingly, covered facilities must immediately notify:
 - Local authorities by dialing 9-1-1
 - State authorities by dialing the KDEM Staff Duty Officer at: 785-296-8013 or 800-275-0297
 - The National Response Center at 1-800-424-8802

(2b) Methods and procedures to be followed by local emergency and medical personnel to respond to any release of such substances.

Intent

The intent of this item is to provide a safe, organized response to hazardous materials incidents at designated SARA Title III 302 facilities and elsewhere in the jurisdiction.

Required

1. A statement that the Incident Command System described in the National Incident Management System (NIMS) will be used as the general response plan for hazardous material incidents in (name of jurisdiction), and that the chief officers of the designated response agencies have been trained in NIMS-ICS operations.
2. Identify the primary response agencies (law enforcement, fire, EMS), the role of each agency and level of response training.
3. Identify secondary responders (emergency management, public works, etc.), the role of each and their level of response training.
4. Identify mutual aid response agencies (law enforcement, fire EMS), the role of each agency and level of response training.
5. Identify special response agencies (regional Hazmat Teams, Emergency Management, etc.) and the role of each agency.
6. Identify the location of each primary and secondary response agency's Operating Procedures and the title of the individual within each agency responsible for the development of such procedures.

(3a) Designation of a community emergency coordinator (Emergency Management Director) who shall make determinations necessary to implement the plan.

Intent

The intent of this item is to identify the person or persons authorized to implement the community emergency plan in the event of a hazardous materials release. While more than one individual may hold such authority, at least during the initial stages of an emergency a single individual must be designated as responsible for the overall implementation of the community emergency plan.

Required

The (a) Name, (b) Title, (c) 24 hour telephone contact information must be provided for the emergency coordinator and also for at least one alternate to the emergency coordinator.

- (3b) *Designation of a facility emergency coordinator who shall make determinations necessary to implement the plan.*

Intent

The intent of this item is to identify an appropriate facility representative (emergency coordinator) responsible for emergency planning and response, and to provide their direct 24-hour contact information for use in the event of a hazardous materials emergency.

Required

Name, title, work and 24-hour telephone numbers of each 302 facility emergency coordinator in the jurisdiction, plus the same contact information for at least one alternate emergency coordinator at each 302 facility. If there are no 302 facilities in the jurisdiction, this should be indicated.

- (4) *Describe procedures providing reliable, effective and timely notification by the facility emergency coordinators to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of SARA Title III, Section 304.)*

For More Information on SARA Title III, Section 304

http://www.epa.gov/emergencies/content/epcra/epcra_report.htm

Intent

The intent of this item is to identify the responsible facility personnel or person and their procedures to be followed in notifying facility responders and the affected community that a hazardous chemical release has occurred.

Required

Notification procedures must include, but are not limited to:

1. Designated personnel to be notified of a hazardous release.
2. Personnel responsible for public notification.
3. Method(s) used to notify the public that a hazardous release has occurred.
4. Criteria used for mass public notification.

(5a) Methods for determining the occurrence of a release.

Intent

The intent of this item is to assure that releases of extremely hazardous substances at SARA Title III, Section 302 facilities in the jurisdiction are detected in a timely manner.

Required

1. Identify the covered 302 facilities in the jurisdiction that do, and those that do not have in place and on-site adequate systems, methods and/or procedures to detect and determine in a timely manner that a release of an extremely hazardous substance has occurred.
2. Describe the individual systems, methods and/or procedures by reference to the specific 302 facilities' emergency response plans on file with the jurisdiction.

(5b) Methods for determining the area or populations likely to be affected by such a release.

Intent

The intent of this item is to assess the seriousness of the release, its scope and the potential hazard(s) it may cause to the surrounding population.

Required

Information required to determine the affected area and populations includes, but is not limited to the following:

- The identify of the substance released
- The approximate quantity of the release
- The hazard(s) created by the release
- The impact on the surrounding community created by the release
- Meteorological and other local conditions

(6a) A description of emergency equipment and facilities in the community, and an identification of the persons responsible for such equipment and facilities.

Intent

The intent of this item is to identify in advance the local availability of public and private response resources suitable for use during a hazardous materials incident.

Required

1. A listing of *publicly* owned and available specialized resources (tools, materials, equipment, facilities and qualified personnel) for use in responding to a hazardous materials incident, along with the location of all such specialized resources, title and 24 hour contact number(s) of the personnel authorized to release the resources for use in an emergency incident.

2. A listing of *privately* owned and available specialized resources (tools, materials, equipment, facilities and qualified personnel) for use in responding to a hazardous materials incident, along with the location of all such specialized resources, title and 24 hour contact number(s) of the personnel authorized to release the resources for use in an emergency incident.

Recommended

Reference can be made to the resource manual containing the above information that is maintained by many jurisdictions. Such reference should include the location of any such manual of resources and a copy of the table of contents or index page. In addition, it is recommended that any agreements with schools, churches, bus companies, etc. for congregate care and public transportation; as well as agreements with qualified hazardous materials clean up contractors, other jurisdictions, etc. be included

- (6b) A description of emergency equipment and facilities at each facility in the community subject to the requirements of SARA Title III, Section 302, and an identification of the persons responsible for such equipment and facilities.*

Intent

The intent of this item is to:

1. Identify which covered Section 302 facilities within the jurisdiction have on their site specialized tools and equipment to effectively respond to an accidental release of that facility's hazardous substance(s).
2. Identify if and how specialized tools and equipment located on site at Section 302 facilities within the jurisdiction may be available for emergency response use at hazardous materials incidents elsewhere.

Required

A statement from the emergency management director or other responsible public safety official in the jurisdiction indicating which, if any, covered 302 facilities within the jurisdiction have specialized tools and response equipment available for use at an off site hazardous materials incident, along with rules for their release and use. Any such specialized tools and equipment should be incorporated into the list of available private resources found in Item 67.

Recommended

Memoranda or agreements of understanding between the jurisdiction and private sector facilities regarding release and use of specialized tools and emergency response equipment for off-site purposes are encouraged, and mention of the same, is recommended in any lists of available private resources maintained by the jurisdiction.

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

Intent

The intent of this item is to describe evacuation plans for the jurisdiction, including identification of primary and alternate traffic evacuation routes.

Required

1. Identification of primary and alternate evacuation routes within the jurisdiction (if a GIS map is not used, the names/numbers of streets, roads and highways must be used)
2. Describe evacuation plans, including but not limited to the following:
 - Public notification procedure
 - Procedures for initiating a protect in place option
 - Provisions to move special populations
 - Determination of re-entry procedures
 - Identification of shelter locations

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

Intent

The intent of this item is to describe a jurisdiction's training programs and identify the types and levels of training contained in those programs, and the responders who receive the training.

Responders may include:

- Fire
- Law Enforcement
- EMS
- Emergency Management
- Public Works
- Other response groups

Required

Training documentation must contain the following information. More information can be added, if desired.

- Location of records
- Type of training
- Level of training
 - Awareness Level
 - Operations Level
 - Technician Level
- Personnel who received the training
- Frequency of training

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

Intent

The intent of this item is to demonstrate that the jurisdiction is seriously testing on a regular basis its ability to respond to a hazardous materials incident.

Required

A copy of the jurisdiction's methods and schedules for exercising its emergency plan must be provided or referenced (include location of this information).

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APPENDIX N

List of Acronyms

BER	Bureau of Environmental Remediation
CAMEO	Computer-Aided Management of Emergency Operations
CBRN	Chemical, Biological, Radiological, or Nuclear
CDX	Central Data Exchange
CEPR	Commission on Emergency Planning and Response
CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act (Superfund)
CFR	Code of Federal Regulations
CRTK	Community Right-to-Know
DOT	Department of Transportation
EHS	Extremely Hazardous Substance
EOC	Emergency Operations Center
EMPG	Emergency Management Performance Grant
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
EPD	Emergency Planning District
FEMA	Federal Emergency Management Agency
HM-EEM	Hazardous Materials Exercise Evaluation Methodology
HMEP	Hazardous Materials Emergency Planning
ICS	Incident Command System
KAR	Kansas Administrative Regulations
KCC	Kansas Corporation Commission
KDEM	Kansas Division of Emergency Management
KDHE	Kansas Department of Health and Environment
KOMA	Kansas Open Meetings Act
KSA	Kansas Statutes Annotated
LEOP	Local Emergency Operations Plan
LEPC	Local Emergency Planning Committee
LGR	Local Governments Reimbursement
MSDS	Material Safety Data Sheet
NIMS	National Incident Management System
NFPA	National Fire Protection Association
NRC	National Response Center
NRT	National Response Team
OSHA	Occupational Safety and Health Administration
PSA	Public Service Announcement

RMP	Risk Management Plan
RQ	Reportable Quantity
RSPA	Research Support Program Administrative
SARA	Superfund Amendments and Reauthorization Act
SEP	Supplemental Environmental Projects
SERC	State Emergency Response Commission
SIC	Standard Industrial Classification
TPQ	Threshold Planning Quantity
TRI	Toxic Release Inventory
UHS	Underground Hydrocarbon Storage

**To receive information on LEPCs or to request additional
LEPC forms provided in this booklet, please contact:**

KANSAS DIVISION OF EMERGENCY MANAGEMENT

ATTN: Technological Hazards Section

2800 SW Topeka Blvd

Topeka, KS 66611

(785) 274-1408

or visit:

<http://www.kansastag.gov/KDEM.asp?PageID=177>