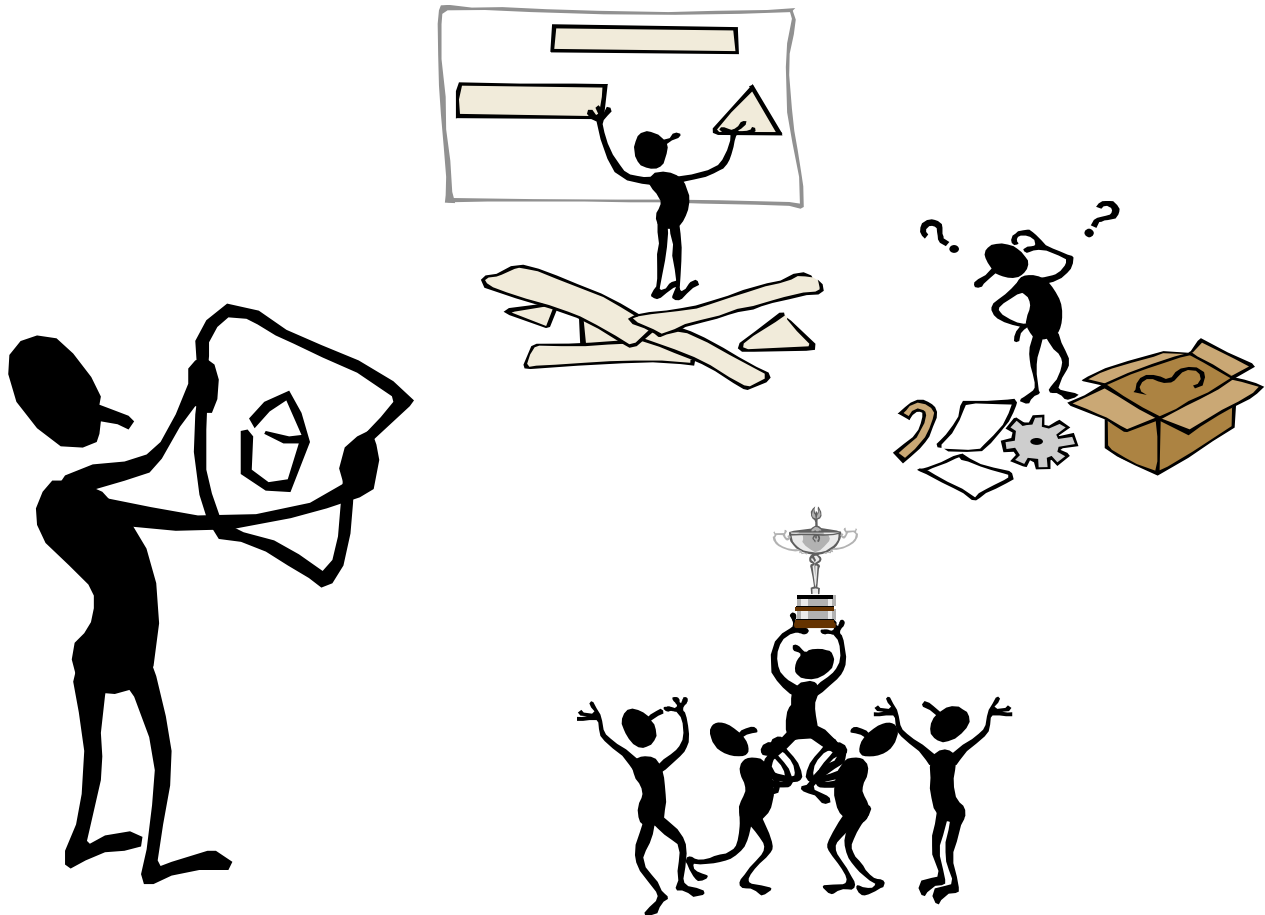




Ohio's State Emergency Response Commission,
the Emergency Planning & Community Right-to-Know Program

LEPC Member's Handbook

Understanding your role as a member of the Local Emergency Planning
Committee



NOTICE

This handbook is an official document prepared and published by the State Emergency Response Commission (SERC) for all Local Emergency Planning Committee (LEPC) members as identified in the Ohio Revised Code, Section 3750.03 (B).

Distribution of this document must be controlled. One copy is provided per individual appointed to fill positions listed in Ohio Revised Code, Section 3750.03 (B).

LEPCs may reproduce this document to provide copies to LEPC members appointed in excess of the primary positions.



"Working to improve statewide preparedness and response to chemical emergencies and to improve public awareness of potential chemical hazards."

Ohio State Emergency Response Commission

Ohio EPA, Community Right-To-Know Office
c/o Lazarus Government Center
PO Box 1049, 122 South Front Street
Columbus, Ohio 43216-1049

Bob Taft
Governor

August 10, 2002

RE: LEPC Member Handbook

Committee Chairperson
LEPC Members
Local Emergency Planning Committees

Dear Sir or Madam:

The revised *LEPC Member's Handbook* has been updated and is being distributed for the use of your LEPC. The handbook has been well received throughout the State and has provided LEPC leadership and members a ready reference document.

This version has been reviewed by the SERC's Operations and Issues Committee and has been updated to reflect changes brought forth by changes in the Ohio Administrative Code, suggestions from the field and experience gained since the handbook was published.

Fifteen (15) copies of the handbook are being distributed to each LEPC position listed in Ohio Revised Code, Section 3750.03(B), plus three additional copies. The LEPC is authorized to have additional copies printed as needed.

The handbook should be distributed to the membership at the earliest possible opportunity. The LEPC Chairperson is requested to insure that all LEPC members, current and future, have a copy of the handbook.

Please forward any questions, comments and/or recommendations to the State Emergency Response Commission's Operations and Issues Committee, by writing to Mr. Jack Bossert, Deputy Director, Operations Division, Ohio EMA, 2855 West Dublin-Granville Road, Columbus, Ohio, 43235, or email him at jbossert@dps.state.oh.us.

Sincerely,

Dale W Shipley, SERC Co-Chair
Executive Director, Ohio EMA

Patricia Madigan, SERC Co-Chair
Deputy Director, Ohio EPA

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SECTION I

SARA TITLE III (RIGHT-TO-KNOW) PROGRAM

History and Background

The Emergency Planning and Community Right to Know Act, or EPCRA, was passed as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) on October 17, 1986. This was almost two years after a chemical accident in Bhopal, India killed thousands, injured thousands more and received world-wide attention. Less catastrophic incidents in Institute, West Virginia and elsewhere reinforced that chemical disasters could happen in the United States.

Participants

EPCRA provides for comprehensive chemical emergency preparedness and response. This involves the coordinated efforts of industry, the local fire departments, Local Emergency Planning Committee (LEPC or Committee) and the State Emergency Response Commission (SERC or Commission). In many instances similar local or state organizations already existed. Some of these have evolved into current LEPCs or SERCs.

Congress placed USEPA in an oversight role of the EPCRA Program under the Superfund Amendments and Reauthorization Act. USEPA has built upon the SERC and LEPC relationship in other areas including the Chemical Emergency Preparedness Program (CEPP) aimed at helping industry and communities to meet their responsibilities related to potential chemical emergencies.

Legal Authority & Rules in Ohio

Emergency Planning was created as Chapter 3750 of the Ohio Revised Code (ORC) in December 1988. The federal regulations under EPCRA are listed in 40 CFR, Part 355. Ohio's implementing regulations can be found as Chapter 3750 of the Ohio Administrative Code (OAC). (The SERC provides current copies/revisions of the ORC & OAC to LEPCs. Additional copies of these documents are available from Ohio EPA at minimal costs.

EPCRA outlines the composition, jurisdiction and responsibilities of the SERC and LEPCs and defines four basic types of reporting. These are:

- a. EHS Notification and Emergency Planning
- b. Emergency Spill/Release Notification
- c. Chemical List and Annual reporting
- d. Toxic Chemical Release Reporting

The following is a brief summary of Ohio Revised Code 3750 Sections, which basically parallel EPCRA:

a. Facilities Subject to the Law/Emergency Coordinators: (ORC Section 3750.05). A facility must notify the SERC and LEPC if it stores one or more of specifically listed Extremely Hazardous Substances (EHSs, sometimes called the "SARA Chemicals"). This notice is required when the chemical(s) are processed, used or stored in excess of the chemical specific threshold quantity (TQ). Threshold planning quantities (TPQ) range from 1 to 10,000 pounds. Facilities that may be exempt from inventory reporting due to OSHA exemptions are **not** exempt from emergency planning. It provides a 24 hour per day means for the community and responders to contact appropriate representatives of EHS facilities for preplanning or emergencies.

b. Spill Release Notification/Follow-Up. Under ORC Section 3750.06(C) the owner or operator of a facility, or vessel, must *within 30 minutes*, or as soon as possible upon discovery of the release of a hazardous substance (HS), extremely hazardous material (EHS) or oil which exceeds the reportable quantity, notify verbally the Ohio EPA (The Director, or his authorized Representative), the County's Community Emergency Coordinator and the fire department having jurisdiction where the release occurred.

Under ORC Section 3750.06(D) a written, follow-up report of this spill or release must be prepared and provided to the SERC and LEPC *not later than thirty days* after the spill/release. The fire department does not receive a copy of the written report, however, the LEPC may want to furnish them a copy.

Each substance has a chemical specific reportable quantity or "RQ" that triggers reporting. These values can be found in the current "List of Lists" or on the internet. RQs range from 1 to 5,000 pounds. "Facilities" include trucks and tankers; "oil" includes gasoline. Oil is reportable at 25 gallons or *any* quantity entering waters of the State. Spills **must** be reported upon discovery to EPA/SERC at: 1-800-282-9378 or 1-614-224-0946 and the County's Community Emergency Coordinator. There are no exceptions to spill reporting.

c. Submittal of Hazardous Substances Lists/MSDS (ORC 3750.07) Owners/operators of a facility are required to prepare, or have available, a material safety data sheet (MSDS) for hazardous chemicals. The facility must provide the SERC, the local LEPC and the fire department having jurisdiction over the facility, a list of hazardous chemicals that are produced, used or stored at the facility. Upon request of the local LEPC the facility must submit, within 30 days, material safety data sheets for all hazardous chemicals on the list submitted by the facility.

d. Annual Submittal of Chemical Inventory Form (ORC 3750.08). A facility processing, using or storing the Threshold Quantity (TQ), or 500 pounds whatever is less, of an extremely hazardous substance (EHS), or 10,000 pounds of a hazardous chemical, as classified by the OSHA hazard communication standard, must notify of the presence of the chemical(s) and annually report the quantities and conditions of storage. Oil, gasoline and caustics are some examples of hazardous materials subject to the 10,000 pound "trigger". In Ohio, there is a fee associated with annual inventory reports. The **reports** are due March 1 and **fees** are due March 31 for the prior calendar year. There are limited exceptions to inventory reporting, these exemptions are identified in the Facility Compliance Manual published by Ohio EPA's Right-To-Know Office.

e. Toxic Release Inventory (TRI) Reporting (313/3751). Historically, *disposal* of a toxic chemical was excluded from the definitions of manufacture, process and otherwise use. For the 1998 reporting-year, the definition of *otherwise use* is expanded to include use of a toxic chemical as a waste management activity. (The definition is also used and subject to the 10,000 threshold. Contact Ohio EPA, "313 Program, Division of Air Pollution Control, for more information (614-644-3608). The expanded SIC Codes are as follows:

SIC Code 10	Mining (except 1011 - iron, 1801 - metal mining services, and 1094 - uranium/radon/vanadium).
SIC Code 12	Coal/Lignite mining (except 1241 - coal mining services).
SIC Code 4911	Electric Services, 4931 - electric and other services combined, 4939 - combined utilities NEC - (limited to facilities that combust coal and/or oil for purpose of generating power for distribution in commerce.
SIC Code 4953	Refuse Systems (limited to facilities under RCRA Subtitle C).
SIC Code 5169	Chemical and Allied Products NEC, 5171 - Petroleum bulk stations/terminals.
SIC Code 7389	Business Services NEC limited to facilities primarily engaged in solvent recovery services on a contract or fee basis.

Ohio Revised Code 3750 "Emergency Planning"

The ORC Chapter 3750 defines the composition of the SERC and outlines its responsibilities. It further defines the LEPCs and outlines their responsibilities, to include positions and officers. Emergency planning also provides for the types of reporting and other provisions as needed. SERC has furnished each LEPC copies of ORC Chapter 3750. The following section numbers and headings identify subject items in ORC Chapter 3750 (Jun 99):

- 3750.01 Definitions
- 3750.02 Emergency Response Commission
- 3750.03 Local Emergency Planning Districts/Committees.

- 3750.04 Emergency Plans/Exercises.
- 3750.05 Facilities Subject to the Law/Emergency Coordinators.
- 3750.06 Spill Release Notification/Follow-Up.

- 3750.07 Submittal of Hazardous Substances List/MSDS.
- 3750.08 Annual Submittal of Chemical Inventory Form.
- 3750.09 Trade Secrets/Confidential Information.
- 3750.10 Public Access to Information.
- 3750.11 Local Enforcement/Variations.
- 3750.12 Bulk Storage Placards/Labeling.
- 3750.13 Fees.
- 3750.14 Emergency Planning and Community Right-To-Know Fund/Grant.
- 3750.15 Emergency Planning and Community Right-To-Know Reserve Fund/Grants.
- 3750.16 Facility Inspections/Investigations.
- 3750.17 Prohibited Activities.
- 3750.18 Enforcement Orders.
- 3750.19 Appeals to Environmental Review Appeals Commission.
- 3750.20 Prosecution of Violations/Civil Penalties.
- 3750.21 Liability for Disclosure of Trade Secret/Confidential Business Information.
- 3750.99 Penalties.

Ohio Administrative Code - "Rules as Adopted Under Chapter 3750 (ORC)"

The Ohio Administrative Code contains "Rules" adopted to implement the provisions of ORC Chapter 3750. Rule 3750-1-02 describes the purpose of the rules as follows:

"The purpose of these rules is to establish the Commission, and the Committees and Emergency Districts to implement, administer and enforce in conjunction with the USEPA, Ohio EPA and Local Fire Departments, the Federal 'Emergency Planning and Community Right-To-Know Act' in this state".

The Rules help further explain the intent of the law. They are developed as mandated by the law and as needed to clarify the program.

The SERC has provided all LEPCs copies of the Ohio Administrative Rules as adopted under Chapter 3750 (ORC). These are also available in most libraries at your County Prosecutor's office.

Committees should realize that the Ohio Revised Code and Ohio Administrative Code are revised when needed. When such changes occur they will be brought to the attention of the LEPCs by the SERC.

Attachment #1 provides an index of the Right-To-Know Rules as adopted under ORC Chapter 3750.

SECTION II

ORGANIZATION AND ROLE OF THE STATE EMERGENCY RESPONSE COMMISSION

General

The Federal Emergency Planning and Community Right-To-Know Act (or EPCRA) requires that the Governor of each State designate a State Emergency Response Commission (SERC). The SERC is responsible for adopting rules and procedures to implement the program statewide. Specific responsibilities include:

1. Creation of planning districts and Local Emergency Planning Committees (LEPCs) and general oversight of their membership and functions (Appropriate membership, officers, meeting frequency, meeting minutes).
2. Planning and exercise guidance and assistance to the LEPCs.
3. Receipt, organization, storage and public access to EHS, inventory and release reporting, and planning information.
4. Management of filing fees including collection, accounting, and disbursement to the LEPCs.
5. General program guidance and assistance to LEPCs.
6. Point of contact for LEPCs, other government and interest groups, including State and Local Government Commission, County Commissioners Association, USEPA and DOT.
7. Educate and assist industry with reporting requirements.
8. Encourage compliance with all aspects of the program.

Specific Organization of Ohio SERC

The Ohio Legislature reconfigured a state emergency response commission created under executive order to its current form. The nineteen-member body consists of nine State Agency members. They are included on the SERC as representatives of their State office. As specified in 3750.02(A), these are:

Environmental Protection	Public Safety
Health	Transportation
Natural Resources	Ohio Highway Patrol
State Fire Marshal	Public Utilities Commission
Attorney General (ex officio)	

Ten additional representatives are appointed by the Governor with the advice and consent of the Senate and in consideration of the recommendation of various advocacy groups. Appointed members serve a two year term. These members represent:

- Environmental Advocacy Organizations (2)
- Firefighter Organizations (3)
- Petroleum, Refiners, Marketers or Chemical Manufacturers
- Non Chemical/Oil Manufacturers
- Local (County) Emergency Management Agency
- County Government
- Municipal Corporation

In addition, the Chairs of the House and Senate Energy and Environmental Committees serve as ex-officio (non-voting) members of the SERC.

The SERC meets bimonthly, normally on the second Wednesday of the even numbered month. The Directors of Ohio EPA and Ohio EMA Co-Chair the Commission.

The Legislature created an executive committee for limited SERC functions (enforcement, etc.) and enabled the SERC to form additional committees as desired or necessary. Currently much of SERC's work is accomplished through four committees, which typically meet on the off-months from the SERC meetings except for Training and Education that meets the morning of the SERC meeting. These committees are:

- Administration and Funding
- Operations and Issues
- Training and Education
- Executive

SERC has no employees per se. It draws upon the staff of three member agencies for substantial technical and administrative support. SERC provides limited funding to these agencies through an annual grant. The support agencies receiving funding are:

Ohio Emergency Management Agency - Provides planning, exercise, and training guidance and assistance and handles the HMEP Grant.

Ohio Environmental Protection Agency - Provides program guidance, file management, spill reporting and fund handling, including the SERC grant program.

State Fire Marshal - Provides Hazmat response training as coordinated through the State Fire Academy and it's various outreach programs.

SECTION III

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

General

The law provides (in ORC Section 3750.03) that the LEPC is the local emergency planning body of an emergency planning district as established by the SERC. In Ohio, a district, according to ORC Section 3750.03(A), is defined as a County. The law allows two or more counties to form a joint emergency planning district. In Ohio, Montgomery and Greene Counties have formed the only joint emergency planning district.

Members of the LEPC represent the various organizations, agencies, departments, facilities and/or other groups within the district. Each member must realize that he or she represents their organization on the LEPC and that they are responsible for coordinating information and activities from the LEPC to their organization and for providing accurate feedback from their organization back to the LEPC.

The LEPC has many responsibilities, mandates, and deadlines. The membership should organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

All personnel who have accepted membership on the LEPC have an obligation to the LEPC to become familiar with the various laws, rules, and other documents used in the EPCRA program in Ohio. This will enable them to contribute to the LEPC and fully represent their group or organization successfully on the Committee.

Appointment of the LEPC Members

Under ORC Section 3750.03(B) the County Commissioners are responsible for nominating prospective LEPC members to SERC by submitting a list of persons, with a brief resume on each nominee listing their qualifications to serve in the position nominated, for their appointment. At least one County Commissioner should be a members of the Committee. (*Forms used for nominating members can be found in the Section G of the LEPC Procedure Manual*).

Upon receipt of the list of persons and resumes from the County Commissioners, and following an administrative review to insure the nominees are qualified to fill the position they are being recommended to fill, the SERC will, by Resolution, appoint the members of the LEPC.

Term of Office. LEPC members are appointed for a period of two years, normally August to August on the **odd-numbered** years. Members may be reappointed for additional term(s). Any vacancies, which occur, must be filled in the same manner as the original appointments. Person(s) appointed to fill a vacancy shall hold the office only for the remainder of the current LEPC term.

Removal from the LEPC. In accordance with ORC Section 3750.03(B), the LEPC, by two-thirds vote, may at any time remove a member for misfeasance, malfeasance or nonfeasance, or at the request of the LEPC, the SERC may remove a member for any of those reasons.

Authority of the LEPC. In accordance with ORC 3750.03(F) the LEPC shall be considered a **county board** and shall receive the services of the county auditor and county prosecuting attorney.

Immunity for LEPC Members. Members of an LEPC who have been properly appointed by the SERC are entitled to limited immunity from criminal prosecutions, civil suits, and actions for removal from office or employment for violations of ORC Chapter 102, 2921.42 or 2921.43 in circumstances prescribed by ORC Chapter 102.08 (OAG 91-014).

LEPC Responsibilities and Functions

Each LEPC member should understand the following provisions of ORC Section 3750.03(D) and (E) as these statements outline the LEPCs duties, tasks, and responsibilities.

ORC Section 3750.03(D) states that each LEPC shall accomplish certain tasks as stated below:

~ Appoint a chairperson, and vice-chairperson and a secretary to keep a record of its proceedings. The positions of Chairperson and Vice-Chairperson *are selected/elected by the voting members of the LEPC membership upon appointment of a new Committee*. The secretary can be appointed from the membership or be a non-member hired by the Committee to perform the LEPC's secretarial functions.

~ Adopt by-laws for conducting business.

~ Appoint an **Information Coordinator** who shall be responsible for coordinating and maintaining the LEPC's files of information obtained under this chapter (ORC Chapter 3750), and rules adopted under it, and for receiving and fulfilling requests from the public for that information. The person selected for this position must be accessible to the public to provide information during normal business hours (i.e. the EMA, fire or law representative, Commissioner, secretary or other available individual).

~ Appoint a **Community Emergency Coordinator** who shall be responsible for coordinating the development and implementation of the chemical emergency response and preparedness plan of the district, and for receiving verbal and follow-up written notices of releases of hazardous substances and extremely hazardous substances (EHS) provided under ORC Section 3750.06. The key words in this position of the law are implement-attain of the plan and receiving verbal and follow-up notices of releases. *(It is recommended that the County EMA Director be named as the Emergency Coordinator as that individual is responsible for implementing County Emergency Plans)*

~ Obtain anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, in accordance with the provisions of ORC Sections 307.86 to 307.92 applicable to boards of county commissioners.

~ Establish and carry out a program to monitor regulated facilities within the district, and to conduct compliance and enforcement activities to insure that the facilities have submitted the information required by ORC Sections 3750.05, .07 and .08. Not later than the first day of October of each year, each LEPC **shall** submit a summary report of the compliance and enforcement activities of the LEPC during the previous calendar year.

Under provisions of ORC Sections 3750.04(A)&(B), the LEPC **shall** prepare and submit to the SERC a chemical emergency response and preparedness plan and annually thereafter (not later than October 17th) shall submit the plan, or plan updates, for review and concurrence. Under provisions of ORC Section 3750.04(C), each LEPC **shall** conduct an exercise of its plan at least annually.

ORC Section 3750.03(E) states the LEPC may:

~ Receive and accept from any public and private source, which include; gifts, grants or contributions of money, services of personnel, and real or personal property for their use.

~ Appoint and fix the compensation of employees necessary or appropriate to perform the functions of a committee. This could include paying a secretary or compensating a person for conducting site hazard analysis.

~ Request, in writing, that SERC designate an additional facility within the district as being subject to the emergency planning and notification requirements of ORC Sections 3750.04 and .05. This might occur if a facility poses a significant threat due to its location and materials on hand.

~ Enter into agreements with the board of health, political subdivision agencies, and others. These agreements shall specify the powers, functions, and services of the LEPC that the board of health, political Subdivision, a countywide emergency management agency, or others is authorized to exercise, perform, or render.

~ By Committee Resolution, adopt rules establishing requirements for reporting or providing the names and amounts of EHS or hazardous chemicals produced, used, or stored at facilities within its emergency planning district.

~ Enter into contracts with persons for the development or provision of the training programs, seminars, or other forms of educational programs that are required to be included in the plan of each district under ORC Section 3750.04(A)(11).

~ Do all things necessary, incidental, or appropriate to perform the duties and exercise the powers of a committee under Chapter 3750 of the Revised Code, the rules adopted under it, and under the Emergency Planning & Community Right-To-Know Act of 1986 100 Stat. 1729, 42 U.S.C.A. 11001 and the regulations adopted under it.

LEPC Meetings and Operations

ORC Section 3750.03 directs that the LEPC meet at least annually. The SERC does expect the LEPC to conduct regular meetings and forward them a copy of the minutes. For the LEPC to be successful, it must meet regularly to work on and complete its assigned duties. Bi-monthly or quarterly meetings seem to work best for most Counties, with the LEPC's Sub-Committees meeting scheduled in between the full LEPC meetings.

Under the "Sunshine Law", all LEPC meetings, Sub-Committee Meetings, and activities are considered "public" and such functions must be publicly noticed 72 hours in advance so that all interested parties may attend if they so desire.

Meetings should follow an organized format. Robert's Rules, or some other guidelines, should be utilized. Members should decide on the time, date, and length of regular meetings, and the LEPC Chairperson (or Vice-Chairperson) should insure that the meetings are held to that length. Meeting announcements should be sent to each member at least seven (7) days prior to the meeting. (*See Attachment #3, "Guidelines for Better Meetings."*)

Agendas for all meetings are essential and help keep the LEPC focused on the tasks at hand. The Chairperson (or Vice-Chairperson) should remember that all members are volunteers and their time should not be wasted. Agendas will serve that purpose.

Each LEPC Officer and member should be fully prepared for the meeting. The meeting should start on time, follow the agenda, curtail non-subject conversations, and insure that minutes are taken. At the close, summarize activities, insure tasks assigned to individuals are understood. Set the date, time and topics for future meetings and close the meeting on time. (*See Attachment #4, "Guidelines for Being a Better Participant."*)

Minutes of the meetings **are required**. Minutes should be mailed to all members soon following each meeting and a LEPC file copy maintained for at **least three years**. A copy of the minutes will be provided the Ohio EPA's Right-To-Know Office for the SERC's records. Formal Sub-Committee records should also be prepared and submitted to the LEPC Chairperson and/or Secretary following each Sub-Committee meeting. The record of meeting(s) conducted is one of the ten elements used in the SERC's annual evaluation of the LEPC's performance.

Appointment of Sub-Committees

Sub-Committees are very important to the successful operation of the LEPC. Appointment of Sub-Committees permits the LEPC leaders to form small groups that focus on specific tasks and also gets the Committee Members involved in the activities of the LEPC.

Sub-Committees can be staffed by all LEPC members or a mix of members and non-members. For instance, the LEPC's Media Representative could work with various media, agencies, schools, and facility personnel to develop a Public Information Program for Hazardous Materials, and the exercise design team should involve non-members, who are representatives of organizations to be participants in the exercise, to assist in planning an exercise. A LEPC member should be responsible for maintaining records of the Sub-Committee's meetings and accomplishments, and for making recommendations to the LEPC.

Common Sub-Committees may include but are not limited to Executive, Financial, Training and Education, Planning and Exercise, Hazards Analysis, Compliance and Enforcement.

The Chairperson should ensure that each Sub-Committee is given understandable guidance and directions. The assigned tasks and the accomplishments should be recorded and made part of the LEPC's official records.

Progress and/or final reports should be presented at regular LEPC meetings to keep the Committee aware group's progress.

Adoption of By-Laws

ORC Section 3750.03(D)(2) requires all LEPCs to develop By-Laws to formally outline how the LEPC will function and conduct business. The LEPC may design their own format when writing the by-laws.

The by-laws should include such items as Purpose, Membership, Sub-Committees, Quorums, Public Notices, Meeting Proceedings (Minutes, records), Planning and exercising, and other subjects as desired.

The by-laws should be reviewed by the County Prosecutor prior to being adopted by the LEPC. Copies of the adopted By-Laws must be provided to the SERC.

Examples of By-Laws can be obtained from the SERC by contacting the Ohio EPA's Right-To-Know Office. Also another source would be a similar sized LEPC.

Maintenance of Committee Records and References

The LEPC is responsible for maintaining accurate records and files. The LEPC will receive a considerable volume of mail, much of which is very important material. All of this information should be carefully reviewed, acted upon, and subsequently filed.

The **LEPC Information Coordinator** is the person the SERC designated to receive facility's annual inventory reports and the mail for the Committee. This person must review all reports and mail promptly and direct it to the Chairperson, or to an appropriate Committee member who handles that type item for the LEPC.

The **LEPC Secretary** is responsible for maintaining files, preparing correspondence, preparing meeting announcements and agendas, taking and typing the minutes, collecting and filing minutes of Sub-Committee and the Exercise Design Team and other duties as required. This person should work closely with the Information Coordinator.

The LEPCs are continually receiving mail which contains everything from official SERC letters and grant packages to various publications. The majority of the material received will require some type of action by the LEPC. *Some of the material will have suspense dates*, which require action before the next LEPC meeting. Procedures must be established to insure that materials received are handled in a prompt and timely manner, that the people who need to see the material have the opportunity, that it is safeguarded, actions are taken, reports submitted if required, and finally, filed for future reference.

The SERC, as well as other agencies such as Ohio EPA, Ohio EMA, and State Fire Marshal (SFM), periodically provide the LEPC with copies of reference or training materials. These are expensive and need to be maintained for the Committee's future reference and use. Some of the materials will be distributed one time only and it would be impossible to obtain additional copies, therefore, safeguards such as a permanent library, with sign-out sheets for accountability should be considered. (*See Attachment #5, "Listing of Legislation, Regulations, Publications, and Other Materials."*)

It is essential for the LEPC to have an office, appropriate file and library space, adequate office equipment, and staff to permit them to properly conduct their business. Co-locating the LEPC with the EMA office is beneficial to both as the files, plans, and records would be readily available during periods when the Committee is not meeting and information is needed from the files. Some office equipment could also be jointly used and funded.

Funding

ORC Section 3750.03(E)(1) states in part that the LEPC may "receive and accept from any public or private source for the purposes of this chapter, gifts, grants or contributions of money, services of personnel, and real or personal property for their use."

It is essential the LEPCs have funding resources available to pay for the various items needed to operate and accomplish the many requirements placed on it. The following information and sources of funds are identified for your information.

1. SERC Grant (The Emergency Planning and Community Right-To-Know Grant Fund)

EPCRA was mandated by the federal government but it lacked a funding mechanism. When the Ohio General Assembly passed Chapter 3750 into law it made provisions for the collection of annual fees from the various facilities which produce, use or store extremely hazardous substances (EHS).

ORC Section 3750.14 established guidelines for funding. Funds are distributed annually based on a formula established by SERC Resolution. (Currently, LEPC receives 75%, SERC receives 20%, Fire Departments receive 5%). The Fire Department grant is prepared and submitted by the LEPC and is submitted along with the LEPC's Grant Application in accordance with instructions provided in the Grant Application Handbook.

The SERC annually distributes the Grant Application Handbook in November. *Deadline for completed applications from the LEPC, to include the Fire Department Department's Application – must be postmarked not later than February 1st.* Grants funds are typically distributed to the LEPC in August or September.

The SERC grant, and other funds secured by the LEPC, will be forwarded to the County Treasury. The County Auditor will establish a 'special emergency planning fund' for the LEPC of the County in accordance with the Ohio Revised Code. This fund will be "administered by the Committee **only** for purposes of carrying out the powers and duties of the LEPC under ORC Section 3750.03 and rules adopted and orders issued under it." (ORC, Section 3750.03(F)). See Accounting and Auditing Procedures; page three of the Grant Application Handbook.

There are spending limitations as denoted by ORC Section 3750.14D and SERC Rules. See the LEPC Procedures Manual, section D for funding guidance. Also, see page one of the Grant Application for the 'Grant Funding Intent' and the 'Grant Agreement'. Additionally the grant funds allocated to County LEPCs are subject to periodic audits by the State Auditor's Office.

2. Other Grants

The LEPC can obtain, or use, any number of other grants which are available. The LEPC should be prepared to take full advantage of these grants when they are offered. Several on-going grants are described below:

a. **PUCO Hazardous Materials Training and Planning Grants Program:** This grant is available for training of public safety and emergency services personnel in the proper techniques for the management of hazardous materials spills and releases that occur during transportation. The grants are awarded on a reimbursement basis. Political subdivisions (which include the LEPC) are given first priority. PUCO will accept applications throughout the year the grant applications are reviewed quarterly by PUCO Commissioners. There are no set dollar amounts for this grant but there is a significant application requiring the applicants to fully spell out their request(s). All grant recipients must enter into a grant agreement with the PUCO to authorize receipt and expenditure of grant funds for the approved hazardous materials training. LEPCs are provided a copy of the Grant brochure, however, if the LEPC does not have a copy they should contact PUCO at 614-466-0351 for a copy. (Ask for the Grants Coordinator)

b. Hazardous Materials Emergency Preparedness Grant Program (U.S.DOT/HMEP)

The U.S. Department of Transportation (DOT) regulations began providing for planning and training grants in 1993. The grant is called the Hazardous Materials Emergency Preparedness Grant and is referred to as the HMEP Grant. Funds come from hazardous materials transportation fees, which are collected by U.S.DOT, from hazardous materials transporters, and are distributed to the states, tribes and territories according to a formula. In Ohio, the funds are awarded to the Ohio EMA who acts as the grant manager for the SERC.

Each state receives two allocations; one for planning and another for training. Federal regulations require:

(1) That 75% of the funding for "Planning" be provided to the LEPCs to assist in planning activities, such as; plan development, hazards analysis, commodity flow studies, and exercises.

(2) That 75% of the training grant “benefit” be provided the public sector response personnel.

The remaining 25% of the funds received can be kept by the state to administer the program. The SERC usually keeps 10% and the remainder is utilized to support planning and training efforts.

The HMEP grant is a “reimbursement grant”. This means that the LEPC must utilize their SERC grant money, or other local funding, to initially fund the planning or training activity. The procedure is as follows:

LEPC Applications for HMEP Grants are sent to LEPC Information Coordinators in August or September annually. The LEPCs are required to submit their requests for planning grants to Ohio EMA and the requests for training grants to the State Fire Marshal.

When the LEPCs are notified that their applications have been accepted they must return a signed copy of the Acceptance Agreement, which is included in the Grant Program Guidelines, to the Ohio EMA Program Manager before funds can be paid.

Upon completion of a qualifying planning or training activity, the LEPC submits a reimbursement request, which is provided in the Grant Program Guidelines, to Ohio EMA (for Planning) and to the State Fire Marshal (for Training) for review and approval. These agencies forward the approved reimbursement requests to the grant manager (Ohio EMA) for an 80% reimbursement.

By regulation, not more than 5% of the grant funds can be spent for purchase of equipment. Also, as these are federal funds, any unexpended funds **cannot** be “carried over”. The Federal Fiscal Year ends September 30th.

LEPC Recognition Award

The SERC developed a set of ten criteria to evaluate the LEPC’s overall performance and award those LEPCs which meet these requirements with an award called the **LEPC Recognition Award**. The intent of this annual award is to recognize the efforts of the LEPC to meet the ten criteria. (*See Attachment #6 that lists the ten point criteria used for this award.*)

The awards are presented at a meeting or conference in order to gain the maximum amount of recognition for the LEPCs, ie., at The County Commissioners Association of Ohio meeting, the Annual LEPC Conference, etc. If this does not work the award will be made at a meeting of the LEPC.

INTERNET References. There is more information for LEPCs available on the Internet. Check out the SERC’s home page at www.epa.state.oh.us/dapc/serc/index.html or the LEPC Information Exchange at www.lepcinfoexchange.com.

SECTION IV

EMERGENCY PLANS AND REVIEWS

General ORC Section 3750.04 requires each planning district to develop a chemical emergency response and preparedness plan. The following is a brief description that explains the emergency planning process and the LEPC member's responsibility in this process.

State Emergency Response Commissions Responsibilities ORC Section 3750.02 directs that the SERC shall:

- Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by LEPCs.
- Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of LEPCs and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans.
- Establish policies and procedures for maintaining information submitted to the SERC and LEPC.
- Ensure that the LEPC's Plan is coordinated with adjoining planning districts.

LEPC Planning Responsibilities

LEPCs shall, by October 17 of each year, submit their Chemical Emergency Response and Preparedness Plan for review. Reference Ohio Planning and Exercise Guide.

Legal Requirements for the Plan

ORC Section 3750.04(A). In accordance with this section, the LEPC shall prepare and submit to the SERC a Chemical Emergency Response and Preparedness Plan for the District. This plan may be a 'stand alone plan' or an Annex, or Appendix, to the County's Emergency Operations Plan (EOP). The Plan shall contain all of the following minimum requirements:

1. Identification of each facility within the district that has an extremely hazardous substance (EHS) present at the facility in an amount that exceeds the threshold planning quantity (TPQ) for the substance.
2. An identification of all facilities within the district that are contributing or subjected to additional risk due to their proximity to facilities identified under paragraph one above. This is accomplished by the LEPC completing a hazard analysis for each EHS site. The analysis will help identify which additional sites are at risk or add to the risk.
3. An identification of routes likely to be used for the transportation of EHS to and from each EHS facility identified under number one above.
4. The methods and procedures to be followed by owners and operators of facilities identified under #1. above and by local emergency response and medical personnel to respond to releases of EHS. LEPCs will have to obtain information from the facilities to identify these methods and procedures or obtain facility plans, which outline them. OSHA requires the facilities to have emergency plans under 29 CFR 1910.120.
5. The designation of a **community emergency coordinator** for the district, identification of the **facility emergency coordinator** for each facility identified under number one above, and identification of the **heads of emergency response organizations** for designated areas or political subdivisions within the district. It is recommended that the County EMA Director be designated as the Community Emergency Coordinator.

6. Identification of procedures for reliable, effective, and timely notification and communications among emergency responders within the district and to the public in the event of a release of an EHS from a facility identified under number one above.

7. Development of methods for determining the occurrence of a release of an EHS from each facility identified under number one above and for identifying the geographical area or population likely to be affected by such a release.

8. A composite statement of specialized equipment, facilities, personnel, and emergency response organizations available within the district to respond to releases of EHS.

9. Development of evacuation plans including, but not limited to, provisions for a precautionary evacuation and for alternate traffic routes in the event of a release of an EHS from a facility identified under division (A)(1) of this section.

10. A plan for mutual aid to other emergency planning districts and for the allocation of emergency response facilities, equipment, and personnel for responding to releases of EHS.

11. A plan for the development or provision of training programs, seminars, and other forms of educational programs for the personnel of facilities identified under division (A)(1) of this section, emergency response personnel of political subdivisions within the district, and medical personnel.

12. Development of methods and schedules for exercising the plan.

13. Such other information as the SERC requires by rules adopted under ORC Section 3750.02(B)(2)(a), i.e., that each plan shall have a Table of Contents indicating location of the minimum requirements, that the Ohio Hazardous Materials Planning and Development Document is to be used as guidance in the development of the plan, that the plan is coordinated with plans of adjoining districts and, that each LEPC shall annually, or more frequently if needed, review the plan of the district.

ORC Section 3750.04(B). States that the LEPC annually shall submit the plan (or plan updates) to the SERC not later than the seventeenth day of October and that the SERC shall review the Plan to ensure that it complies with ORC Section 3750.04(A) and the Rules adopted under ORC Sections 3750.02(B)(2)(a) and (b).

Ohio Administrative Code (OAC) -Rules as Adopted Under Chapter 3750 (ORC). The following rules have been adopted regarding the Plan:

Rule 3750-20-01: Identifies the type of facilities which must be included in the District's Plan, i.e., (1) A facility which has an EHS present in an amount equal to or exceeding the threshold planning quantity (TPQ), and (2) a facility which has been designated as an 'Additional Facility' in accordance with ORC 3750.05.

Rule 3750-20-05: Sets forth requirements of a subject facility, as identified in Rule 3750-20-01 above, to designate a "Facility Emergency Coordinator", to inform the LEPC of any changes occurring at the facility, and to provide any information requested by the LEPC necessary for the development of emergency plans.

Rule 3750-20-72: States the SERC and the LEPCs shall use, at a minimum, the NRT-1 Document (Hazardous Materials Emergency Planning Guide) and subsequently published documents authorized in Section 303(f) of the "Emergency Planning and Community Right-To-Know Act of 1986" as guidance in preparing the Chemical Emergency Response and Preparedness Plans.

Rule 3750-20-74: Addresses the review of plans and states that: SERC has designated the Ohio EMA to conduct initial and annual reviews required under ORC Section 3750.04. Each plan will have a Table of Contents. The SERC shall provide, through the Ohio EMA, guidance in the development of the plan. The SERC shall require, for a determination and issuance of an *order of concurrence*, following the review of an LEPC's chemical emergency response and preparedness plan, that the plans contain all of the minimum plan requirements as identified in ORC Section 3750.04(A) and the SERC shall require, for a determination and issuance of an *order refusing to concur* following the review of the LEPC's chemical emergency response and preparedness plan, that the plan did not contain all of the minimum requirements as set forth in ORC Section 3750.04(A).

Hazards Analysis of the District

Key to the proper development of your district's hazardous materials plan is the knowledge, understanding and analysis of the various chemical threats to your district and from surrounding districts.

Most planning districts will have several areas of concern when considering the threat, for instance: fixed facilities which use, produce or store hazardous or extremely hazardous chemicals; highways, railroads, transmission pipelines; and maybe rivers, harbors, docks and airports.

The LEPC must determine which hazards exist in the district and then evaluate them by completing a hazard analysis for each facility and hazard. Most LEPCs have by now completed their initial analysis and have developed a workable process and have personnel who understand how to update the hazard analysis.

EHS facilities are **required** to be addressed. Other hazardous substances such as gasoline, natural gas, propane, and other "everyday chemicals" should also be considered as hazards.

Facilities that use, produce or store chemicals must report annually to the SERC (Ohio EPA's Right-To-Know Office), the reports are due on or before March 1. They must also provide copies of their reports to the County's LEPC and the fire Department which covers their location(s). The LEPC needs to review these reports upon receipt for changes, omissions, upgrades, etc. and change their hazard analysis and/or update the facility information in their plan accordingly.

There are at least two computer software packages available, which can assist the LEPC with the analysis and management of information. *See Attachment #7 for information on the CAMEO and ARCHIE computer software.*

Acceptable Plan Formats

The LEPC has the option of how to format its plan:

- a. **Stand Alone Plan.** A complete plan in itself and addresses all requirements of the law and does not rely on, and is not part of, other already established plans such as the County's Emergency Operations Plan (EOP).
- b. **Hazardous Materials Annex/Appendix.** Uses the EOP as a base document. A Hazardous Materials Annex/Appendix is added to fulfill the requirements of ORC Section 3750.04 which are not addressed in the EOP.

Reference Material

There are numerous hazards analysis reference documents published by USEPA, FEMA and DOT and distributed by SERC to all Ohio LEPCs. These include:

- a. **Technical Guidance for Hazards Analysis.** This guide, known as the "**Green Book**," was designed to help LEPCs conduct site-specific hazard analysis for airborne releases of Extremely Hazardous Substances.
- b. **Handbook of Chemical Hazard Analysis Procedures.** Known as the "**Brown Book**," this document, developed by USEPA, FEMA and DOT, expands on NRT-1 and the Technical Guidance for Hazards Analysis by including information for explosive, flammable, reactive and otherwise dangerous chemicals, and transportation hazards.

The SERC has provided copies of the ORC Chapter 3750 and the Rules as Adopted Under Chapter 3750 of the Ohio Administrative Code to all LEPCs for their reference. Updates are also provided when they occur.

NRT-1 Hazardous Materials Emergency Planning Guide

This document was published by the National Response Team to provide national guidance for the development of state and local districts hazardous materials emergency response and preparedness plans.

Chapter 3 of NRT-1 provides an excellent discussion of the **tasks of the planning team** and identifies review of existing plans, hazards analysis, assessment of preparedness, prevention and response capabilities, and the development of an ongoing program for plan implementation as the major tasks of the LEPC's planning team.

Note the emphasis on the planning team and teamwork by the LEPC members. To be effective and successful, the use of an LEPC planning team is essential.

Ohio Hazardous Materials Development and Evaluation Document

This document, commonly known as the "Crosswalk" or "Cross Reference", provides planning guidance to be used by all LEPC members to insure that the plan addresses all legal planning requirements.

The document will also be used by the Ohio EMA Field Liaison person, assigned to the county, who will use the document to evaluate the LEPC's plan for the SERC.

The LEPC should complete this document as they develop or review their plan to insure that all areas have been considered, discussed and proper entries made in the plan. A completed copy of the Ohio Hazardous Materials Development and Evaluation Document should be forwarded with the plan, or appropriate changes to the plan, in accordance with the thirteenth planning requirement of ORC Section 3750.04(A).

Ohio Hazardous Materials Planning and Exercise Guidance Booklet

This booklet was developed to provide the LEPCs guidance on Planning and Exercising the Plan. The booklet contains two chapters. These chapters spell out in clear language LEPCs responsibilities and provides you, the LEPC member, an easy to understand presentation of planning and exercise activities and requirements.

Chapter One is entitled "**Developing the Chemical Emergency Response and Preparedness Plan**". The Chapter is divided into various sections which address:

Section I, Introduction	Section V, Formal Reviews
Section II, Authority	Section VI, SERC Actions
Section III, Standard of Care	Section VII, Summary.
Section IV, Informal Reviews	

Three enclosures are also provided to assist the LEPC: An example of a Promulgation; a Sample Resolution; and an example of a LEPC Letter requesting Annual Review of the Plan.

Chapter Two is entitled "**Exercising the County's Chemical Emergency Response and Preparedness Plan**". The Chapter is divided into various sections which address:

Section I, Introduction	Section V, The Exercise Evaluation Process
Section II, Authority	Section VI, Post Exercise Responsibilities
Section III, References	Section VII, Other Information
Section IV, The Exercise Development Process	Section VIII, Conclusion

This Chapter would provide the LEPC's Exercise Design Team an excellent reference when preparing to develop and conduct an exercise. The Chapter has only seventeen pages, recommend that couple copies be made and provided newly appointed Exercise Design Teams for their information and guidance.

The Booklet has been provided all LEPCs by the SERC. Updates will also be provided when necessary.

Plan Reviews and Evaluation Process

The SERC is required to establish criteria and procedures for reviewing the chemical emergency response and preparedness plans.

The SERC designated the Ohio Emergency Management Agency as SERC's Plan Review Team, to conduct initial and annual plan reviews. The Ohio EMA's Field Liaison person, designated to your planning district and will be responsible for conducting the official annual review and evaluation of the plan.

The appropriate Field Liaison person will review the plan utilizing the Ohio Hazardous Materials Plan Development and Evaluation Document and will make a recommendation to the SERC for concurrence or non-concurrence of the plan.

If the SERC issues an Order of Concurrence, the plan has been evaluated to have met all of the minimum requirements and does not require any further actions.

If the SERC issues an Order Refusing To Concur, with the plan the LEPC will be directed to submit a modified plan **within a period not exceeding sixty (60) days** after issuance of the order.

Informal Review and Planning Assistance

Informal reviews are conducted on the LEPCs request, by the appropriate Ohio EMA Field Liaison person, to assist the LEPC with an informal (off the record) evaluation of an entire plan or a portion of a plan.

Section VI, of Chapter One, Ohio Hazardous Materials Planning and Exercise Booklet, provides the LEPC information on how informal reviews of the plan may be requested and are conducted. These reviews can be requested at any time by the LEPC regardless of the status of the plan. There is no limit on the number of requests for informal reviews allowed.

If the results of the informal review indicate that the plan has met all thirteen minimum plan requirements the planner may, with the LEPCs concurrence and request, change the evaluation to a formal review and forward a recommendation to SERC for issuance of an Order of Concurrence.

Sample Plan/Annex

Ohio EMA has examples of County Emergency Operation Plans and Hazardous Materials Appendices. LEPCs that desire to obtain these should contact the Field Liaison person assigned to their County.

Standard of Care

In general, Standard of Care is the level of professional competency anticipated or mandated, and demonstrated in the performance of a service or of a duty. This Standard of Care is not found in any one document. The "competency" the definition talks about is derived from all applicable laws, regulations, standards, and guidance documents. This is true for any profession, such as doctors, lawyers, and architects, as well as for emergency planners and emergency responders.

The Standard of Care that LEPCs must consider includes the requirements and guidance of ORC Chapter 3750, the various Rules adopted under 3750, Ohio's Hazardous Materials Plan Development and Evaluation Document, and the guidance contained in the Hazardous Materials Emergency Planning Guide (NRT-1, Mar 1988).

For a more detailed discussion of the Standard of Care see the video entitled "Liability Issues in Emergency Management" (VT 305.11). Copies have been distributed to all Ohio counties. Other discussions can be found in the course manuals for "Liability Issues in Emergency Management" (SM 305.11) or "Hazardous Materials: An Introduction for Public Officials" (SM 300).

SECTION V

EXERCISING THE PLAN

General

In accordance with ORC Section 3750.04(C) each LEPC **shall** conduct an exercise of its plan at least annually. ORC Section 3750.02(B)(2)(b) states that each exercise **must** involve local emergency response and medical personnel. The exercise **must** also involve either a facility subject to the plan or a transporter of hazardous materials. ORC Section 3750.04(B)(12) states that the LEPC's plan **shall** contain the method by which the LEPC will complete its annual exercise requirement and provide a schedule on how often exercises will be completed.

Therefore, each LEPC must develop and conduct an exercise to test and validate the defined procedures which the local agencies, departments, and organizations use to respond to chemical spills within the district. The exercise **must** also address and adhere to the criteria and procedures created by SERC that govern how the LEPCs exercise those plans.

Established OAC rules dictate that SERC is required to observe and review each LEPC exercise. By rule, the SERC has designated Ohio EMA as the state agency who will manage the exercise process. Ohio EMA Field Liaison personnel will serve as Facilitators during the exercises and will utilize the exercise Evaluators comments to develop the official report to the SERC. Ohio EMA will also provide and maintain the guidance used by LEPCs to develop and conduct their exercises.

It is also desirable to consider using an *all hazards* approach with the hazardous materials exercise where other elements such as natural hazards (tornado, earthquake, severe storms, etc.), man-made hazards (terrorism, civil unrest, etc.) and technological hazards (radiological) are included in the same exercise. This approach would allow the County EMA Director to test various other portions of the County's Emergency Operations Plan (EOP) and involve more agencies, departments and organizations. This would also be especially helpful for those counties where the Hazmat plan is part of the County EOP. The County EMA must exercise their EOP annually as per ORC 5502.26-271.

Legal Requirements for Annual Exercise of the Plan

Under ORC Section 3750.02(B)(2)(b), the SERC was responsible to establish the criteria and procedures That LEPCs use to complete their annual exercises. These criteria are defined in the Ohio Administrative Code (OAC), Chapter 3750 – State Emergency Response Commission. Section 20 addresses the plan and exercise rules. Below is a synopsis of each rule and how it impacts the LERPC exercise program.

OAC Chapter 3750, Section 20.

Rule 3750-20-70 - Exercise definitions. This section clarifies certain terms as they apply to exercises. In particular, this rule defines what type of facility qualifies as an Emergency Operations Center (EOC).

Rule 3750-20-76 - Types of exercises. Describes the three types of exercises (Tabletop, Functional and Full Scale) which may be used by the LEPC. It identifies how many Objectives must be evaluated for each exercise type. It also defines how a response to an actual incident can be used in lieu of completing an exercise.

Rule 3750-20-78 - Execution of exercises. Establishes the criteria that must be completed by the SERC and LEPC as they conduct an exercise. It denotes a recurring four-year exercise cycle in which certain requirements must be accomplished. This includes completing at least one Full-Scale exercise in the cycle; physically activating an EOC, and evaluating each exercise Objective. It clarifies that a fixed facility exercise must be held at an EHS Facility and will include any one of its reporting chemicals. If the exercise involves a transportation source, the chemical must be the actual cargo and not just the vehicle's fuel tank. Finally, the rule notes that the LEPC use and follow the guidance outlined in the Ohio Hazardous Materials Exercise and Evaluation Manual (OHM-EEM). The EEM includes the requirement to submit a thirty-day exercise notice and defines how to test each Objective.

Rule 3750-20-80 - Review of exercises. States that Ohio EMA will conduct reviews of annual exercises and submit a report to SERC. If the report indicates that a majority of the points of review for any objective selected were not met, the LEPC will develop and submit in sixty days a Corrective Action Plan.

Rule 3750-20-82 - Issuance of exercise orders by SERC. States that the SERC will eventually Concur or Refuse to Concur with the conduct of the exercise based on the Facilitator's report.

Rule 3750-20-84 - Public Review of Plan Exercises. States that the LEPC shall discuss the conduct and review of each Full Scale exercise at a meeting open to the public in accordance with OAC 121.22 (Sunshine Law). This may be at a regular meeting or at a special meeting to discuss issues concerning the exercise.

Exercise Guidance and Evaluation Documents

There are numerous guidance documents available to assist the LEPC with their exercise program. The following were provided to each LEPC and are maintained by the Ohio EMA:

Ohio Hazardous Materials Exercise Evaluation Manual (OHM-EEM). This is the principle document that a LEPC uses to develop, conduct, and evaluate its annual exercise. It outlines the SERC/LEPC responsibilities, it elaborates on the types of exercises, it defines the exercise Objectives, and contains the LEPC Exercise Notice. It explains how to use an actual incident to achieve annual exercise credit. It also provides basic exercise guidance on how to develop the exercise, use of exercise control personnel, and activities to consider before, during and after the exercise. Again, this is the manual the LEPC must use to ensure they complete the exercise requirements created by SERC

Ohio Hazardous Materials Planning and Exercise Guidance. This document is a combined guide that not only addresses exercise requirements but also discusses LEPC plan requirements. The guidance contained is a brief synopsis of what is provided in the EEM. The guide should be used when trying to educate local personnel (i.e. chief elected officials, response chiefs, support agency personnel) on the LEPC exercise requirements.

NRT-2, "Developing a Hazardous Materials Exercise Program" This is a federal document. It was developed by the National Response Team (NRT) and provides basic guidance regarding exercise development, conduct of play, and post exercise activities. It includes some basic exercise techniques and steps used to develop and conduct an exercise. This guide should be used to help train personnel who will serve on the Exercise Design Team or act as an Exercise Controller.

LEPC Responsibilities

As noted, ORC Section 3750.04(C) requires that each LEPC must conduct an exercise of the plan at least annually. In this process, the LEPC must decide what objectives to test, select the type of exercise, develop the basic scenario, identify the participants, choose its evaluators, and determine when to conduct the exercise.

To accomplish this task, it is recommended that the LEPC appoint an Exercise Design Team. The Team will then be responsible to actually develop the exercise, to include writing the scenario and event messages, choosing the incident site, selecting the players and controlling the actual exercise play. The Team should consist of individuals experienced with the functions of the organizations, agencies and facilities involved in the exercise. One member should be designated as the Team Chief or Leader and be responsible for submitting appropriate progress reports to the LEPC and SERC. The Team needs to follow the guidance and information in accordance with the duties and responsibilities shown in OHM-EEM.

It is recommended that the Exercise Design Team initially meet with and utilize the designated Ohio EMA representative (aka. SERC Facilitator) who will observe the exercise. This Facilitator will most likely be the Ohio EMA Field Liaison who works with the county in preparing for all hazards. The Facilitator can help ensure that exercise directives and procedures are understood and being met. The Team should meet with this representative well in advance of the actual exercise and before submitting its thirty-day notice.

In order to achieve exercise credit, the LEPC must provide Ohio EMA the "LEPC Exercise Notice" form. The form is an attachment contained in OHM-EEM. The form must be delivered not later than thirty-days prior to the actual date of the exercise. This time allowance gives the Ohio EMA adequate time to adjust its schedule and

provide a Facilitator to attend the exercise. Upon notification, the Facilitator will work with the Exercise Design Team to review the exercise layout and more importantly to meet and train the LEPC's Evaluators.

The LEPC is responsible for selecting and providing sufficient evaluators for the exercise. SERC Resolution #96-159, dated August 14, 1996, states that **“each Committee is to select evaluators who are knowledgeable in the areas they are to evaluate”**. Further it states that the LEPC shall provide each evaluator **“the portion(s) of the plan and or SOPs as related to the exercise objectives that they are to evaluate”**. This will ensure the Evaluator understands what functions they are to observe. This is most critical when Evaluators are brought in from outside the district, such as personnel from a neighboring county's Hazmat Team or other emergency response organizations.

Exercise Development Suggestions

To conduct a quality exercise, the LEPC needs to utilize the training and experience of all representatives of the LEPC and of other in the community in the planning of the exercise. The LEPC should start planning many months prior to the expected date of the exercise to determine the type, scale and Objectives of the exercise.

Appoint an Exercise Design Team and provide them guidance on what type exercise the LEPC wishes them to develop. Have the Team Chief/Leader provide the LEPC periodic briefings and identify any needs or requirements the LEPC should know. It must be noted that the Exercise Design Team members cannot participate in the exercise as active players. Instead, they are to serve as the Exercise Controllers to ensure the exercise remains focussed on the planned exercise scenario and the selected exercise Objectives.

Ensure that all participating departments and organizations are aware of the exercise, invited to participate, receive general information on the exercise, and know what will be expected of them during the exercise. They should understand what will be simulated versus what tasks must be actually completed. The LEPC may wish to schedule pre-exercise training and/or drills to assist individuals/organizations prepare for the exercise.

Choose Evaluators that are objective and knowledgeable in the areas they are to evaluate. Ensure there are enough Evaluators so that each response function is properly observed and evaluated. This may require having more than one Evaluator observing the same objective when the field-play is widely dispersed. Also, coordinate the date and time for the evaluator's training with the Ohio EMA Facilitator.

Exercise Design Course

Ohio EMA periodically teaches a FEMA certified (16 hour) course in the design, conduct, and evaluation of exercises. This course is generic in concept and does not address the unique requirements of LEPC exercises. However, it is an excellent course to teach the exercise basis. Individuals who will likely serve on an Exercise Design Team should take this course. To attend, interested individuals need to contact their County EMA Director for course information, dates, and formal application.

One or more LEPCs can even work together to host this course in their local area. This would allow more personnel to be trained locally rather than having only one or two attend a statewide course. To request this, the LEPCs need to work with their respective EMA offices to request that such a course be scheduled locally. LEPCs should understand that they may be required to fund portions of a course when it is held locally. More information is available on this via Ohio EMA's Training Section

SERC Review of Exercises

The Ohio EMA was designated by OAC Rule 3750-20-80 to review the annual LEPC exercises for the SERC. Upon receipt of the LEPC's Exercise Notice, the Ohio EMA Field Liaison for that area will contact the LEPC to schedule a meeting to review the Notice. The Liaison will act as the “SERC Facilitator” and will provide any assistance required before, during, and after the exercise.

A SERC Facilitator will observe each evaluated exercise. This person is responsible to train the Evaluators prior to the exercise, to ensure the LEPC provides appropriate plan portions to them prior to the exercise. The Facilitator will also coordinate and participate in the exercise critique. The Facilitator will then write the official exercise report highlighting things done well and making recommendations for areas that need improvement.

The report will be based on the observations made by each Evaluator and the issues raised during the exercise critique. If an Objective is not adequately tested, the Facilitator will direct the LEPC to develop and submit a Corrective Action Plan that outlines how the missed Points of Review will be corrected.

Ultimately, the SERC will review the findings and recommendations made in the Facilitator's report and vote to Concur or Refuse to Concur with the conduct of the exercise.

Exercise Credit for Actual Incidents

LEPCs may request exercise credit for an actual incident which occurred in or affected the district. This request must be submitted to the Ohio EMA within thirty days of the incident. This credit, if granted, may be used to satisfy the annual exercise requirement. Section IV.C of the OHM-EEM gives detailed guidance for the LEPC's use to request exercise credit for an actual incident. As per OAC rule 3750-20-78, the LEPC may only use this process twice in the four-cycle to claim exercise credit.

The SERC Facilitator will evaluate the request and within thirty days, schedule a meeting with the LEPC to review the records of the actual response. This meeting needs to include the key personnel who managed the response. The LEPC should prepare and have available all various records from the incident, to include news clippings about the event. If individual response members cannot meet at one time, the Facilitator will discuss the response with all participants versus the chosen Objectives to make an informed decision on the request. The official report, and the SERC recommendation, will be in a format similar to that of a normal exercise report.

Exercise Critiques and Updates

Critiques and debriefings are as important if not more to the participants than was the original exercise. A debriefing should be conducted by each participating agency and is usually a quick informal discussion amongst themselves on how they did. Debriefings should be conducted immediately following every exercise, usually at the site while all participants are still present. The participants should be given 15-30 minutes immediately following the drill to discuss their group's accomplishments prior to attending the formal exercise critique.

The Exercise Design Team Leader or the Exercise Controller will orchestrate the formal critique. They will assemble the participating agencies and request the heads of these groups to discuss how the exercise actions met or conflicted with their planned procedures.

The formal critique is a review of the events for all players in the exercise. Often this is the first time some players actually learn of the full extent of the exercise. The critique is *not used* to place blame, rather its purpose is to discuss what was observed throughout the exercise by the Evaluators, controllers and participants with the goal of identifying what went right, and according to plans/SOPS, and what may need to be changed or revised.

When the LEPC conducts a Full-Scale exercise, SERC rules state the LEPC must also complete a publicly announced critique. This critique will discuss the scope of the exercise, the results of the exercise and allow the general public to comment on the outcomes. This critique can be done as part of the formal exercise critique, or it may be done separately in conjunction with an LEPC meeting, or it may be a separately scheduled meeting. In either case, it must be open to the public as per ORC 121.22 (Open Meetings Law)

An exercise is not complete once the critique is done. Following the exercise, the Exercise Design Team and/or Controllers will need to meet and review the results of the exercise. They will need to identify what changes are needed to the local program and present those changes to the LEPC. They may identify that changes are needed in the plan or local procedures, that response resources are needed, that training must be updated, or that additional personnel are required. The LEPC in turn will need to review and determine how the program will be changes. These changes should be briefed to local elected officials as well.

SECTION VI

LEPC TRAINING AND EDUCATION PROGRAMS

General

ORC Section 3740.04 (A)(11) states the District's Chemical Emergency Preparedness and Response Plan **shall contain** "a plan for the development or provision of training programs, seminars, and other forms of educational programs." These programs should be made available for all emergency response, management, and facility personnel.

Additionally, the LEPC should train its own members in their respective areas of responsibility. It should also provide assistance to the County EMA in training such groups as the County EOC Staff, County Officials and others regarding hazardous materials plans, exercises and other activities.

Program Considerations

The LEPC must determine what the training needs of the district are, identify personnel to be trained, obtain funding, identify training facilities and instructors available to best meet and accomplish the training requirements for its district.

The LEPC should consider the implementation of a training and education program for the district which includes training already scheduled and conducted by County EMA, the various first response agencies and organizations as well as other training activities relating to hazardous materials preparedness and response.

The LEPC should coordinate with the various county associations (Fire, EMS, Law, medical), to combine training efforts. Combining training sessions has many benefits, such as attracting more participants, cost savings, training more people with fewer instructors, and the students become acquainted with other individuals and their organization's roles and responsibilities.

Organization for Training

Each LEPC will have to determine how the district can best organize, set-up, and conduct a productive training and education program. Each district is different and each LEPC must develop a program which benefits its people in accordance with the training standards found in *Section C of the LEPC Procedures Manual*.

The Chairperson should appoint a Training and Education Sub-Committee. This group should contain, at least, representatives from the Fire, Law Enforcement, Facility, EMA, and EMS organizations. The Sub-Committee could be chaired by the Vice-Chair. Their task is work with emergency response organizations and others to identify what the district's training needs are, what the training goals of the various agencies and organizations are, what training is currently available and present their recommendations to the entire LEPC.

The following is one way a LEPC might approach the establishment of the Committee's Training and Education program. This concept is offered to help LEPCs design a program to fit their situation.

The LEPC should consider its *direct and indirect roles* in training and education within the District.

Direct Role.

The LEPC Chairperson should provide appropriate orientation and training of Committee members to explain their duties and responsibilities and ensure that all members understand their Committee's mission..

Identify the **training goals** of the various organizations, agencies, departments, and groups within the district, i.e., does the fire community wish to be at operations level overall or have a certain percentage trained to technician level?

Survey the District to identify the current **training levels** of the various agencies, departments, organizations and groups within the district to accurately estimate the type, cost, and availability of training needed.

Based on the training goals, identify **training requirements** of the various agencies, emergency response and other organizations and groups within the district that they represent so they can consider how to meet these needs.

Identify training programs available to support these requirements, including training to be provided by the local instructors, state and federal agencies, and the private sector.

Provide training and/or orientation for public officials, first response type organizations, churches, schools, service organizations and others.

Provide an outline of plans and goals for the following year and a schedule of planned training activities.

Provide funding support for training through the use of LEPC training funds and by obtaining additional funds from grants, private or industrial sources.

Provide a reference library containing publications, audio-visual material, and other items for training use. It should be at a location available during normal business hours. A current listing of reference and training documents available should be provided to the various emergency response organizations, agencies and departments.

Indirect Role.

The LEPC should assist the leadership of the various emergency response and support organizations within the District to meet training goals and standards they have set for their personnel. Ensure that the leadership and training officers are aware of training requirements and standards, to include refresher training requirements. Also recommend that they maintain appropriate training records for their personnel.

Assist these organizations by obtaining training funds for their use by applying for various grants under programs such as the PUCO, HMEP, and SERC grants. (*See Section III, Page III-5, Funding.*)

To accomplish this role the Training and Education Sub-Committee should:

~ Establish liaison, through the appropriate LEPC members, with the various agencies, departments, organizations and other groups (amateur radio, community groups, ARC and others) within the district to determine their training interests, to discuss training requirements, and determine needs and goals for the groups.

~ The LEPC Training and Education Sub-Committee should keep the LEPC's membership advised of their activities and findings. Regularly discuss training needed, planned courses, and requests from the groups.

~ The LEPC could create and make available a consolidated training schedule of the district on a quarterly or biannual basis. They may be able to assist agencies with training records for the individuals in an agency.

~ Assist all emergency response organizations to obtain training information through the County Fire Association(s), County EMA Director's office, the State Emergency Response Commission, Fire and Police Academies, and other State, Federal and/or private sources.

~ The LEPC might decide to utilize its own funds to purchase training materials, aids, and/or equipment for various organizations, agencies, departments or groups. In many cases LEPC and EMA jointly fund a facility to be used as the County EOC but which also serves as a Training Facility.

Hazardous Materials Training

Various levels of hazardous materials training are required by law for personnel in certain occupations. *Reference Section C, LEPC Procedures Manual for OSHA and NFPA training standards.* The following is a listing of the levels by job/occupation:

<u>Occupation</u>	<u>Awareness</u>	<u>Operational</u>	<u>Technician</u>	<u>*Hazmat ICS</u>
Emergency Medical Spec	X (All)			
Firefighters	X (All)	X (All)		
Hazmat Team Members	X (All)	X (All)	X (All)	
Law Enforcement Personnel	X (All)			
Fire Service Officers				X (All)

* **Law Enforcement and EMS leadership** should also take Hazmat Incident Command System (ICS) course or an orientation so they will understand their roles in ICS. (EMA/LEPC members should take the 4 hour awareness class).

Continual Training and Education Programs

The various training and education programs scheduled and conducted for EMA and LEPC staff and county officials should be considered as on-going programs based on the turnover of personnel within the district.

The Training and Education Sub-Committee should carefully review training already provided, assess current and future needs and develop their programs accordingly. Refresher training needs also must be considered.

The Training Sub-Committee should be familiar with 29 CFR 1910.120(e) which requires initial, management and supervisor, emergency response, and refresher training as well as NFPA 472 and 473 and other pertinent standards.

Hazardous Materials Topics and Workshops

The Federal Emergency Management Agency (FEMA) has developed sixteen (16) short courses (workshops) to enable the local districts to put on their own courses using local instructors and expertise.

<u>Subject Number</u>	<u>Course Title</u>
305.1	Risk Communication
305.2	Hazardous Materials Information Management
305.3	Risk Analysis
305.4	Exercising Emergency Plans under Title III
305.5	Alert Notification
305.6	Overview of the Incident Command System
305.7	Community Awareness and Community Right-To-Know
305.8	Hazardous Materials Workshop for EMS Providers
305.9	Hazardous Materials Workshop for Law Enforcement
305.10	Facility Coordinator's Role and the LEPC
305.11	An overview of Liability in Emergency Response
305.12	The National Response System and Local Response
305.13	Media Issues in Hazardous Materials
305.14	Hazardous Materials Response Teams
305.15	Evacuation and In-Place Protection
305.16	Hazardous Materials Workshop for Hospital Staff

NOTE: The Instructor's Guide and the Student Manuals are free to the County. Students attending these locally held courses retain the Student workbook for their own reference. These courses must be coordinated through the County EMA Director's Office.

Scheduling of Training

The LEPC should develop, maintain, and distribute a schedule of all Sub-Committee meetings and training sessions hosted or conducted by the LEPC or others. (All training which would be of interest to Committee members, or other individuals, groups, departments, organizations, or agencies affected by hazardous materials matters should be included).

The LEPC should also request that other departments, organizations, and agencies within the district provide them with copies of their training schedules. This procedure would keep the LEPC informed of on-going training programs within the county and would in turn help the LEPC recognize how the organizations are training and who may need attention and/or assistance from the LEPC. The Committee could produce a master training schedule for the District.

Public Education and Awareness Program

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 need to be considered also.

If not already in place, the LEPC should develop a program to provide for public education in regards to Hazardous Substances. The program should include provisions for orientation and/or training for private citizens, special facilities, and for the identification and education of special populations such as hearing impaired, blind, and home-bound.

The program should include presentations, audio-visual programs, written notices, pamphlets, and other means to insure the district's population is aware of actions which may be required at any time in the event of a hazardous materials incident.

The LEPC is encouraged to sponsor speakers for schools, organizations and clubs and provide written or audio-visual programs, assist the district's response organizations with their public information programs, and coordinate other activities to take advantage of ongoing special events in the district.

Facility personnel could be requested to provide a Public Awareness presentation concerning their facility or their industry in general, plant safety systems, and government's requirements, regulations, and oversight.

The SERC's Training and Education Committee, Ohio EMA Field Liaison personnel, the State Fire Marshal or Ohio EPA could assist the LEPCs upon request.

FEMA has several instructional programs on the subject to include a home study course entitled "A Citizens Orientation" and a 4 hour course entitled "Hazardous Materials Introduction for Public Officials" (G300) and others.

Summary

Training and education of all personnel is important, but the training of individuals that must respond to a hazmat incident is critical. This is not only because of concern for the individual responder's health and safety but for the welfare of the communities as well. All emergency responders must be properly trained and equipped if they are to successfully handle chemical accidents.

The LEPC has a responsibility to coordinate, support, and assist the various agencies, departments, and organizations with their training programs.

SECTION VII

FACILITIES WITHIN THE DISTRICT

General

There are fixed facilities in every County in Ohio that use, produce, or store hazardous substances. The LEPC needs to be aware of all the facilities in the district, especially the ones handling Extremely Hazardous Substances (EHS). Facilities may be privately or government owned, such as water treatment plants and all are subject to at least some provisions of the law. See ORC 3750.05, Facilities Subject to the Law/Emergency Coordinators.

EPCPA Reports

There are four reporting provisions under Emergency Planning and Community Right To Know Act (EPCRA) and facilities may be subject to any or all of these:

- 1 - Extremely Hazardous Substances Notification.
- 2 - Release Notification.
- 3 - Inventory/Annual Reporting
- 4 - Toxic Inventory (313/Form R)

NOTE: While LEPCs can and do become involved in all four types of reports, they are only responsible for the first three.

Reporting Provisions

Extremely Hazardous Substance Notification.

Extremely Hazardous Substances (EHS) are chemicals that are immediately dangerous to life and health, even at relatively low concentrations and short exposures. Such conditions are likely to exist following an accidental release of EHS chemicals into the environment.

There are 356 EHSs listed in EPCRA (Sep 2000).

A Threshold Planning Quantity (TPQ) is listed for each Extremely Hazardous Substance. The quantities range from 1 to 10,000 pounds and average approximately 500 pounds. An EHS must be present in a quantity exceeding the TPQ before it must be reported. The facility reporting must also report the *highest quantity on hand during any one time of the reporting period (year)*, this is important as a hazards analysis is based on the worst case scenario.

If a mixture includes more than 1 percent of an EHS by weight, or 0.1 percent if the EHS is carcinogenic, then the total amount of EHS must be calculated. If this quantity is in excess of the TPQ, it must be reported.

Reporting requirements consists of identifying the chemical(s), providing the storage location, a point of contact (Facility Emergency Coordinator), and 24 hour telephone numbers for planning and emergency response.

Reporting is required within 60 days of acquiring TPQ of any EHS. Reports should be sent to the local Fire Department, LEPC and the SERC. Facilities can use SERC prepared identification and inventory forms or otherwise provide similar information.

The following are brief summaries of the Ohio Revised Code. Committee members need to refer to Ohio Revised Code, Title 37, Chapter 50 for the detailed and complete law. SERC has provided the LEPCs copies of the law or the Committee can download it from <http://www.epa.state.oh.us/dapc/serc/index.html>.

Release or Spill Reporting (ORC 3750.06).

In Ohio, the release, spill, or abandonment of any of the 356 EHSs noted above, any of the listed CERCLA (Superfund) hazardous substances, or oil, must be reported if two conditions are met. First, the quantity must be at or above the substance's specific Reportable Quantity (RQ). Second, the released material must migrate or travel *from the site*. Examples: A "RQ" spill from a tank truck onto a street is a release, or any oil spillage which results in a sheen on the water is a release.

Notification for "Reportable" spills must be made to *the SERC, the LEPC Emergency Coordinator and the local Fire Department*. Initial notification is required within 30 minutes of discovery. A detailed written summary report is required to the SERC and the LEPC within 30 days.

The law provides flexibility in the LEPC's level of involvement with release reporting. All LEPCs are required to designate a Community Emergency Coordinator to receive release reports and to coordinate response actions. Some LEPCs will have extensive response and enforcement programs, while others may largely defer to the SERC.

Submittal of Hazardous Substances List/MSDSs (ORC 3750.07)

Any person who owns or operates a facility is required to provide the LEPC, and the fire department having jurisdiction over the facility, a list of all chemicals that are produced, used or stored at the facility in an amount that equal or exceeds the threshold planning quantity (TPQ) applicable to that chemical under ORC 3750.02(B)(1)(b).

Upon request of the Committee of the district in which a facility is located, the owner, or operator, shall, within thirty days after receiving the request, submit to the Committee the material safety data sheet (MSDS) for any chemical identified on the facility's list.

Within three months of obtaining new information about a chemical previously reported, or a new or additional chemical not previously reported the facility owner, or operator, shall submit to the SERC, the LEPC and the Fire Department a revised lists that the requirements of ORC 3750.02(A) and (C)(5).

Inventory/Annual Reporting (ORC 3750.08).

Initial chemical reporting and the annual reporting of the quantity and conditions of storage is required if: (1) the facility is subject to the OSHA Hazard Communication Standard, (2) the facility stores an EHS or hazardous chemicals, and (3) the chemicals are stored in excess of the TPQ or TQ.

The TQ for an EHS is chemical specific, being the lower of the TPQ or 500 pounds (The range for EHS reporting is 1 to 500 pounds). The TQ for any other hazardous chemical is 10,000 pounds.

Facility Annual Chemical Inventory Reports. The Ohio annual inventory report consists of the following:

- A Facility Identification Form. Contains names, addresses, phone numbers.
- Emergency and Hazardous Chemical Inventory Form. The Ohio version of the Federal Tier II Report Form
- Facility Map. Representation of chemical locations on facility grounds in relationship to buildings, doorways and fences.
- Fee Worksheet (and payment)

LEPC Actions Upon Receipt of Facility Reports

After years of receiving, using, and maintaining facility annual reports most LEPCs have developed a standard procedure, including timely processing (during April and May) of the reports which should include the following actions:

- Record receipt of all facility reports.
- Check against present listing(s) to insure all reports are received.
- Changes. Check reports against last years reports to ascertain changes in chemicals (types and amounts), locations, new diagrams, or map.
- Acknowledge receipt of the report to the facility by letter. Question any unclear changes or additions at this time.
- Hazardous Analysis. Re-compute the hazards analysis when changes of chemicals, storage, or volumes dictate. This may change the information on the facility in the Hazmat plan.
- Confirm that reports are accurately completed.
- Update CAMEO. Review facility annual inventory reports and update information in the program as needed.

Public Access to Information

As stated in ORC Section 3750.10 any person who seeks to review or obtain copies of facility information submitted to the LEPC **shall submit a written application** to the Information Coordinator of the LEPC.

A separate request shall be submitted for each facility (site specific) for which information is being requested. The request shall specify both the facility, for which the information is being requested, and the particular type of documents being requested.

The Information Coordinator shall provide the applicant access to, or copies of, the information requested, or shall perform the requested computer search and provide the applicant with the information obtained in the search, *subject to the restrictions submitted as a trade secret*.

An applicant shall be informed that there is a cost for copying, mailing, or conducting a computer search of information on file with the LEPC before such a search or copies or made.

LEPC Compliance and Enforcement Program

ORC Section 3750.03(E)(6) states that the LEPC will have a Compliance and Enforcement Program and that this program will consist of monitoring regulated facilities within the district, and conducting compliance and enforcement activities to ensure the facilities have submitted the information required by ORC Sections 3750.05, .07 and .08.

The SERC has developed and published an LEPC Compliance Report Form. The latest version of this form was sent to the counties by OEPA (RTK Office) on June 18, 2002. This form should be filed in Section F (Compliance and Enforcement) of the LEPC Procedures Manual.

The following type activities can assist the Committees meet their compliance program responsibilities:

1. Meeting With Companies. Individual or group meetings with one company or a group of potential reporters; water/wastewater treatment operators, funeral homes, gas stations, or any group of known or possible reporting concern.
2. Inspecting Records. Records should be kept for LEPC and all government activities. Reports, hand written or follow-up letters concerning visits to see what is in the shop or warehouse serve this purpose.
3. Letters to Industry. The LEPC, a Sub-Committee, volunteer or employee can write letters to a facility. "Generic" letters might be used and copied to the various reporting facilities and/or business associations. For example letters advising the facilities of the names of the Committee's Chairperson, Information Coordinator and the Community Emergency Coordinator, a courtesy letter advising them of the upcoming annual report date, etc.
4. Outreach Newsletter. A fact sheet or newsletter covering one or many types of reports might be developed (EHS Notice, spill reporting, general industry, oil and gas).

5. Newspaper Articles. (For local and/or neighborhood news, cable, and TV) Informative articles for the public and the potential facility reporters regarding the Committee, its purpose and activities. Subjects could be the intent of the law, *annual report notice advisory for facilities*, items of interest, i.e. anniversary of Bhopal, enactment date of SARA Title III, annual inventory reports, training and education, safety week, etc.

6. Enforcement Referrals. If the LEPC, or EMA Office, is having difficulty collecting from a Responsible Party (RP) (the owner/operator responsible for a spill/release) the County Prosecutor or SERC could be requested to assist in the collection effort. While infrequent, such actions may sometime be necessary. LEPCs may also want to contact other LEPCs or the SERC for guidance.

7. Copies of Settlements. Many have already handled settlements with one or more parties over inventory or release reporting violations. A copy of such action could be provided SERC as part of the documentation of the LEPC's activities.

Annual Compliance and Enforcement Report: (ORC 3750.03(D)(6)). All LEPCs must send to the SERC an summary report of their compliance and enforcement activities for the previous calendar year. Not later than the first day of October of each year, the Committee must submit the report of their compliance and enforcement activities. SERC has developed and published an LEPC Compliance Report form. The form is located in Section F of the LEPC Procedures Manual, also SERC has been sending LEPCs a letter with a copy of the form annually.

Facilities failing to report. LEPCs must check their district to insure that all facilities that should send a report are doing so annually. The LEPC must notify any facility failing to report, direct them to report, supply them with appropriate reporting booklets (SERC provides extras to LEPCs) and ensure they report. If they do not, the LEPC should notify the SERC.

If a facility reports for the first time it is a *'first time filer'* and the LEPC can claim 100% of the fee paid by the facility for that reporting year.

SECTION VIII

STATE AGENCIES

State Agency Response

The State of Ohio Hazardous Materials Emergency Management Plan, Revision Seven, dated January 2002 lists the roles and responsibilities of the State agencies and their response personnel that may be called upon to assist local efforts in times of a hazardous materials incident.

LEPC members should review the State plan especially as it relates to their peculiar interest, i.e. law, fire, ARC, medical, or others. The plan is formatted in accordance with NRT-1 and the various sections follow that sequence.

The concept of operations addresses how the State will be configured to respond to hazmat emergencies. Section IIE, addresses roles and responsibilities of agencies that have a legal responsibility to be the initial responding state agencies in times of a hazardous materials incident. Attachment #2, of the plan, is a copy of the State MOU for Response to Hazardous Materials Incidents

Information contained in the plan will help you understand the various state, federal and others roles and assist the LEPC when writing and/or updating the county plan.

All state agencies and county EMA Offices are provided copies of the plan and its revisions.

The State plan is written and maintained by Ohio EMA, PT&E Section. If you have any questions regarding the plan, contact Ohio EMA at 614-799-3679.

Training and Assistance

There are three primary state agencies that offer training courses and assistance on hazardous materials subjects. These agencies and telephone numbers are listed below:

State Fire Marshal's Office (Ohio Fire Academy) 888-589-2728 or 614-752-7196
Ohio EPA (Right-to-Know Office) 888-644-2260 or 614-664-2260
Ohio EMA (Training Officer) 614-889-7168

See Section H of the State plan for a listing of the hazardous materials courses.

The SERC has a Training and Education Committee that meets regularly to address various training and education issues. This Committee's mission is to provide the LEPC's training information, information and guidance to assist them with their training and education programs. This Committee also is responsible for the planning and conduct of the Annual LEPC Conference.

Grants Available to Assist with Training Funds

See Section III of this Handbook regarding the various grants that can provide training funding which is conducted and/or supported by the Committee for emergency responders and support agencies and organizations within the district.

In the past Committees have utilized grant funds to provide training classes, instructors, training programs, aids, and equipment within their districts.

SECTION IX

ACRONYMS AND GLOSSARY OF TERMS

CAMEO	Computer Aided Management of Emergency Operations is a software program that helps emergency managers and responders plan for and respond to chemical accidents, and manage information provided under EPCRA about the presence of chemicals in the community.
CHEMICAL	Means any element, chemical compound or mixture of elements and/or compounds.
COMMISSION	The State of Ohio Emergency Response Commission
EHS	“Extremely Hazardous Substance” means a substance listed by USEPA in paragraph (A) of Rule 3750-20-30 of the Administrative Code and a substance listed by the Commission in paragraph (B) of Rule 3750-20-30 of the Administrative Code.
EMERGENCY DISTRICT	Means an emergency planning district or joint emergency planning district designated under Section 3750.03 of the Revised Code or a joint interstate emergency planning district established by agreement under that section.
EOP	Emergency Operations Plan is the principal all hazard emergency plan of a facility, community, county or state developed in conjunction with emergency responders, agencies, departments and organizations.
EPCRA	“Emergency Planning and Community Right-To-Know Act of 1986” 42 U.S.C.A. 11001 to 11050 and regulations adopted thereunder. The Ohio General Assembly passed Substitute Senate Bill 367, the Ohio version of EPCRA, 1988. This law, Chapter 3750 of the Ohio Revised Code (ORC) provides for the implementation of EPCRA in the State of Ohio.
FACILITY	Means all buildings, equipment, structures, and other stationary items which are located on a single site or contiguous or adjacent sites and which are owned or operated by the same person (or by person which controls, is controlled by, or under common control with). For purpose of chemical release notification under Section 3750.06 of the Revised Code, the term does include motor vehicles, rolling stock, and aircraft.
FACILITY EMERGENCY COORDINATOR	An individual designated by a facility, in accordance with ORC 3750.05(B) to participate in the district’s emergency planning process. A Facility Emergency Coordinator must be identified to the LEPC by the Facility at all times.
FEMA	Federal Emergency Management Agency is the federal agency responsible for emergency planning and response. Coordinates federal agencies response to emergency situations, communicates with the affected states and/or territories to ascertain needs, receives and validates requests for Presidential Emergency Declarations, handles emergency federal funding requests and provides on site assistance to State EMAs through the end of the emergency as needed.
HC	“Hazardous Chemical” has the meanings given to that term in 29 C.F.R. 1910-120(c). The term also includes chemicals identified or listed pursuant to Rule 3750-20-60 of the Administrative Code. (<i>See OAC Rule 3750-1-01 for a complete definition</i>)
HS	“Hazardous Substances” means a substance listed by USEPA in paragraph (A) of Rule 3750-20-50 of the Administrative Code and a substance listed by the Commission in paragraph (B) of Rule 3750-20-50 of the Administrative Code.

LEPC	Local Emergency Planning Committee is the County Board responsible for the development and distribution of the chemical emergency preparedness and response plan, for conducting annual exercises to validate and test the plan, to provide training and assist emergency responders, other agencies and organizations with their training programs, for development of a public education program, and to develop and implement a compliance and enforcement program for the district.
OIL	“Oil” includes oil of any kind or in any form including, without limitation, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
OSHA	Occupational Safety and Health Administration , created by the Occupational Safety and Health Act of 1970, 29 U.S.C.A. 651 et seq.
RQ	“ Reportable Quantity ” is the amount of product, in pounds, that triggers the emergency notification of OEPA, LEPC and the Fire Department if released into the environment. This is established in Rule 3750-20-50 of the Administrative Code.
SARA	“ Superfund Amendments and Reauthorization Act of 1986, 100 Stat. 1747, 42 U.S.C.A. Sections 11001-110050 and regulations adopted thereunder.
SERC	State Emergency Response Commission .
TPQ	“ Threshold Planning Quantity ” is the amount of an extremely hazardous substance, in pounds, that requires a facility to have a Facility Emergency Coordinator and participate in the plan process. TPQs are listed in 40 C.F.R. Part 355, Appendix A and B, in Rule 3750-20-30 of the Administrative Code, the quantity as listed in the columns (threshold planning quantity) for that substance.
TQ	“ Threshold Quantity ” is the amount of a hazardous chemical above which a facility must annually report the presence of that substance to SERC, LEPC and Fire. This is discuss in Rules 3750-30-15 and 3750-30-20 of the Administrative Code.
USEPA	United States Environmental Protection Agency .

OHIO ADMINISTRATIVE CODE (OAC)

Rules as adopted under Ohio Revised Code Chapter 3750

In 2001, the SERC published an updated copy of the Rules for Chapter 3750 of the ORC. This copy has a beige cover. Copies were distributed to each LEPC. A copy may also be downloaded from the following web page: <http://www.epa.state.oh.us/dapc/serc/index.html>

The following is a listing of various rules listed in the 2001 publication. The publication may not contain the latest changes made to the code. Please contact your local prosecutor on how to obtain the latest changes to the code.

CHAPTER 3750 - HAZARDOUS CHEMICAL INVENTORY REPORTING

3750-1-01 DEFINITIONS
3750-1-02 PURPOSE

CHAPTER 3750-10 - COMMISSION MANAGEMENT RULES

3750-10-01 ESTABLISHMENT OF STATE EMERGENCY RESPONSE COMMISSION & COMMITTEES
3750-10-03 GENERAL MANAGEMENT RULES
3750-10-05 INTERNAL OPERATING RULES
3750-10-07 EXECUTIVE COMMITTEE: ISSUANCE OF ORDERS, PERSONS WHO MAY REQUEST ENFORCEMENT ORDER PROCEDURE
3750-10-09 PUBLIC TESTIMONY

CHAPTER 3750-15 - PROCEDURAL RULES

3750-15-01 APPLICABILITY
3750-15-02 CONSTRUCTION OF RULES
3750-15-05 PUBLIC NOTICE OF PROPOSED RULES
3750-15-10 SEVERABILITY

CHAPTER 3750-20 - EMERGENCY PLANNING

3750-20-01 FACILITIES SUBJECT TO EMERGENCY PLANNING REQUIREMENTS
3750-20-05 EMERGENCY PLANNING REQUIREMENTS OF SUBJECT FACILITIES
3750-20-10 CALCULATIONS OF QUANTITIES FOR COMPARISON WITH THRESHOLD PLANNING QUANTITIES FOR SOLIDS AND MIXTURES
3750-20-30 LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES
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- 3750-85-01 APPLICATION FOR VARIANCE BY POLITICAL SUBDIVISION
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**BUCKEYE COUNTY'S
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

CONSTITUTION AND BY-LAWS

ARTICLE I: NAME

The name of this Committee is the Buckeye County Local Emergency Planning Committee, (hereinafter referred to as the LEPC). The LEPC is authorized by federal law, state law and by appointments duly issued by the State Emergency Response Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Buckeye County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

ARTICLE II: STATE AND FEDERAL LAWS

State and Federal laws applicable to LEPCs. Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001(c); and Ohio Revised Code 3750, as revised and as supplemented by the Ohio Administrative Code (OAC).

ARTICLE III: PURPOSE AND OBJECTIVES

SECTION 1 - The purpose of the LEPC:

As stated in ORC 3750.04 (A), the LEPC shall develop a chemical emergency response and preparedness plan for the planning district (Buckeye County); establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public of all LEPC activities and meetings; print and distribute the emergency plan and make it publicly available; receive reports and information as specified in ORC Chapter 3750.

With the information and reports received from facilities operating within the district, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis, establish and maintain a data base of hazardous chemical locations and quantities in the district and establish and maintain a computer system for data management. Detailed information on all facilities with Extremely Hazardous Substances (EHS) will be included in the emergency plan. (ORC Section 3750.04)

The LEPC is instrumental in fulfilling the purpose of the Community Right-To-Know law to increase the protection of the community from chemicals produced, used, stored, and/or transported within the Planning District. Transportation hazards analysis will include those risks to the district from commercial transportation of chemicals on the Ohio River.

All meetings, including sub-committee and ad hoc committee meetings, are open to the public.

SECTION 2 - The Objectives of the LEPC are:

- a) To prepare and maintain a comprehensive and coordinated chemical emergency preparedness and response plan for Buckeye County.
- b) To receive and process the public information requests in accordance with ORC Section 3750.03 and SERC resolutions.
- c) To implement the LEPC rules and requirements as outlined in ORC Section 3750.03 with special emphasis on ORC Section 3750.03(D).

d) To carry out the powers and duties set forth in rules and resolutions of the SERC.

e) To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities as listed in ORC Section 3750.03 and ORC 3750.04; for example, preparation and maintenance of the County's Chemical Emergency Response and Preparedness Plan, annual review and testing of the Plan, training and education, compliance, and enforcement.

ARTICLE IV: LEPC REPRESENTATION

SECTION 1 - Composition of the LEPC.

ORC Section 3750.03 requires that the LEPC be comprised of an equal number of representatives of the following entities: Elected State and local officials; law enforcement; emergency management personnel, fire-fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel; transportation personnel; broadcast and print media personnel; community groups and owners and operators of facilities.

SECTION 2 - Appointment of the LEPC, Election of Officers. *

In August of the odd numbered year, a new LEPC will be appointed by the SERC based upon a list of persons the County Commissioners has recommended to the SERC. SERC will request, in writing, that the County Commissioners provide them their recommendations by a certain date.

To assist the County Commissioners develop their recommendations for SERC, the LEPC Secretary will provide the County Commissioners, not later than the first day of June of the odd numbered year, a listing of current LEPC members indicating which members are willing to serve another two year term.

In July of the odd numbered years, the LEPC Chairperson shall appoint a Nominating Committee, consisting of four members, to nominate a LEPC Chairperson and Vice Chairperson from names off of the list the County Commissioners forwarded to the SERC.

At the first meeting of the newly appointed LEPC, an election of LEPC officers, the Chairperson and Vice Chairperson, will be conducted by an officer of the previous LEPC. The election will include the individuals recommended by the Nominating Committee and nominations from the floor. All person(s) to be nominated shall be contacted prior to the election and have indicated willingness to serve if elected.

The LEPC Secretary will provide the names of the new Officers to the County Commissioners and the SERC immediately following the meeting. The names of the individuals appointed to fill the LEPC positions of Information Coordinator, Community Emergency Coordinator and Secretary will also be included in this notice.

SECTION 3 - Filling of Vacancies. *

Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)). The vacancies shall be filled in the following manner: The LEPC shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the remaining term, to the County Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

The County Commissioners should then pass a Resolution requesting SERC appoint this person to the County LEPC to fill the remainder of the remaining term and forward the request to SERC.

** Note: Sections 2 and 3 above are addressed in ORC Section 3750.03(B) and need not be repeated here, however the Sections as written should assist the membership to better understand the law. No*

By-Laws can be inconsistent with statute or rule.

ARTICLE V: JURISDICTIONAL BOUNDARY

SECTION 1 - The LEPC's Jurisdictional Boundary:

The Buckeye County's LEPC's jurisdictional boundary is all of Buckeye County, Ohio.

ARTICLE VI: POWERS AND DUTIES

SECTION 1 - Powers.

ORC Section 3750.03(D) states the LEPC shall have the authority to: appoint a chairperson, vice-chairperson and a secretary; to adopt bylaws; to appoint an information coordinator and community emergency coordinator; to purchase goods or services, enter into lease or contact agreements and accept gifts on behalf of the LEPC; and to establish and carry out compliance and enforcement activities.

ORC Section 3750.03(E) provides the LEPC authority and guidance that it may: Receive or accept from any public or private source, gifts, grants, contributions of money, services of personnel, and real or personal property, or their use; appoint, and fix compensation of employees; designate additional facilities within the district to be subject to the plan; enter into agreements; adopt rules for dealing with facilities within the planning district; and enter into contracts.

SECTION 2 - LEPC Meetings.

The LEPC shall meet a minimum of six (6) times each calendar year, normally on a bimonthly schedule. The LEPC will set the time and date of its regular bi-monthly meeting.

To be excused from a scheduled meeting the member in question shall contact, prior to the conduct of the meeting, one of the following: Chairman, Vice-Chairman or Secretary

The Chairperson shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that it is essential for such meeting.

A. Regular Meetings.

A minimum of seventy-two (72) hours notice will be given to all members of the LEPC, and a public announcement* of the meeting date, time and location will be made, in advance of a LEPC meeting. (* Local newspaper or best for your community)

Such notice, or announcement, will be in writing by mail. If it is likely a mailed notice would not reach the members, or media, in sufficient advance time of the meeting, such notice will be given in person or by telephone.

B. Special Meetings.

The LEPC Chair shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that is essential for such a meeting.

Minutes of the meetings will be taken and maintained with the official LEPC records.

SECTION 3 - Quorum.

Sample Bylaws

A two-thirds* majority of members of the LEPC present shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings. (* *two-thirds majority is required by law*)

SECTION 4 - Removal of a Member.

The LEPC, by a two-thirds vote of all its members, may, at any time, remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the LEPC, the SERC may remove a member of the LEPC for any of those reasons. (ORC 3750.03(B))

Any member with two (2) consecutive unexcused absences, or with a total of four (4) unexcused absences within the two (2) year term, shall be considered to have resigned.

ARTICLE VII: EXECUTIVE BOARD

SECTION 1 - Composition and Term of the Executive Board.

There shall be an Executive Board composed of the LEPC Chairperson, Vice Chairperson, County EMA Director, a facility representative, and one (1) additional members-at-large. The members-at-large will be members of the LEPC and selected by nominations from the floor and two-thirds vote.

This election shall be conducted immediately following the election of Officers.

The Executive Board may meet to discuss subject(s) pertinent to the LEPC in order to save time during presentation at regular LEPC meetings. However, only the whole LEPC can conduct LEPC business so the subjects must be presented to the LEPC for final disposition..

ARTICLE VIII: FUNDING

SECTION 1 - Handling of funds.

All funds, including grants and gifts, received on behalf of the LEPC, shall be credited to a "special emergency planning fund" in the treasury of the county as directed by ORC Section 3750.03(F).

The LEPC shall receive the services of the County Auditor as directed under ORC Section 3750.03(F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC's account.

SECTION 2 - Grant Applications.

The LEPC shall be responsible for making applications to the SERC and others for grants that are available to the LEPC. Example include: SERC Grant, PUCO Grant, HMEP Grant.

SECTION 3 - Expenditure of Funds.

The LEPC will not, under any circumstances, obligate funds in excess of the amount of dollars in its account with the County Auditor.

The Chairperson, Vice Chairperson and the Secretary of the LEPC may make purchases for goods [costing up to two hundred dollars (\$200.00)].

The LEPC will review all requests and either approve or disapprove entering into contracts for services.

Sample Bylaws

All bills or invoices paid will be identified at the next LEPC meeting. If final receipt of the bills or invoices has not occurred an estimated cost will be given.

Expenditures for such items as contacted services (telephone, service agreements, secretarial services, etc) and any other expenditure over two (2) hundred dollars will require pre-approval by a two-thirds vote of the LEPC.

Requests for financial assistance, such as for paying instructors, providing training materials or purchasing items of training equipment for first response organizations shall be submitted in writing to the LEPC for their consideration. Only written requests, with clear justification and all costs indicated, will be considered.

Purchase orders (PO) are authorized to be issued only after approval of the expenditure by a two-thirds majority of the LEPC and will be handled in accordance with standard fiscal procedures set forth by the County Auditor.

Purchase Orders (PO) must be signed by the Chairperson or Vice Chairperson. In no case can purchases be made until after a PO is issued by proper authority. The PO must contain the name and address of the vendor, the name of the item(s) to be purchased and the amount.

NOTE: The LEPC must adhere to their County's fiscal accounting and operating procedures. This section will need to be coordinated with the County Auditor.

SECTION 4 - Purchase and Accountability of Durable Items.

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Buckeye County's Auditor Office and applicable federal and state grant regulations..

All such items purchased, or donated to the LEPC, will be accounted for and properly marked as County Property in accordance with established County procedures and applicable federal and state grant regulations.

A listing of all these durable items will be maintained and provided to the membership at the first scheduled meeting following the LEPC's appointment by the SERC. Items, which have lost their usefulness due to age, usage, breakage or disrepair, will be identified to the LEPC for their recommendation on salvage or disposal.

ARTICLE IX: MEMBERSHIP CHANGES

SECTION 1 - LEPC Membership Changes.

At the end of its two year term, the LEPC shall, after reconciling the LEPC records, prepare a financial accounting for its two year term of office. This accounting shall include fund balance, funds received, funds expended, durable items purchased and the ending balance.

ARTICLE XI: PARLIAMENTARY AUTHORITY

SECTION 1 - Rules of Order.

The rules contained in Roberts Rules of Order shall govern the LEPC and all standing and Ad Hoc Committees.

ARTICLE XII: AMENDMENTS

SECTION 1 - Amendment of By-Laws.

Sample Bylaws

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his or her request in writing to the LEPC Secretary, a minimum of seventy-two (72) hours prior to the meeting, stating the portion(s) of the document which he or she wishes to discuss.

The LEPC shall have the power to amend the By-Laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least thirty (30) days in advance of the date set for voting on the amendment(s).

Ballots will be provided to each member of the LEPC who shall return their ballot either by mail or in person to the Chairperson, Vice Chairperson or Secretary on or before the date set in the written notice. To be approved, Amendments must receive a two-thirds (2/3) majority vote of the ballots received.

This document, and all proposed amendments to this document, shall be provided to the County Prosecutor for review and comments a minimum of thirty (30) days prior to the date set for LEPC vote.

THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE BUCKEYE COUNTY LOCAL EMERGENCY PLANNING LEPC, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS _____ DAY OF _____, 20____.

LEPC CHAIRPERSON

PRESIDENT,
COUNTY COMMISSIONERS

DATE SIGNED

DATE SIGNED

Approved as to form:

County Prosecuting Attorney

Date Signed

GUIDELINES FOR BETTER MEETINGS

“Business is business,” this theme is contained in a 101 level course in Business Administration and its meaning holds true whenever a group of people meet to conduct business regardless of its nature.

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.

The following guidelines are presented for your information 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/presentors
- Establish an appropriate time frame
- Prepare an agenda**
- Notify membership of meeting and distribute agenda (early)
- Make logistical arrangements - 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/speaker at a time, etc.
- Establish time objective

******* DURING THE MEETING *******

- Make an opening statement, review minutes of 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?” “What could be improved?”

GUIDELINES FOR BEING A BETTER PARTICIPANT

In accordance with ORC 3750.03(B), LEPC members are appointed as **representatives** of the various agencies, departments, organizations, and groups within the planning district (County), i.e., Law Enforcement, Fire, EMS, Health, ARC, Elected Officials, Emergency Management, Media, local environmental, hospital, transportation personnel, and community groups. Persons selected as LEPC members must realize their responsibilities and to be successful must actively represent their constituents in all LEPC activities and provide them timely information about the LEPC and in turn share their concerns, needs, etc., with the LEPC.

The LEPC's leadership and secretary are responsible for the development of the agenda and organization of the LEPC's meetings and for providing the membership with timely announcements of meetings and for ensuring each member receives a copy of the minutes of the last meeting. The agenda for the next meeting, along with the minutes of the last meeting, should be provided each member of the LEPC a minimum of 7-10 days before the meeting. This will give the member an opportunity to know what will be addressed and to prepare for the meeting.

Each individual member should consider the following items in order to be better informed and to become a productive member of the committee.

******* BEFORE THE MEETING *******

Review the agenda items provided, clarify the purpose of the meeting.
Consider your impute in regards to agenda items.
Gather/prepare any materials/information you may need for the meeting.
Talk to the people you represent about the agenda items, get their comments.
Arrange the material you want to address in a clear and concise manner.
Take paper and pencil, be prepared to take notes during the meeting.

******* DURING THE MEETING *******

Arrive on time, be seated and ready to go at the announced start time.
Participate in discussions and activities.
Listen to what is being said and consider your comments if needed.
Stay on the subject being presented.
Be prepared to present your information and ideas clearly/concisely.
Avoid side conversations, pay attention and be polite.
Take your own notes, don't rely strictly on the minutes.

******* AT THE END OF THE MEETING *******

Get the date of the next meeting.
Clarify and items which you need to follow-up on before the next meeting.
Ask yourself, "How did I represent my constituents?"

Remember all LEPC members are equal and have a responsibility to represent their peers.

LIST OF LEGISLATION, REGULATIONS, PUBLICATIONS, & OTHER MATERIALS

LEGISLATION AND REGULATIONS

Federal

1. Superfund Amendments and Reauthorization Act of 1986. Titles I and III.
2. Comprehensive Environmental Response Compensation Liability Act of 1980 (Superfund).
3. Occupational Safety and Health Administration Standards.
4. Clean Water/Federal Water Pollution Control Act, PL95-2F1.
5. Hazardous Materials Transportation Act, PL93-633 (As amended).
6. Oil Pollution Act of 1980 (As amended).
7. Clean Air Act
8. Toxic Substance Control Act (TSCA)
9. Resource Conservation and Recovery Act of 1976 (RCRA)

State

1. Ohio Revised Code, Chapter 3750 (Emergency Planning).
2. Ohio Revised Code 5502.38 (Effects of SARA on EMA).
3. Ohio Revised Code 3745.13 (Cost Recovery).
4. Ohio Revised Code 3737.80 (Senior Fire Official is in Charge).
5. Ohio Administrative Code, Chapter 3750 (State Emergency Response Commission).
6. Ohio Revised Memorandum of Understanding for Response to Hazardous Materials Incidents, May 12, 2002.

Regional and/or Local

Must be identified by local LEPCs. These are local and regional laws and ordinances pertaining to hazardous material response and/or planning passed by the City or County.

PUBLICATIONS AND OTHER MATERIALS

1. General. There are a great many sources of references for the SARA Title III Program. This attachment provides a partial listing of references and also notes the Agency responsible to publish the references.
2. Listing of References. The references on the next two pages are but a portion of materials that are available from various private or governmental sources. This list was developed from listings published by USEPA and FEMA. The Committee should develop its own listing of publications, documents, audio-visual materials, etc.
3. LEPC Library. The Committee needs to maintain its own library for the use of the Committee, This library should consist of references, emergency guide books, guidance and procedures documents, training material including VCR tapes, copies of emergency plans and SOPs, public education materials, Ohio EMA Training Catalog, Ohio Fire Academy Course Catalog, and much more. The Committee Secretary, or someone designated by the Chairperson, should be placed in charge of maintaining the library and establishing a list of contents.

NOTE: If the LEPC purchases or obtains training material such as VCR tapes, power point presentations, etc. it may want to establish a 'lending library' to be able to assist emergency response organizations in their training.

REFERENCE NR (IF ANY)	TITLE OF REFERENCE	REF DATE	PUBLISHED BY	REFERENCE LOCATION
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Reference Materials

State Published/Provided:

ORC 3750	Chap 3750, ORC - Emergency Planning	2001	OH SERC	EMA/LEPC
OAC	OH Administrative Code (3750 Rules)	2001	OH SERC	EMA/LEPA
--	Planning and Exercise Guidance Booklet	1999	Ohio EMA	EMA/LEPC
--	OH HM Plan Development & Evaluation	2002	Ohio EMA	EMA/LEPC
HM Plan	State HM Emergency Management Plan	2002	Ohio EMA	EMA Office
--	LEPC Exercise Notice	1997	Ohio EMA	EMA/LEPC
Reporting	Emergency Planning & Community R-T-K	**	OH SERC	
	Annual Reporting Booklets	**		
	1 - For Gasoline Service Sta	**		
	2 - All Others	**		
	3 - Inst for Oil/Gas Extraction Sites	**		
Grant	SERC Grant Instructions/Applications	**	OH EPA	LEPC
Pubs/Maps	List of Publications and Maps	1990	ODNR	EMA
--	1992 Ohio Census	1992	State	EMA
EAS	State Emergency Alert System Plan 1997	Ohio	EMA	EMA
--	HM Analysis - ARCHIE Vs 1.00 (Include Manual, Examples and Computer Disc)	1987	Ohio EMA	EMA
--	Hazmat Training Courses (Listing)	**	OH SFM	EMA/FDs
--	CAMEO (Current)	2002	USEPA	Ohio EMA
--	Infectious Waste Spills	1991	OH EPA	
APP B	SERC Sample Hazmat Annex to Cty EOP	1993	Ohio EMA	

** = Published Annually

Federal Documents:

--	Handbook of Chemical Hazard Analysis Procedures	1987	FEMA	EMA/LEPC
--	Technical Guidance for Hazards Analysis (Emergency Planning for EHS)	1987	FEMA	EMA/LEPC
EPA 230	Risk Communication About Chemicals in Your Community (For Local Officials)	1989	USEPA	EMA/LEPC
CPG 1-5	Objectives for Local Emer Management	1995	FEMA	EMA
CPG 1-20	Emergency Operating Centers Handbook	1984	FEMA	
	Exercise Design Course (3 Workbooks)	1989	FEMA	EMA
SM 170.1	Student Workbook	1989	FEMA	
SM 170.2	Guide to Emergency Management Exer	1989	FEMA	
SM 170.3	Exercise Scenarios	1989	FEMA	
NRT-1	HM Emergency Planning Guide	1987	NRT/FEMA	EMA/LEPC
NRT-2	Developing a HM Exercise Program	1990	NRT/FEMA	EMA/LEPC
--	Preparedness for HM Emergencies in Railyards	1991	FEMA	EMA/LEPC
--	A Guide for Emergency Highway Traffic Regulation	1988	FEMA	USDOT
CPG 1-6	Disaster Operations Handbook	1972	FEMA	EMA
SLG 101	Guide for All-Hazard Emergency Operations Planning	1996	FEMA	EMA

REFERENCE		REF	PUBLISHED	REFERENCE
NR (IF ANY)	TITLE OF REFERENCE	DATE	BY	LOCATION

FEMA's Hazardous Materials Topics and Workshops (1993 thru 1995)

Reference Materials

305.1	Risk Communication
305.2	Hazardous Materials Information Management
305.3	Risk Analysis
305.4	Exercising Emergency Plans under Title III
305.5	Alert and Notification
305.6	Overview of the Incident Command System
305.7	Community Awareness and Community Right-To-Know
305.8	Hazardous Materials Workshop for EMS Providers
305.9	Hazardous Materials Workshop for Law Enforcement
305.10	Facility Coordinator's Role and the LEPC
305.11	An Overview of Liability in Emergency Response
305.12	The National Response System and Local Response
305.13	Media Issues in Hazardous Materials Incidents
305.14	Hazardous Materials Response Teams
305.15	Evacuation and In-Place Protection
305.16	Hazardous Materials Workshop for Hospital Staff

NOTE: This series comes with an Instructor's Guide and Student Workbook and is intended to be taught by local qualified instructors. All materials are free and the LEPC simply needs to request the materials from Ohio EMA or FEMA direct. A copy of the Instructors Manual and Student Manual were provided Counties several years ago.

Recommend each LEPC obtain one of each, Instructor's Guide and Student Workbook of every workshop for the LEPC's training reference library.

Other Reference Materials:

OAG 91-014	OH AG Opinion No. 91-014 (LEPC Mbr Immunity from Criminal Prosecutions)	1991	OH AG	EMA/LEPC
- -	Your Community Could Have a Disaster	1990	ARC	EMA/LEPC
- -	Emergency Response Directory (Rept Notification of Spills etc.)	1991	ORSANCO	EMA/LEPC &

THE LEPC RECOGNITION AWARD

The following ten (10) areas are used by the SERC to determine if LEPCs qualify for the annual award.

1. LEPC MEMBERSHIP: LEPCs must have a current membership listing, with a minimum of twelve positions filled, on file with the SERC. (Committee Term is August 17 to August 16 of the odd numbered years)
2. LEPC DESIGNATED OFFICERS: In accordance with ORC 3750.03(D)(1) the LEPC must identify to SERC the Committee Chairperson, Vice-Chairperson and LEPC Secretary.
3. HAZARDOUS MATERIALS PLAN: The District Hazardous Materials Plan must (1) be submitted annually by October 17th., complete with a letter from the LEPC requesting the annual review and including a copy of the LEPC's Resolution stating that the membership concurs, and (2) be concurred with.
4. LEPC DESIGNATED COMMUNITY EMERGENCY COORDINATOR: The LEPC must have designated a Community Emergency Coordinator to the SERC.
5. LEPC DESIGNATED INFORMATION COORDINATOR: The LEPC must have designated the District Information Coordinator to the SERC.
6. LEPC BY-LAWS: The LEPC must have completed, and adopted, Committee By-Laws and submitted a copy to the SERC with proof of adoption by the LEPC.
7. CONDUCT LEPC MEETINGS: The LEPC must conduct regularly scheduled meetings, a minimum of one meeting annually.
8. HAZARDOUS MATERIALS EXERCISE: The LEPC must have a Concurred with Exercise, or exercise credit for an actual occurrence, annually. (Exercise year is July 1 to June 30th annually)
9. LEPC COMPLIANCE PROGRAM: The LEPC must establish, and carry-out, a compliance and enforcement program in accordance with ORC 3750.03(D)(6). (An annual compliance report covering the period July 1 - June 30 must be submitted to SERC on or before October 1st).
10. FISCAL ACTIVITY STATUS REPORTS: The LEPC must submit the SERC Grant Financial Reports, these are semi-annual fiscal activity reports which cover the periods Jan 1 - Jun 30 and Jul 1 - Dec 31 annually. These reports are due to SERC (OEPA's Right -To-Know Office) in July and January annually.

Reference – See '*LEPC Recognition Award*' page 6, Section III, of this Handbook.

COMPUTER SOFTWARE SUPPORT

General There are many software programs that can be used for chemical hazard analysis. These programs vary in complexity and cost, but there are two programs that were developed by the USEPA and FEMA respectively to support the SARA Title III Program. The first is actually a set of separate programs, commonly called CAMEO, which consist of CAMEO, MARPLOT, and ALOHA. The second is program is ARCHIE

CAMEO, MARPLOT, AND ALOHA

CAMEO stands for Computer-Aided Management of Emergency Operations. Its allows planners, emergency responders, and facilities to manage chemical data in preparation for an incident. CAMEO is simply a large database that stores information on chemicals, facility data, local resources, population centers, transportation routes, release scenarios, and incidents.

The program comes pre-programmed with detailed information on over 6000 chemicals. This information is similar to data found on a MSDS but also contains information on how a chemical would react with other chemicals. Also, the program includes an airborne model to estimate how far a given concentration of gas could travel downwind whether the chemical is present at a given facility or is transported along a local route. The dispersion model is the same as used in the handbook titled the "Technical Guidance for Hazard Analysis" (aka "the Green Book").

MARPLOT stands for Mapping operations for Response, Planning and Local Operational Tasks. This software is a general purpose mapping application much like a Geographic Information System (GIS). The program allows individuals to view, create, and modify map data (such as roads, rivers, facilities, schools, floor plans, etc.). The data is displayed on a two-dimensional map. The program can show an individual or multiple county maps.

The maps are generated from data gathered in "Tiger Files" which are generated by the U.S. Census Bureau. The Census Bureau routinely updates the map data, but the program allows the user to manipulate and maintain the data themselves. The program can also import picture objects such as floor plans or aerial photos that can be scaled and displayed onto the local maps. The LEPC can export its map data between users or modify it to share with GIS users. Conversely, the LEPC can utilize a support program to import data from a separate GIS software program.

ALOHA stands for Areal Locations of Hazardous Atmospheres. This program is an air dispersion model used to estimate the rates at which chemical vapors may escape and move downwind. Personnel can use this for both hazard analysis pre-planning and response operations. It's chemical library contains over 900 hazardous chemicals. It can estimate and show downwind distances vapors may travel, identify the likely concentrations at various distances, both indoors and outdoors, and identify dose rates at those distances. The program is also designed to receive and use real-time weather conditions from a portable meteorological monitoring station.

The USEPA and NOAA originally developed these three programs. The programs can be used independently or in conjunction with each other. CAMEO was revised and made available to the public in the spring of 2002. MARPLOT and ALOHA received minor updates at the same time to talk with the new CAMEO program. Each program works on either a Window-based or MacIntosh type computer. Current information, technical assistance, and routine updates on all three are available on the USEPA's homepage, www.epa.gov/ceppo/cameo/index.htm, or call the Ohio EMA at (614) 889-7180.

ARCHIE

ARCHIE stands for Automated Resource for Chemical Hazard Incident Evaluation (ARCHIE). The primary purpose of the program is to provide planners and emergency personnel a tool to model vapor dispersions and fire/explosion impacts associated with chemical releases.

Computer Software

The program will estimate the discharge rate of a liquid or gas from a hole in a tank or pipeline. It will estimate the size and evaporation rate from liquid pools. It will then evaluate the toxic and/or flammable concentrations of vapors in the air. The model will determine how far downwind those vapors will travel and how long it will likely take to travel downwind based on the inputted weather.

As a side benefit, it can evaluate the consequences of fires and explosions from vapor clouds or a tank over-pressurization. This software will estimate how far debris fragments would travel following an explosion and how severe the damage will be from the subsequent shock wave at varying distances.

As a setback, the model only addresses relatively pure substances. Also, the model has no predefined chemical database and thus requires the user to input the information about the chemical to be evaluated.. The needed data can typically be found on any well-written MSDS or chemical reference guidebook. The model will also require the user to utilize an external drive to save and store the chemical model as it is run. Typically the model is saved to a 3.5" floppy drive. Once saved, the software can open and re-run/evaluate the existing scenario.

Only version of the program was ever created, version 1.0. This is a Dos-driven program and was developed for and distributed by FEMA. The modeling principles remain current, as the base programming and calculations used to estimate plume dispersion has not changed significantly over time.

Locally, Ohio EMA distributed copies of this program to every LEPC in 1990. The program is supported by a manual titled, "Handbook of Chemical Hazard Analysis Procedures" (aka, the "Brown Book") and that guide was also distributed to every LEPC. The Brown Book's Chapter 12 and Appendix E explain what the program is about and how to install it. There is no cost associated with obtaining the program and limited copies of the program are still available through Ohio EMA.

Summary

As noted, there are many computer programs designed to assist LEPCs. While CAMEO is the most widely distributed and used software in Ohio, it is not the only available program. For example, the Emergency Information System (EIS) is a multi-faceted program which does many of the same functions as the CAMEO software. Also, many advances have been made in computer mapping and are typically referred to as Geographic Information Systems (GIS). These programs include but are not limited to MapInfo, a FEMA supported software for flood based mapping/planning, or ArcView and ArcInfo, privately developed software that is widely used by Regional Planners and County Engineers. Similar advances have been made in terms of hazard analysis and a variety of private vendors offer programs that can estimate the impact of a chemical release such as CHARM or HAZUS. Therefore, each LEPC should explore what other programs could be used to support their preparedness and response operations.