

LEPC NOTES

Acronyms

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act

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

EHS - Extremely Hazardous Substance

LEPC – Local Emergency Planning Committee

SARA - Superfund Amendments and Reauthorization Act

SDS - Safety Data Sheet

SERC - State Emergency Response Commission

TEPC – Tribal Emergency Planning Committee

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

- Emergency Planning and Community Right to Know Act (EPCRA) was passed by Congress in 1986
- Triggered by 1984 chemical disaster in Bhopal, India
- Addressed Hazmat planning and reporting for all levels of government, as well as private sector industry
- New Jersey addressed EPCRA compliance in 1987 when Gov. Kean issued Executive Order #161 establishing NJ's State Emergency Response Commission (SERC)
- In January 2022, Governor Murphy issued Executive Order #284, clarifying the role and responsibilities of the SERC and providing flexibility to redistrict, together increasing effectiveness of the SERC's supervision.

Seven (7) important provisions of EPCRA which includes:

1. Emergency Planning (Subtitle A, Sections 301-303)
2. Emergency Release Notification (Subtitle A, Section 304)
3. Hazardous Chemical Inventory Reporting (Subtitle B, Sections 311-312)
4. Toxic Chemical Release Inventory (Subtitle B, Section 313)
5. Public Access to EPCRA Information (Subtitle C, Section 324)
6. Enforcement (Subtitle C, Section 325)
7. Civil Actions (Subtitle C, Section 326)

Within 30 days after the designation of the emergency planning districts, Section 301(c) requires SERCs and TERCs to appoint members of an LEPC or TEPC for each emergency planning district (p.6).

Establish Procedures for Receiving and Processing Requests from the Public for Information.

SERC and TERC should provide the following information to the public during normal business hours:

- Emergency Response Plan (Section 303)
- Follow up written report on releases (Section 304)
- MSDS (SDS) of list of hazardous chemicals (Section 311)
- Tier II Inventory Forms (Section 312)

Responsibility of SERC and TERC

- Establish local emergency planning districts.
- Appoint LEPCs and TEPCs.
- Supervise and coordinate the activities of the LEPCs/TEPCs in their state or tribe.
- Establish procedures for receiving and processing requests from the public for information listed in Section 324, including Tier II information collected under Section 312, as well as emergency response plans. Chapter 8 discusses requirements under EPCRA Section 324.

Responsibility of Covered Facilities

- Submit Information on EHS
- Submit follow up written report of chemical release
- Submit hazardous chemical inventory data (Tier II)
- Designate a representative to be the facility emergency coordinator.
- Participate in the local emergency planning process.
- Provide any information to the LEPC or TEPC that is necessary for developing an emergency response plan.
- Notify the LEPC or TEPC of any changes that occur at the facility that would affect emergency planning.

To meet this requirement, SERCs and TERCs should establish procedures for public requests, which may include setting up reading rooms, hours of operation, charges for copying information, etc. (p.7).

As prescribed in EPCRA Section 301(a) (see statutory text provided in section 1.1 of this chapter), SERCs and TERCs should also designate an official to be the information coordinator, to collect information submitted by facilities under EPCRA and to disseminate information requested by the public (p.7).

Responsibility of LEPC and TEPC (EPCRA Sections 301 and 303)

- Appoint a Chairperson for the committee.
- Establish rules by which the committee shall function.
- Develop an emergency response plan for their community.
- Update the emergency response plan at least once a year, or more frequently as changes occur in the community.
- Evaluate the need for resources necessary to develop, implement and exercise the emergency plan.
- Establish procedures for receiving reports from facilities in the community.
- Establish procedures for processing requests from the public for EPCRA reports, emergency response plan, etc.

EPA encourages SERCs and TERCs to designate facilities that do not handle EHSs but handle other chemicals, including hazardous wastes that may pose hazards to the community to be subject to emergency planning notification requirements. After such designation, LEPCs and TEPCs would also be able to include these facilities in their local emergency response plan (p.16).

In addition, two new hazards facing a community may be **marijuana-growing** operations and **ethanol production**. EHSs and other hazardous chemicals may also be handled at these types of facilities, which LEPCs and TEPCs should consider including in your emergency response plan (p.16).