

LOCAL EMERGENCY PLANNING COMMITTEE HANDBOOK

LEPC Handbook
EMHSD Pub 305
August 2024



Michigan Citizen-Community

MCCERCC

Emergency Response Coordinating Council

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CHAPTER ONE

Summary of SARA Title III – What LEPCs Need to Know

SARA Title III – Emergency Planning and Community Right-to-Know Act

The U.S. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted by Congress in 1980 to clean up the nation's hazardous waste sites and provide emergency response to releases of hazardous substances into the environment. CERCLA is also known as the "Superfund Act," and sites managed under this program are referred to as "Superfund" sites. In response to continuing community concern regarding hazardous materials and chemical release tragedies, a reauthorization and expansion of Superfund was signed into law in 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA (SARA Title III) is the Emergency Planning and Community Right-To-Know Act (EPCRA).

SARA Title III establishes requirements for federal, state, and local governments, Native American Tribes, and industry regarding emergency planning and "community right-to-know" reporting on hazardous and toxic chemicals. The community right-to-know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

SARA Title III is a federal act that is implemented in Michigan under an Executive Order (2007-18) from the Governor. In accordance with the act, the Governor established the State Emergency Response Commission (SERC), known in Michigan as the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC). The MCCERCC is comprised of 19 members appointed by the Governor and is chaired by the commander of the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD).

- The MSP/EMHSD oversees Local Emergency Planning Committee (LEPC) activities and the emergency planning requirements in SARA Title III on behalf of the MCCERCC.
- The Michigan SARA Title III Program within the Michigan Department of Environment Great Lakes and Energy (EGLE) manages the reporting requirements in SARA Title III and receives all reports on behalf of the MCCERCC.

The U.S. Environmental Protection Agency (EPA) enforces SARA Title III. The regulations implementing SARA Title III are codified in Title 40 of the Code of Federal Regulations, parts 350 through 372 (40 CFR 350-372).

SARA Title III requires that the SERC establish LEPCs. There are 87 LEPCs in Michigan.

What Does SARA Title III Cover?

SARA Title III has four major components.

- Emergency Planning (Sections 302 and 303).
- Emergency Release Notification (Section 304).
- Hazardous Chemical Inventory (Sections 311 and 312).
- Toxic Chemical Release Inventory (Section 313).

The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Each of these components is discussed below.

Emergency Planning (Sections 302 and 303)

The emergency planning sections are designed to develop state and local governments' emergency response and preparedness capabilities through better coordination and planning, especially within the local community. Section 302 requires facilities to determine if they have any extremely hazardous

substances (EHS) located on-site above a Threshold Planning Quantity (TPQ). Off-site emergency response plans are developed by LEPCs under Section 303 and contain information that community officials can use at the time of an accidental chemical release. These plans address the community response to accidental releases of (EHSs) from certain facilities in an LEPC's planning district.

Local Emergency Planning Committee

The LEPC membership must include, at a minimum, elected state and local officials, police, fire, civil defense, public health professionals, environmental, hospital, and transportation officials, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPC must establish rules, give public notice of its activities, and establish procedures for handling public requests for information.

Emergency Response Plans

The LEPC's primary responsibility is to develop off-site emergency response plans that community officials can use at the time of a chemical accident. The LEPC must review these plans at least annually. In developing these plans, the LEPC identifies available resources to prepare for and respond to a potential chemical accident. These plans must be written for all facilities that are subject to Section 302, namely those that have EHSs on-site in amounts above certain thresholds.

The emergency response plans must be reviewed by the MCCERCC. Regional response teams composed of federal regional officials and state representatives may review the plans and help LEPCs upon request.

Planning activities of LEPCs and facilities should initially focus on, but are not necessarily limited to, the EHSs. The plans must:

- Identify facilities subject to Section 302.
- Identify routes likely to be used for the transportation of EHS.
- Identify facilities contributing to or subjected to risk due to their proximity to the facilities subject to Section 302, such as hospitals or natural gas facilities.
- Describe emergency response procedures, on-site and off-site.
- Designate a community coordinator and facility coordinator(s) to implement the plan.
- Outline emergency notification procedures.
- Describe methods for determining the occurrence of a release and the area or population likely to be affected by such a release.
- Describe local emergency equipment and facilities and identify persons responsible for them.
- Outline evacuation plans, including primary and alternate evacuation routes.
- Describe a training program for emergency response and medical personnel (including schedules).
- Present methods and schedules for exercising emergency response plans.

Facilities are required to notify LEPCs if they are subject to emergency planning requirements. There are 355 EHSs published by EPA in the Federal Register. If a facility has any of the listed chemicals at or above its associated TPQ, it must notify the MCCERCC (by reporting to the Michigan SARA Title III Program) and the LEPC that it is subject to the SARA Title III Emergency Planning requirements. This one-time notification must be made within 60 days after the facility first receives a shipment that causes it to meet or exceed the TPQ for that substance. In addition, the MCCERCC or the Governor can designate additional facilities, after public comment, to be subject to these requirements. As soon as facilities are subject to the emergency planning requirements, they must designate a representative to participate in the planning process.

Details of Section 302 Emergency Planning Notification procedures and the list of EHSs with associated TPQs are in Chapter Six. Section 303 Planning Requirements are described in Chapter Seven.

Emergency Release Notification (Section 304)

If there is a release of a hazardous substance from a facility into the environment that is equal to or exceeds the minimum reportable quantity set in the regulations, the facility must immediately (within 15 minutes of discovery) notify the U.S. Coast Guard, National Response Center, and the MCCERCC by calling the EGLE Pollution Emergency Alerting System (PEAS) hotline and their LEPC. This requirement covers the 355

EHSs, as well as more than 700 listed hazardous substances subject to the emergency release notification requirements under CERCLA Section 103(a) (published in 40 CFR 302). Some chemicals are common to both the EHS and CERCLA lists. Initial notification can be made by telephone, radio, or in person.

A written follow-up notice must be submitted to the Michigan SARA Title III Program and LEPC within 30 days of the incident. The follow-up notice must update information included in the initial notice and provide information on the actual response actions taken and advice regarding medical attention necessary for citizens exposed to the released chemical.

Hazardous chemical inventory reporting applies to any facility that is required to maintain a Safety Data Sheet (SDS) in accordance with the Occupational Safety and Health Administration (OSHA) regulations. In Michigan, facilities submit hazardous chemical inventories to the Michigan SARA Title III Program through the EGLE, LEPCs, and local fire departments. These inventories provide valuable information regarding hazard potential to the first responders in the event of a chemical release emergency. The hazardous chemical inventory data are not posted publicly; however, the public may request copies of the hazardous chemical inventory reports for specified facilities and the most recent calendar year from the LEPC under the community right-to-know provisions of SARA Title III. All requests must be specific and reasonable.

Details of the hazardous chemical inventory reporting requirements are in Chapter 4.

Toxic Chemical Release Inventory (Section 313)

Section 313 of SARA Title III is commonly referred to as the Toxic Chemical Release Inventory (TRI). Section 313 requires certain facilities to complete a report annually for specified chemicals. The report must be submitted to both the EPA and the Michigan SARA Title III Program by July 1, and covers releases and other waste management of listed toxic chemicals that occurred during the preceding calendar year. Facilities also must report information on source reduction, recycling, and treatment under the Pollution Prevention Act of 1990. The regulations covering Section 313 can be found in 40 CFR 372.

A facility is subject to TRI reporting if it meets three criteria:

- Has 10 or more full-time employees (FTEs) (or the equivalent of 20,000 FTE hours per year).
- Is a “covered” industry based on its primary Standard Industrial Classification (SIC) code.
- Manufactures (including import), processes, or otherwise uses a listed toxic chemical above an activity threshold.

Other SARA Title III Provisions

SARA Title III Penalties

Section 325 of the SARA Title III addresses the penalties for failures to comply with the requirements of this law. Civil, administrative, and criminal penalties can be assessed. The penalty limits are codified in current regulations for certain violations as follows:

- 40 CFR 355.30 - 355.43 – (EPCRA Section 304): Any person who fails to comply with emergency release notification requirements shall be liable for civil penalties of up to \$53,907 per day per violation. This both for the immediate release notification and the written follow-up report. Civil penalties are higher for subsequent violations.
- 40 CFR 370.30 – (EPCRA Section 311): Any person who violates hazardous chemical inventory reporting requirements (SDS) shall be liable for civil and administrative penalties of not more than \$21,563 per chemical, per point of violation, and per day of violation.

- 40 CFR 370.40 – (EPCRA Section 312): Any person who violates hazardous chemical inventory reporting requirements (TIER II) shall be liable for civil and administrative penalties of not more than \$53,907 per day per violation.

Section 326 allows citizens to initiate civil actions against the EPA, SERCs, and the owner or operator of a facility for failure to meet certain SARA Title III requirements. A SERC, LEPC, and state or local government may institute actions against facility owner/operators for failure to comply with SARA Title III requirements. In addition, states may sue the EPA for failure to provide trade secret information.

Public Access

Section 324 of the EPCRA provides for public access to information gathered under this law. Under this section, all SDSs, hazardous chemical inventory forms, toxic chemical release inventory forms, follow-up emergency release notices, and the emergency response plan must be made available during normal working hours at the location designated by the LEPC, except where trade secret provisions apply, or if the facility has requested that the location of a chemical be kept secret. The LEPCs do not have toxic chemical release inventory forms. The LEPC must publish a notice annually to inform the public of the availability and location of the information provided to the LEPC. This notice may be published in the local paper, on a publicly available website and in a public building, or any other form of mass media that would allow for the general public to review.

Michigan’s SARA Title III Program

SARA Title III is a federal act and is enforced in Michigan by the U.S. EPA. The requirements are implemented in Michigan under an executive order from the Governor. The MCCERCC has been assigned the duties of the SERC.

SARA Title III Reporting

The Michigan SARA Title III Program in the EGLE oversees reporting under SARA Title III and receives all reports on behalf of the MCCERCC. The state of Michigan requires facilities to submit Tier II reports via the Tier II Manager online program. The state of Michigan does not charge submission fees for Tier II reporting.

SARA Title III Emergency Planning

The MSP/EMHSD oversees the planning requirements of SARA Title III in Michigan. The MSP/EMHSD reviews the off-site emergency plans on behalf of the MCCERCC. The MSP/EMHSD is the contact for LEPCs regarding organization, duties, and membership rosters.

SARA Title III Planning Contact Information:

Michigan State Police
 Emergency Management and Homeland Security Division
 7150 Harris Drive
 Dimondale, Michigan 48821
 Website: www.michigan.gov/MCCERCC
 Email: MSP-EMHSD@michigan.gov
 Phone: 517-284-3745

SARA Title III Reporting Contact Information

Michigan Department of Environment Great Lakes and Energy
 525 West Allegan Street
 Lansing, Michigan 48929
 Website: www.michigan.gov/SARA
 Email: EGLE-SARA@michigan.gov
 Phone: 517-284-7272

Summary of SARA Title III Reporting Requirements in Michigan

SARA TITLE III SECTION	REPORT REQUIREMENT	REPORT FORM	REPORT DUE	AGENCIES TO RECEIVE REPORTS		
302	Emergency Planning Notification	Emergency Planning Notification online report (preferred) or hard copy	Within 60 days after threshold reached	Michigan SARA Title III Program	Local Emergency Planning Committee (LEPC)	
304	Emergency Chemical Release – Initial Notification		Within 15 minutes after discovery	Pollution Emergency Alerting System (PEAS) at 1-800-292-4706; or Agriculture Hotline at 1-800-405-0101	All LEPCs potentially affected by the release	U.S. Coast Guard National Response Center (NRC) at 1-800-424-8802
304	Emergency Chemical Release – Written follow-up	Spill or Release Report	Within 7 days after release is discovered.	Michigan SARA Title III Program	All LEPCs affected by the release	
311	Safety Data Sheet Reporting	Online report form	Within 3 months after threshold reached	Michigan SARA Title III Program	LEPC	Local fire department
312	Tier II – Emergency Planning and Hazardous Chemical Inventory	Online Tier II Report	Annually, by March 1	Michigan SARA Title III Program	LEPC	Local fire department
313	Toxic Chemical Release Inventory Form R	Online Form R	Annually, by July 1	Michigan SARA Title III Program	US EPA TRI Data Processing Center	

CHAPTER TWO

The Michigan Citizen-Community Emergency Response Coordinating Council

Creation

The SARA Title III mandated that each state governor appoint a State Emergency Response Commission (SERC). This commission could be comprised of a single agency or representatives of various groups. In accordance with this law, Executive Order 1987-5, established the Michigan Emergency Planning and Community Right-to-Know Commission on April 17, 1987. On August 29, 2007, Governor Jennifer Granholm announced a reorganization of the SERC. Executive Order 2007-18 rescinded Executive Order 1987-5 and combined the SERC's functions with those of the Michigan Hazard Mitigation Council and the Michigan Citizen Corps Council. The new committee is formally called the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC) and is designated as the SERC in the Executive Order.

Composition

The MCCERCC is comprised of 19 members:

- Department of Agriculture and Rural Development (or his or her designee).
- Department of Health and Human Services (or his or her designee).
- Department of Environment Great Lakes and Energy (or his or her designee).
- Department of Military and Veteran's Affairs (or his or her designee).
- Department of State Police (or his or her designee).
- Department of Transportation (or his or her designee).
- State Fire Marshal (or his or her designee).
- Executive Director of the Michigan Community Service Commission (or his or her designee).
- Eleven other members appointed by the Governor.

Council Duties Related to SARA Title III

- Designate emergency planning districts to facilitate preparation and implementation of emergency response plans.
- Appoint members to Local Emergency Planning Committees (LEPCs) within each emergency planning district.
- Supervise and coordinate the activities of LEPCs.
- Designate an official to serve as coordinator for information.
- Receive and process requests from the public regarding emergency response plans, SDSs, hazardous chemical inventory forms, toxic chemical release inventory forms, and emergency release notices.
- Review and make recommendations on emergency response plans submitted by LEPCs.

Michigan Implementation

1. All 83 counties have been designated as emergency planning districts.
2. Municipalities with emergency management programs may petition the MCCERCC to be designated as a SARA Title III emergency planning district.
3. The MCCERCC requests that the chief executive of the emergency planning district submits nominations for LEPC membership.
4. The EGLE administers all reporting and community right-to-know provisions.
5. The MSP/EMHSD administers all emergency planning provisions and serves as chair of the MCCERCC.
6. The MSP/EMHSD oversees LEPC activities.

Meeting Schedule

The MCCERCC meets at the discretion of the chairperson. The meeting schedule and minutes are posted on the MCCERCC website at www.michigan.gov/MCCERCC.

CHAPTER THREE

Creating a Local Emergency Planning Committee (LEPC)

The following describes the steps which must be taken to create a viable Local Emergency Planning Committee (LEPC).

By law, the MCCERCC must designate emergency planning districts. The MCCERCC has established LEPCs in each county. Some municipalities have elected to establish LEPCs separate from their counties.

SARA Title III requires that the following groups be represented on the LEPC:

- Elected state and local officials
- Law enforcement
- Emergency management
- Firefighting
- First aid and health
- Local environmental
- Hospital
- Transportation personnel
- Broadcast and print media
- Community groups
- Owners/operators of facilities subject to the reporting requirements of SARA Title III

Additionally, the MCCERCC recommends that representatives from the following sectors also be appointed to the LEPC:

- Organized labor
- Education
- Agriculture

The MCCERCC requests that the chief executive of the emergency planning district nominates representatives for each of the groups listed above. The chief executive should select persons who would represent each sector and provide the LEPC with expertise and perspective. These individuals must be formally nominated to the MCCERCC by notifying it in writing, listing the name, address, and community group represented. The MCCERCC acts on these nominations. It is possible for an individual to represent more than one group, but no more than three groups should be represented by a single person.

If a municipality wishes to form an emergency planning district and LEPC separate from the county, it must submit a request to the MCCERCC.

The MCCERCC has established a policy whereby municipalities of 10,000 or more population that have created emergency management programs under Act 390, the Michigan Emergency Management Act, may petition the MCCERCC to also be designated as an emergency planning district under SARA Title III. The MCCERCC will request LEPC officer nominations. The jurisdiction then follows the other steps in this chapter to create an LEPC.

Create a Set of Bylaws

Each LEPC should develop and adopt a set of bylaws. Bylaws are a set of rules that govern the operation of the LEPC.

The following should be included in the bylaws:

- Provisions for public notification of committee activities.
- Public meetings to discuss the emergency plan.
- Public comments and response to such comments by the committee.
- Distribution of the emergency plan(s).

In addition, at a minimum, the LEPC bylaws should include:

- Authority for the establishment of the LEPC
- The LEPC jurisdiction
- Its purpose
- Membership nominations
- Term of membership
- Filling of vacancies
- General meeting schedule
- Subcommittees
- Officers and responsibilities
- Rules for governing and conduct
- Fiduciary or financial handlings

“Please refer to Appendix D for a full Bylaws example.”

Choose Officers

The LEPC must appoint a chairperson, an information coordinator, and a community emergency manager. The way these officers are chosen is not specified. All positions can be appointed or elected, according to the LEPC’s bylaws. A local emergency management coordinator receiving federal Emergency Management Performance Grant (EMPG) funding can accept any officer position but not more than two at the same time.

The following are typical tasks performed by LEPC officers:

- Chairperson
 - Opens and conducts LEPC meetings.
 - Establishes the meeting agenda and guides the LEPC through agenda.
 - Maintains the authority to sign and execute contracts on behalf of the LEPC.
 - Authenticates LEPC proceedings (e.g., by signing the minutes).
 - Appoints subcommittees and respective chairs.
 - Typically is a non-voting member except in a tie-breaking situation.
- Vice Chairperson
 - Assumes the roles and responsibilities of the chairperson in the chairperson's absence.
 - Prepares and keeps legible, permanent records (e.g., the minutes) of LEPC proceedings.
 - Authenticates LEPC proceedings.
- Information Coordinator
 - Receives, organizes, and maintains facility reports.
 - Processes all information requests from the public.
- Community Emergency Manager

(It is highly recommended that the local emergency management coordinator be designated as community emergency manager).

- Coordinates the development and implementation of site-specific hazardous materials emergency response plans.
- Receives immediate notification on the LEPC’s behalf regarding any hazardous materials release in the jurisdiction.
- Makes a determination (in conjunction with the facility coordinator) necessary to implement the plan.

Set the Meeting Schedule

In order to maintain an active LEPC, a routine meeting schedule must be established for the calendar year. The LEPC may meet monthly, bimonthly, or quarterly. It is recommended that the LEPC meet, at a minimum, every quarter.

When scheduling LEPC meetings, the LEPC should keep in mind that all public proceedings must be in compliance with the State of Michigan Open Meetings Act of 1976, the State of Michigan and Federal Freedom of Information Act of 1976, and the Federal Americans with Disabilities Act of 1990.

The State of Michigan Open Meetings Act of 1976 states:

- All proceedings should be held in a public place.
- All meeting notices must be posted at a public principal office and may be posted in other prominent public buildings in the jurisdiction.
- A public notice stating the dates, times, and places of its regular meetings shall be posted within ten (10) days after the first meeting in each calendar or fiscal year.
- All minutes are a matter of public record and must be made available for public inspection no more than eight (8) business days after the meeting.
- Approved minutes must be made available for public inspection not later than five (5) business days after the meeting at which the minutes are approved.

Additional information on the Michigan Open Meetings Act may be found online at: https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf.

The State of Michigan Freedom of Information Act of 1976 states:

- Upon oral or written request, the public has the right to inspect, copy, or receive copies of a public record.
- The request for information must be responded to within five business days after the day the request is received.

The federal Americans with Disabilities Act of 1990 states:

- All meetings must be held in places that are barrier free to those who may be physically challenged.
- An offer of reasonable accommodation must be extended to anyone who wishes to attend any LEPC proceeding.

Create LEPC Subcommittees

The number and type of subcommittees that an LEPC creates depends solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded, as occasions arise, to accomplish initial and ongoing tasks. Subcommittee membership need not be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the community for additional input and enhanced expertise.

In determining the type and number of subcommittees to initially establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals.

It is suggested that LEPCs consider forming the following subcommittees:

- A Planning Subcommittee whose responsibilities may include:
 - Assisting in the revision of the hazardous materials response portion of the emergency operations plan/emergency action guidelines.
 - Establishing a vulnerability zone determination methodology.
 - Developing the off-site plans for each Section 302 site.
 - Reviewing the plans annually.
- A Public Information Subcommittee whose responsibilities may include:
 - Writing and publishing public notices.
 - Establishing an information retrieval system.
 - Performing citizen/neighborhood outreach to inform them of plans and other information that is available.
- A Training and Exercising Subcommittee whose responsibilities may include:

- Collecting Michigan Occupational Health and Safety Act (MIOSHA) training information and compliance statistics.
- Establishing an exercise schedule and coordinating it with the local emergency management program.
- Coordinating training programs.

Once a needs assessment has been completed by the LEPC and appropriate subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expanded needs/ideas generated from the current LEPC membership. Some examples include:

- An Executive Subcommittee whose responsibilities may include:
 - Appointing chairpersons for each subcommittee.
 - Developing LEPC long-term goals.
 - Tending to LEPC member needs.
 - Reviewing LEPC membership terms and soliciting volunteers to fill vacancies.
 - Being familiar with state, local, and federal laws which impact the hazardous materials planning process.
 - Developing a work plan with timetables for the other subcommittees.
- A Resource Development Subcommittee whose responsibilities may include:
 - Researching the community's resources for emergency response.
 - Identifying alternative resources upon which the community may draw in times of emergencies or disasters.
 - Updating the local resource manual.
 - Identifying other volunteer or in-kind contributions.
- An Emergency Response Subcommittee whose responsibilities may include:
 - Developing emergency response procedures for local government personnel that may be utilized in hazardous materials responses.
 - Establishing local Incident Command System (ICS) procedures to strengthen and coordinate local government emergency response.
- A Finance Subcommittee whose responsibilities may include:
 - Management of the LEPC budget.
 - Examining and recommending funding sources.

Update LEPC Nominations

The LEPC chair must submit all changes to the LEPC officers and general membership at a minimum of once per year. The membership update may be sent to the MSP/EMHSD. Once this update has been submitted to the MSP/EMHSD, unless otherwise notified, the membership of the LEPC is approved as submitted. **All rosters must be submitted annually to MSP/EMHSD by 1 Mar – 1 Apr each Year (based upon the Hazard Mitigation Emergency Preparedness Grant Application Deadlines).**

Accomplish Identified Objectives

If the LEPC leadership takes steps to maintain a healthy LEPC, as identified in the preceding steps, it will have an easier time accomplishing the tasks as required by law. The LEPC should also review all the suggested tasks listed in each subsequent chapter to become a fully functioning LEPC.

CHAPTER FOUR

Hazardous Chemical Inventory Report

Sections 311 and 312 of SARA Title III require certain facilities to submit chemical inventory reports, known as Tier II Reports, to their LEPC, the local fire department, and the Michigan SARA Title III Program. All facilities are required to submit their reports online to the Michigan SARA Title III Program using the Tier II Manager system. Facilities should check with their LEPC to find out if the LEPC accepts emailed reports or has access to the Tier II Manager program. Facilities in jurisdictions that do not have access to Tier II Manager should print hard copy reports from the online program and mail the reports to the LEPC and fire department.

LEPCs can use the information in Tier II reports for their off-site response plans and to update existing plans. Many of the facilities that are subject to SARA Title III, Section 302 emergency planning notification must also submit a hazardous chemical inventory under Section 312. This report gives the LEPC information about all the hazardous chemicals at a facility that are present in large amounts. It also tells the LEPC about hazardous chemicals in other facilities in its jurisdiction.

Questions regarding these reporting requirements, or requests for data, should be directed to the Michigan SARA Title III Program within the EGLE at 517-284-7272 or EGLE-SARA@michigan.gov.

LEPC Tasks

- Appoint an information coordinator to manage the storage and retrieval of this information.
- Choose a location and system for the storage of this material so that it can be easily retrieved. Publicize the address where facilities should send their SDSs and Tier forms.
- Respond to written requests from the public for information submitted in reports pursuant to SARA Title III. Specifics of this task are described in the section called Community Right-to-Know Provisions. SARA Title III does not have record retention requirements for Tier II reports. The Department of Technology, Management, and Technology is responsible for all Retention and Destruction schedule for the State of Michigan. LEPC's and all State of Michigan Emergency Management agencies are covered by the GS #35.116, https://www.michigan.gov/dtmb//media/Project/Websites/dtmb/Services/Records Management/RMS_GS35.pdf. Please consult your legal counsel to see if there are additional requirements for your jurisdiction's record retention schedule/FOIA regulations. **Per current retention schedule requirements anything presented at an LEPC meeting must be retained permanently, there is no requirement to maintain them physically they can be maintained digitally.**
- Respond to requests from EPA for information regarding hazardous chemical inventory reports that were received by the LEPC.

LEPC Role in Compliance Issues

If the LEPC identifies a non-compliant facility, the following steps are recommended:

- Talk to the facility owner or operator and explain that they might be subject to reporting under this federal requirement.
- Suggest that they contact the Michigan SARA Title III Program. If the facility does not respond, request that they report and copy the Michigan SARA Title III Program.
- If the facility does not comply, notify the Michigan SARA Title III Program. The Michigan SARA Title III Program will attempt to bring the facility into compliance. If the facility still refuses to respond, EPA will be notified of the issue.

Who Must Submit the Hazardous Chemical Inventory Report?

These reporting requirements apply to any facility that must maintain a SDS in accordance with the (OSHA) Hazard Communication Standard, 29 CFR 1910.1200. The owner or operator must submit the hazardous chemical inventory report if a hazardous chemical present at the facility meets or exceeds the threshold.

Federal agencies were directed by Executive Order No. 12856, signed by President Clinton on August 3, 1993, to comply with all provisions of SARA Title III and the Pollution Prevention Act (PPA).

What Hazardous Chemicals Are Included?

- The criteria for chemicals to be included in the Section 311 report are the same as the criteria for including chemicals in the Section 312 report.
- Hazardous chemicals are those chemicals or substances stored or used in the work place for which OSHA requires employers to maintain SDSs. Over 650,000 products have SDSs required by OSHA. They are referred to here as “OSHA hazardous chemicals.”
- There is no list of these OSHA hazardous chemicals. The OSHA hazardous chemicals must have an associated physical and/or health hazard, as defined in the OSHA regulations found at 29 CFR 1910.1200(c).

The physical and health hazards will be described on the SDS. Many non-hazardous substances also have SDSs. Check the SDS to see if the substance has associated physical and/or health hazards. If a substance is not hazardous according to the OSHA definition, the SDS should state that there are “no known hazards.” If the SDS does not clearly describe the hazards, the facility should contact the manufacturer or importer of the substance for clarification. It is their responsibility to determine the hazards in accordance with OSHA standards and provide that information in the SDS. Use the National Fire Protection Association (NFPA) numeric hazard rating, and the hazard category description, to help you determine whether or not a Safety Data Sheet (SDS) is describing a hazardous substance.

Reporting Thresholds

The thresholds refer to the total amount of chemicals on-site, in storage, and in process at any one time. The minimum thresholds for reporting are:

- EHS = 500 pounds or the TPQ, whichever is less. The amount of an EHS at a facility (both pure and in mixtures) must be aggregated for purposes of threshold determination. Include the EHS in a mixture if it makes up at least 1 % of the mixture, or 0.1 % if the EHS is a carcinogen. EHSs and their TPQs are listed in Appendix A.
- Gasoline (all grades combined) at retail gas stations, if all gasoline is stored in compliant underground storage tanks (UST) = 75,000 gallons. The term gasoline includes gasohol which is composed of at least 90% gasoline and up to 10% ethanol.*
- Diesel fuel (all grades combined) at retail gas stations, if all diesel fuel is stored in compliant underground storage tanks = 100,000 gallons.*
- All other OSHA hazardous chemicals (except as stated in the next bullet) = 10,000 pounds.
- The threshold for reporting in response to a request from the MCCERCC, LEPC, or local fire department is zero pounds. Regardless of the amount of chemicals on-site, the facility must submit a report if it is asked to do so by one of these entities.

* Retail gas stations are those that sell gasoline and/or diesel fuel primarily to the public for motor vehicle use on land. Tanks are compliant if during the full previous year they were in compliance with all applicable UST requirements in the Michigan Underground Storage Tank rules promulgated pursuant to part 211 of Public Act 451. The gasoline and diesel fuel thresholds do not apply to alternative fuels (except gasohol), aviation fuel, heating fuel, kerosene, or E-85.

The thresholds for most substances are in pounds. Use the following formula to convert gallons to pounds:

$$\text{Specific gravity of product} \times 8.34 \text{ lb/gal (weight of water)} = \text{weight of product in lb/gal.}$$

The specific gravity (also called the relative density) can be found in the “Physical and Chemical Properties” Section of the SDS. It is a unit-less number that tells how much the substance weighs relative to the weight of water. If the specific gravity is 1, the substance weighs the same as water. If it is less than 1, then the substance weighs less than water. The specific gravity is often reported as a range. Use the highest value in the calculation.

What Chemicals Are Excluded?

Section 311(e) of SARA Title III excludes the following substances from the hazardous chemical inventory reporting requirements in Sections 311 and 312:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- Any substance to the extent it is used in a research laboratory or hospital or other medical facility under the direct supervision of a **technically qualified individual** (see **Glossary for definition**).
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Hazardous Chemical Inventory Reports

Chemicals can be reported as pure substances, as mixtures, or as the total quantity of a chemical at the facility (adding together the amounts contained in mixtures and all other quantities of the chemical). Chemicals can also be grouped if appropriate. The reporting option should be consistent for both the initial and annual reports, unless this is not possible.

How a facility reports its chemicals depends on what format is of most value to the planners and responders. A warehouse with 100 different products that all contain the same flammable base ingredient should report the amount of base ingredient. A facility with five different colors of enamel paint should group them and report enamel paint. A plating solution that contains both sulfuric acid and nitric acid should be reported as a mixture, and the mixture ingredients should be included on the Tier II Report.

Initial SDS Report

The purpose of the initial report required under Section 311 is to inform state and local officials that a facility recently acquired OSHA hazardous chemicals on-site in amounts equal to or greater than the thresholds. The initial report consists of either copies of the SDSs or a list of the OSHA hazardous chemicals. A list must identify the chemical or common name of each substance as it appears on the SDS and the applicable hazard categories. Trade names should not be used. If needed, an LEPC can request copies of SDSs for chemicals included on the Tier II Report.

Annual Tier II Report

The purpose of the annual report required under Section 312 is to provide state and local officials and the public with specific information on hazardous chemicals that were present at a facility at any time during the previous calendar year at levels that equaled or exceeded the thresholds. The annual report is the Tier II Emergency and Hazardous Chemical Inventory Report or Tier II Report.

The Tier II Report is a certified report that contains specifics about the facility location, the owner or operator, emergency contacts, and other identifying information. It also describes each reportable chemical and includes the amount that was on-site during the previous year, where it was located, and how it was stored. Site maps and SDSs can be attached to the Tier II Report to clarify the reported information.

Due Dates

- The Initial report must be submitted within three months after the chemical threshold is first met or exceeded.
- The annual Tier II Report must be submitted annually between January 1 and March 1.
- The LEPC may ask a facility owner or operator to submit an SDS for a hazardous chemical present at the facility.

- The MCCERCC, LEPC, or fire department having jurisdiction over the facility may ask a facility owner or operator to submit Tier II information.

Confidential and Trade Secret Information

Confidential Location Information

The facility may request that the MCCERCC or LEPC not disclose, to the public, the location of any specific chemical required to be submitted in the Tier II information. This is done by marking the chemical location information as confidential. Facilities may not withhold this information from the MCCERCC, the LEPC, or the local fire department. The online reporting program provides an easy way to mark a chemical location

as confidential. The chemical location includes the container type, temperature, pressure, and location description. The facility can also mark site maps as confidential. Confidential information should be stored in a secure location by the LEPC.

Trade Secrets

A facility may be able to withhold the name of a specific chemical when submitting information under Sections 311 or 312 if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in SARA Title III, Section 322 and implemented in 40 CFR part 350. If a facility is withholding the name of a specific chemical as a trade secret, in accordance with trade secrecy requirements, it must report the generic class or category that is structurally descriptive of the chemical along with all other required information. The facility must also submit the withheld information to the EPA and must EGLE accurately substantiate its claim. A form for substantiating the trade secret claims is available online at www.epa.gov/emergencies.

Online Reporting

The state of Michigan utilizes the Tier II Manager online program. The program allows facilities to manage their own data and enter updates at any time during the year. The Tier II Report is a snapshot of the data that is certified annually as being true, accurate, and complete. Reports are required to be submitted by March 1.

The online database was pre-loaded with data from facilities for which reports were submitted to the Michigan SARA Title III Program before January 2007.

The Michigan SARA Title III Program can run data queries and provide the results to the LEPC in an Microsoft Excel file.

Online reporting information is available on the Michigan SARA Title III Program website: www.michigan.gov/SARA.

Community Right-to-Know Provisions

Hazardous chemical inventory information is available to the public under the community right-to-know provisions in SARA Title III. Requests can be made in writing to the LEPC as described below. The Michigan SARA Title III Program in the EGLE handles all facility reporting related information requests on behalf of the MCCERCC. The public should not go directly to the facility or to the fire department with information requests. Information requests related to planning activities can be addressed to the appropriate LEPC. A person may obtain an SDS for a specific facility by writing to the LEPC. If the LEPC does not have the SDS, it must request the SDS from the facility's owner or operator.

A resident may request Tier II information for a specific facility by writing to the LEPC. The LEPC must respond to a request for Tier II information within 45 days after receiving the request.

If the LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

- The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the

- facility at any time during the previous calendar year; or
- The person making the request is a local official acting in his or her official capacity.

If neither of these conditions are met, the LEPC may request the information from the facility owner or operator, if the request includes a general statement of need.

If the LEPC has a request for a Tier II Report and that report contains confidential location information, the LEPC may contact the Michigan SARA Title III Program for a copy of the report with the confidential location information excluded.

When responding to a request for Tier II information, the Michigan SARA Title III Program or LEPC must not disclose location information that has been designated confidential in the Tier II Report.

Local Fire Department Requests

If the owner or operator of a facility has submitted inventory information under Sections 311 or 312, they must comply with the following two requirements upon request by the local fire department:

- They must allow the fire department to conduct an on-site inspection of their facility; and
- They must provide the fire department with information about the specific locations of hazardous chemicals at their facility.

Emergency and Hazardous Chemical Inventory Reporting

SARA Title III – Sections 311 and 312

Facilities submit a one-time initial report within three months after the chemical first becomes subject to reporting, then submit an annual report by March 1 using the Tier II Manager system, including sending copies of the submitted report to the responding fire department and the LEPC. If the LEPC has electronic access to the Tier II Manager system, a report does not need to be submitted. This must be confirmed by the facility and by the LEPC before the report is not submitted. Initial report includes a list of chemicals and associated hazards. The annual report is the yearly submission of a facilities Tier II emergency and hazardous chemical inventory.

Note: The Michigan SARA Title III Program receives all reports on behalf of the MCCERCC.

CHAPTER FIVE

Release Reporting

Facilities are potentially required to report chemical releases to local, state, and federal agencies under several different state and federal regulations, in addition to release reporting requirements that might be in permits, contingency plans, or local ordinances. Section 304 of SARA Title III requires that facilities report certain chemical releases to all of the following agencies:

- LEPCs of areas potentially affected by the release.
- SERC*
- U.S. Coast Guard National Response Center (NRC) at 1-800-424-8802.

The MCCERCC is notified by calling the EGLE's PEAS hotline at 1-800-292-4706.

Questions regarding release reporting requirements should be directed to the Michigan SARA Title III Program at 517-284-7272 or EGLE-SARA@michigan.gov.

Additional information is available on the website, www.michigan.gov/EGLErelease, for:

- Release notification requirements.
- Release reporting forms.
- List of Lists – a consolidated list of chemicals that includes the CERCLA hazardous substances and SARA Title III EHSs and their associated Reportable Quantities (RQs) for release reporting.
- Contact information for LEPCs.

LEPC Tasks

- Appoint a community emergency coordinator. It is recommended this person be the local emergency management coordinator appointed under Michigan Public Act 390, as amended. The local emergency management coordinator is responsible for developing and implementing emergency plans.
- Designate a 24-hour notification to be used by facilities in making their emergency release notifications.
- Publicize the location and contact information of the notification point.
- Receive initial verbal notifications.
- Develop a system for recording and tracking the information received (i.e., date, time, and caller, required information).
- Receive written follow-up reports.
- Develop a system for filing release reports.
- Respond to requests from EPA for information regarding releases that were received by the LEPC.
- Inform the Michigan SARA Title III Program of notifications the LEPC has received regarding reporting compliance.
- Assure that the Michigan SARA Title III Program has accurate LEPC contact information posted on their website.

Criteria for Reporting a Release

Under Section 304 of SARA Title III, the term “facilities” includes stationary facilities, motor vehicles, rolling stock, and aircraft.

Releases that must be reported are those of:

- Hazardous substances defined under the CERCLA.
- An EHS as defined under SARA Title III.

Each CERCLA hazardous substance and EHS has an associated RQ. These hazardous substances and their associated RQs are included in the List of Lists. If the RQ of a substance is released to the

environment (air, water, or ground) in a 24-hour period, the release must be reported. The reported releases are most often accidental releases, but might also include continuous releases.

Reporting Deadlines

- The initial notification must be made to all LEPCs potentially affected by the release. The LEPCs then call the PEAS hotline and the NRC within 15 minutes after the discovery.
- The written follow-up report must be submitted to the Michigan SARA Title III Program and all LEPCs potentially affected by the release within 30 days after the release was discovered. The EGLE has a form on their Spill/Release Reporting website that may be used for the follow-up reports.

LEPC Notification

The LEPC must have emergency contact information for all facilities within their jurisdiction. Most LEPCs identify 9-1-1 as the local number to use for notification.

Facilities are asked to send their written follow-up report to the LEPC at the address posted on the EGLE's Spill/Release Reporting website. It is important that the LEPC assure that their posted address is correct.

Continuous Releases

Continuous releases are non-emergency releases that must be reported to the LEPC pursuant to SARA Title III. If a facility has a release that is not federally-permitted and is continuous and stable in quantity and rate, it can report that release every 24-hours, or it can report the release as a continuous release.

Continuous releases require immediate notification of the LEPC, the MCCERCC through the PEAS hotline, and the NRC. The initial notification should identify the release as a non-emergency continuous release. The LEPC still must keep a record of the initial notification.

A written follow-up report must be sent to the LEPC, the MCCERCC through the Michigan SARA Title III Program, and EPA Region 5 within 30 days after the initial notification. A second follow-up report must be sent only to EPA Region 5 within 30 days of the first anniversary of the initial written notification. The follow-up report form required for continuous releases differs from the accidental release report form.

Many LEPCs receive continuous release reports from Concentrated Animal Feeding Operations (CAFOs). The CAFOs are required to report emissions to the air of ammonia and hydrogen sulfide, if the emissions exceed 100 pounds per 24-hour period. These hazardous air pollutants are emitted from the animal digestive process and decomposition of manure. The EGLE's Spill/Release Reporting website has information specific to the CAFO release reporting requirements.

CHAPTER SIX

Emergency Planning Notification

Section 302 of SARA Title III requires that certain facilities submit an emergency planning notification to the LEPC and the MCCERCC. The notification identifies the facility as one for which the LEPC must write an off-site emergency plan pursuant to Section 303 of SARA Title III. The notification also identifies the person at the facility who will work with the LEPC to develop this plan.

Additional Information:

Questions regarding release reporting requirements should be directed to the Michigan SARA Title III Program at 517-284-7272, or EGLE-SARA@michigan.gov. Additional information on emergency planning notifications can be found at www.michigan.gov/EGLEemergencyplan. Topics include:

- Instructions for facilities to report under SARA Title III, Section 302.
- Contact information for LEPCs.
- General and regulation-specific emergency planning information for facilities and planners.

To access the online reporting program used by facilities to submit chemical inventories and emergency planning notifications to the Michigan SARA Title III Program go to www.EGLE.state.mi.us/tier2manager.

LEPC Tasks

- Receive Section 302 emergency planning notifications. Develop a system for filing these notifications.
- Help assure that the SARA Title III, Section 302 active site list is accurate.
- Ask facility owners or operators to submit or update emergency planning notifications as needed. Inform the Michigan SARA Title III Program of any facilities that have shut down.
- Publicize the LEPC address where facilities should send their emergency planning notifications. Assure that the EGLE has accurate LEPC contact information posted on their website.
- Manage the Section 302 information for farms.

Who Must Submit the Emergency Planning Notification?

A facility is subject to the emergency planning notification requirements in SARA Title III if it has an EHS on-site in an amount equal to or greater than its TPQ (Attachment B). The TPQ is the total amount in pounds of an EHS present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage.

It is important to realize that a facility that reports an EHS on the Tier II Report might not be subject to Section 302. For example, if a facility has 800 pounds of sulfuric acid that has a TPQ of 1,000 pounds on-site, it must report the sulfuric acid on the Tier II Report (because the amount is greater than 500 pounds or the TPQ, whichever is lower), but it is not subject to Section 302 because the amount of sulfuric acid is less than its TPQ.

Emergency Planning Notification

Under Section 302, the owner or operator of a subject facility must notify the MCCERCC and their LEPC that they are subject to this requirement. The Michigan SARA Title III Program in the EGLE receives all notifications on behalf of the MCCERCC.

This notification should be completed by using Tier II Manager--the online reporting program used in Michigan.

The notification identifies the EHS(s) and amounts that make the facility subject to Section 302. The notification includes the name and contact information of the facility emergency coordinator. This is the person that will work with the LEPC to develop the off-site emergency response plan.

Reporting Deadline

An emergency planning notification must be submitted within 60 days after the threshold is reached. This is a one-time notification. The notification only needs to be updated when there are significant changes, such as the appointment of a new emergency coordinator or a change in the EHSs.

A facility can only be added to the SARA Title III, Section 302 active site list if the owner or operator of that facility notifies the Michigan SARA Title III Program by submitting a Tier II Report. LEPCs cannot add a subject facility to the SARA Title III, Section 302 active site list unless it is a farm.

LEPC Role in Compliance

If an LEPC finds a facility that is not on the SARA Title III, Section 302 active site list, but might be subject to Section 302, the LEPC can contact the owner or operator of that facility and ask them to review their chemical inventory to determine if they meet the requirements. It is important that the owner or operator be given all of the criteria for subject facilities so that an informed decision can be made. Even if the LEPC knows that an EHS has been removed from the facility, the owner or operator must be given the opportunity to review the EHS list to assure that there is not another EHS at the facility.

If the facility does not respond to the LEPC, or needs additional information, the LEPC can ask the Michigan SARA Title III Program staff to contact the facility regarding Section 302 requirements.

If the facility is subject to Section 302, it can submit the notification online. If it is not subject to Section 302, the facility can edit the online report to indicate such. The facility should submit a new or revised notification to the LEPC.

Removing Operating Facilities from the SARA Title III, Section 302 Active Site

The facility representative must go online to remove an operating facility from the SARA Title III, Section 302 active site. When this notification is certified online, the Michigan SARA Title III Program staff will remove the facility from the SARA Title III, Section 302 active site list.

The only exception to this is for traditional family farms. If the LEPC has verified that the farm no longer uses or has EHS on-site, the LEPC can follow the instructions for farms to remove them from the SARA Title III, Section 302 active site list.

Removing Closed Facilities from the SARA Title III, Section 302 Active Site List

An LEPC can request that the Michigan SARA Title III Program remove a closed facility from the SARA Title III, Section 302 active site list if the owner or operator cannot be located, and if it is assured that there are no hazardous chemicals on the site. The LEPC may send an email to the Michigan SARA Title III Program stating that the facility is closed, and all chemicals have been removed. The Michigan SARA Title III Program will mark the facility as inactive.

Farms

If a farm is subject to SARA Title III, it is only subject to Section 302 for anhydrous ammonia fertilizer or pesticides. Such substances, when used in routine agricultural operations, are exempt from Section 312 Tier II reporting. To reduce the reporting burden for the farming community, procedures have been developed that allow the farm to work with the LEPC to manage their traditional farms using Tier II Manager. The LEPC can add or remove these farms from the SARA Title III, Section 302 active site list by notifying the Michigan SARA Title III Program.

Farms can also use the postcards that are on the back page of the MSU Extension Bulletin E-2575, *Emergency Planning for the Farm*, to notify the Michigan SARA Title III Program and their LEPC that they are or are not subject to Section 302. This bulletin is available online at: <https://tinyurl.com/y4zzh3vy>

This bulletin contains a template for farm plans that can also be used by the LEPC for the off-site emergency plan.

Send all requests to modify the SARA Title III, Section 302 active site list to the Michigan SARA Title III Program.

If a facility cannot edit the online Section 302 notification, the Michigan SARA Title III Program can make these changes. Requests to remove closed facilities can be made by the LEPC. Requests to add, remove, or edit operating facilities must be made by the facility (unless it is a farm). All requests to modify the SARA Title III, Section 302 active site list must be in writing.

Requests can be sent by email to EGLE-SARA@michigan.gov.

Please do not send requests to modify the SARA Title III, Section 302 active site list to the MSP/EMHSD. If the LEPC has questions regarding the SARA Title III, Section 302 active site list, they may contact the EGLE at EGLE-SARA@michigan.gov, or at 517-284-7272.

Facilities Subject to Emergency Planning Requirements

A facility is subject to the emergency planning requirements in SARA Title III if it has an EHS on-site in an amount equal to or greater than its TPQ. This amount is the total amount of an EHS present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage.

Emergency Planning Notification

Under Section 302, the owner or operator of a subject facility must complete an emergency planning notification to notify the MCCERCC and their LEPC that they are subject to this requirement. The Michigan SARA Title III Program receives all notifications on behalf of the MCCERCC. This notification should be completed in Tier II Manager--the online reporting program used in Michigan.

Go to the Michigan SARA Title III Program website, www.EGLE.state.mi.us/tier2manager, to access the online reporting program.

The emergency planning notification must be submitted within 60 days after the threshold is reached. After that, you can edit and recertify its notification at any time. The online notification includes chemical information.

The notification includes the name and contact information of the Facility Emergency Coordinator. This is the person who will work with the LEPC to develop the off-site emergency response plan.

If your facility was once subject to Section 302 but has since removed or reduced the EHS on-site to below the TPQ, you can report this status change in the online program:

- Delete any listed EHSs.
- Check the box that indicates the facility is exempt from 302 reporting.
- Certify the report.
- Notify the LEPC of the report.

Special Calculations for Non-Reactive Solid EHSs

There are 157 EHSs on the list that have two TPQ values. These are the non-reactive solid EHSs. The form of the solid will determine which TPQ should be used. Compare to the lower TPQ value if the EHS is in one of the following forms:

- Powder form (particle size less than 100 microns).
- A solution.
- Molten form.

Otherwise, compare the solid form (particle size \geq 100 microns) to the higher TPQ value of 10,000 pounds. You must aggregate the amounts of an EHS at the facility and compare the total to the TPQ. This aggregate amount is used to determine if the EHS must be included in the hazardous chemical inventory and/or if it is subject to emergency planning. If the total amount of the EHS equals or exceeds 500 pounds or the TPQ, it must be included in the hazardous chemical inventory. For the emergency planning determination, there is an additional calculation for solids in solution and in molten form that is applied before comparing to the TPQ.

- If the EHS is in solution, multiply the amount of the EHS by 0.2 and compare to the lower TPQ.

- If the EHS is in molten form, multiply the amount of the EHS by 0.3 and compare to the lower TPQ.

These calculations are ONLY used for the Section 302 emergency planning determination.

Example:

A facility has acrylamide. This is an EHS, and the TPQ is 1,000/10,000. Here is the inventory:

- 6,000 pounds of solid acrylamide (particle size \geq 100 microns).
- 500 pounds of acrylamide in powder form (particle size $<$ 100 microns).
- 1,000 pounds of acrylamide in solution.

For reporting purposes, the acrylamide will be treated as two separate chemicals based on which TPQ value applies. The amount of acrylamide in solid form must be compared to the higher TPQ of 10,000 pounds. The amounts of the acrylamide in powder form, and in a solution, must be added together; the total is then compared to the lower TPQ of 1,000 pounds. The solid acrylamide will be included in the hazardous chemical inventory because the amount (6,000 pounds) exceeds 500 pounds. It is not subject to emergency planning because the amount is less than the TPQ of 10,000 pounds. The total amount of acrylamide in powder form and in solution is 1,500 pounds. This must be included in the hazardous chemical inventory because it exceeds 500 pounds. Before you can determine if it is subject to emergency planning, you need to multiply the 1,000 pounds in solution by 0.2. This equals 200 pounds. The aggregate amount of acrylamide for emergency planning purposes is 700 pounds (500 pounds in powder form plus 200 pounds in solution). It is not subject to emergency planning because it is less than the TPQ of 1,000 pounds.

Off-Site Emergency Response Plan

In accordance with Section 303 of SARA Title III, the LEPC must write an off-site emergency response plan that addresses the protection of the community in the event that there is a release of an extremely hazardous substance from a facility subject to Section 302. To meet this requirement, Michigan LEPCs typically obtain information from the facility emergency coordinators to write plans for each of the facilities subject to Section 302. The facility input is important because the off-site response plan must describe the procedures to be followed by the facility once a release is detected. These plans are coordinated with the county or city emergency operations plan or emergency action guidelines. The finished plans are then shared with the local emergency responders.

By federal law, the owner or operator must promptly provide to the LEPC any information necessary for the development or implementation of the off-site plan upon request by the LEPC. They must also inform the LEPC of any changes occurring at the facility that might be relevant to emergency planning. Reported changes might include the amount or storage location of the EHS, new chemicals, or updated facility contact information.

Related Planning Requirements

The Clean Air Act (CAA), Section 112(r), has facility on-site chemical accident prevention requirements that parallel the SARA Title III off-site emergency planning requirements. Many of the extremely hazardous air pollutants that trigger the requirement to have a Risk Management Program under the CAA Section 112(r) are also on the SARA Title III list of EHSs. The List of Lists located on page 25 of this guidebook, or at www.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version, shows which substances are on both lists. If your facility is subject to SARA Title III, Section 302, you might want to check the List of Lists to see if it is also potentially subject to the CAA Section 112(r). If your facility has extremely hazardous air pollutants that meet or exceed the CAA threshold quantity, contact the U.S. EPA Region 5, which can help you determine your facility's Risk Management Program requirements under the CAA regulations.

Beginning in 2014, the Tier II Report must indicate whether or not the facility is subject to the Risk Management Program (Section 112(r) of CAA). The ID associated with that program must also be provided (identified as "RMP Facility ID" on the Tier II form). The Part 5 rules, Spillage of Oil and Polluting Materials, were promulgated pursuant to Part 31, Water Resources Protection, of Michigan's Natural

Resources and Environmental Protection Act. These rules require that certain facilities develop a Pollution Incident Prevention Plan (PIPP). The PIPP can be a stand-alone plan, or it may be incorporated into an Integrated Contingency Plan (ICP). Facilities that develop a PIPP must notify their LEPC, within 30 days after its completion, that the plan is completed and that it is available upon request.

The Michigan Fire Prevention Code, Public Act 207, requires that the owners and operators of facilities provide the fire department with the quantities and locations of chemicals specified by the fire chief. The fire chief uses the data to develop a plan for the protection of firefighters. The chemicals that must be reported under Act 207 include all hazardous chemicals at the facility in amounts that would be of concern to a responder entering the facility.

For the current years EPA List of Lists please go to: <https://www.epa.gov/epcra/consolidated-list-lists>.

CHAPTER SEVEN

Planning Requirements

Section 303 of SARA Title III requires that Local Emergency Planning Committees (LEPCs) develop a comprehensive emergency response plan. The law lists nine elements that, at a minimum, must be included in this plan.

In Michigan a two-phased approach to planning is used:

- The LEPC should coordinate its planning with the existing Emergency Operations Plan/ Emergency Action Guideline (EOP/EAG) maintained by the local emergency management coordinator. Of the required elements, those common to all sites should be included in the emergency operations plan.
- The LEPC should develop off-site procedures for each facility to address the required elements that are unique to each site and work with the local emergency management coordinator to make sure that all the off-site community response plans developed by the LEPC are incorporated into the local jurisdiction's EOP.

LEPC Tasks

- Develop a good working relationship between the LEPC and the local fire departments. The local fire departments have similar planning responsibilities under the Michigan Firefighter Right-To-Know Law and MIOSHA, Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations. They have already collected much information about the hazards in the community.
- Develop a good working relationship between the LEPC and local emergency management coordinators. Every county and certain municipal governments have appointed local emergency management coordinators. The LEPC should work in conjunction with the emergency management office. A list of these coordinators is available through the MSP/EMHSD. The local coordinator is responsible for the development of the local EOP/EAG--the document the LEPC needs to build on in accomplishing its planning responsibilities. As with the fire departments, the local coordinator has already compiled much information about the hazards in the community and its response procedures. The LEPC should also coordinate with the local emergency management office on exercises.
- Develop a good working relationship with the facility coordinators. Each site for which planning is necessary is required to name a facility coordinator. These persons are obligated to participate in the planning process. They must inform the LEPC of any changes occurring at the facility and provide information that the LEPC requests as necessary for developing and implementing the plan.
- The LEPC should be familiar with existing local resources and expertise. This should entail gathering information from the emergency management coordinator, local health department, fire departments, industrial groups, hospitals and emergency medical services (EMS) organizations and hazardous materials response teams. The LEPC needs to have a good background on local hazardous materials incident response capabilities before the development of procedures can take place. In addition, the LEPC should be informed on the response procedures of state and federal agencies.
- The local emergency management coordinator is responsible for maintaining a comprehensive list of resources in the community. The LEPC should review this list and make suggestions for revisions. Based on the information acquired to evaluate the need for additional resources, the LEPC should recommend a means for providing suggestions for revisions to the list of community resources. The resource list should also contain sources of other resources that are not necessarily available in the community, but which may be needed during a response. Once the LEPC has reviewed the resource list, it must decide the best place to list resources. The LEPC can simply reference the resource list itself, if they feel it adequately meets the responders'

- needs; or the LEPC may choose to insert a specific list in each site-specific procedure it develops.
- Review and suggest revisions, if necessary, to the EOP/EAG for the jurisdiction. The local emergency management coordinator should have developed a hazardous materials incident response Section within the community's EOP/EAG. The LEPC should review this section, suggest revisions as necessary, and develop the site-specific procedures based on the general policy found in the EOP/EAG. It is the local emergency management coordinator's responsibility to keep the EOP/EAG up to date.
- SARA Title III, Section 302 active site, requires that facilities with one or more EHS above a certain threshold amount make notification to the MCCERCC. The EGLE maintains this listing for the MCCERCC. The list is updated continuously as new sites are added and previously listed sites are removed. The LEPC should contact the EGLE if it is aware of errors or omissions. All facilities, farms, private industry, and sites owned by public agencies are subject to this reporting requirement. These are the facilities for which the LEPC must develop off-site procedures. Current site lists of active facilities may be obtained through the EGLE.
- The LEPC should acquire information from local fire departments prior to creating any emergency response plans. Each fire department is required to perform a survey of each site in the community at which chemicals are located. The LEPC should look at these surveys and evaluate the Section 302 sites. They should use this information for preliminary planning. The LEPC will need additional information and can develop their own survey form to send to facilities in the community. Sites containing an EHS are high priority planning sites for which LEPC planning is required.
- Develop a standard form seeking additional information needed by the LEPC to complete planning requirements. The LEPC may choose to develop one form for industrial sites and a second for farms. A sample questionnaire is included in this chapter. The LEPC has the authority to request any information it feels it needs in accomplishing its duties. This is authorized in SARA Title III, Section 303 (d), if a facility declines to voluntarily provide the information requested, legal action may be taken against the facility.
- LEPCs should send out questionnaires to facilities that require a comprehensive community emergency response plan. The MSP/EMHSD or EGLE may provide the most current list of active facilities within a jurisdiction.
- Using the fire department surveys and other knowledge of the community to identify other facilities that may be subject to the reporting requirements. The LEPC can make direct contact with these facilities. A facility may be unaware of its reporting requirements under SARA Title III, Section 302. Where there are farms that may have EHSs on-site, the Michigan State University Extension program and the Michigan Department of Agriculture and Rural Development (MDARD), may provide farmers guidance on emergency planning for the farm. The MSU Extension Bulletin E-2575 is intended for use in developing farm plans and can be found online at www.michigan.gov/MDARD (go to the Consumer Information page).
- The LEPC, in conjunction with the local emergency management office, should perform a vulnerability analysis for each facility.
- Once a vulnerability analysis has been completed for each facility, the LEPC should study the results and rank the facilities, starting with the one that poses the greatest risk to public health and safety. One facility should be identified as the first facility for which an off-site, site-specific procedure will be developed. Ideally, this should be the facility that poses the greatest threat.
- At a minimum, the fire chief of the jurisdiction in which the site is located, the facility emergency coordinator, and the local emergency management coordinator should be involved with the LEPC in developing the site-specific procedure. It is also recommended to call on the chief executive of the jurisdiction to brief this person on the project and gain support.
- The MSP/EMHSD publication EMD-076 contains plan standards and is available online at www.michigan.gov/EMHSD, or upon request to the MSP/EMHSD. The MCCERCC is required to review all plans that are developed.

- The MSP/EMHSD has established a site plan template for LEPCs, local emergency management officials, and fire departments to use as a starting point for creating SARA Title III plans. See Appendix B for this template. The template may also be found online at www.michigan.gov/EMHSD; select “hazardous materials.” The LEPC should decide on content and format and proceed accordingly.
- The LEPC may establish their own bylaws regarding the creation of site-specific procedures. The LEPC may divide into subcommittees and assign a portion of the procedure to each subcommittee, or assign one person to write the plan with review and revision privileges retained by the LEPC. The intent of the law is to have all parties who may be involved in the response participate in the writing of the plan.
- The law requires that procedures be included for coordinating with other jurisdictions when the vulnerability zone overlaps jurisdictional boundaries. The LEPC should hold a joint meeting with another LEPC to address issues of direction and control, and protective action orders for facilities with planning zones that overlap jurisdictions.
- The facility, the LEPC, local emergency management office, and emergency responders conduct an exercise after a plan has been developed for a specific site.
- The site-specific procedure should be signed by several parties who would be responsible for responding to an incident at the site. This signifies that these persons have participated in the plan's development and, more importantly, that they agree with the procedures contained within it.
- When the LEPC completes the offsite Emergency Response Plan, they must submit the plan to the MCCERCC through the local emergency management office. This is accomplished by using the plan submittal sheet, the MSP/EMHSD form EMD-076. The district coordinator reviews the plan with emphasis on the EOP/EAG references. The district coordinator then forwards the plan to the MSP/EMHSD for further review of the site-specific procedure. The MCCERCC reviews and may comment on plans, but the MCCERCC has no authority to “approve” plans.
- The LEPC should consider the comments as helpful tools for improving its plan. It can incorporate changes to the plan immediately or wait until the next annual review cycle.
- Section 303 (a) of SARA Title III requires the LEPC to review its plans annually, or more frequently if changes occur. It is recommended, at a minimum, that the LEPC annually review the EOP/EAG guidelines that incorporate the LEPC's off-site community response plan(s). This should be done with the emergency management coordinator, fire chief, and facility emergency coordinator. Suggested changes can then be included in the EOP/EAG and/or the site-specific procedures.
- The LEPC must publish a notice of meeting dates, time, and location at which the plan(s) may be reviewed and feedback given. The LEPC should incorporate comments from these sources into the plan. All LEPC meetings are subject to the Open Meetings Act.

CHAPTER EIGHT

Other Planning Requirements

There are three other related laws dealing with hazardous materials planning. They are:

- The Michigan Emergency Management Act;
- The Michigan Firefighter Right-to-Know Act; and
- The MIOSHA, HAZWOPER rules.

The Michigan Emergency Management Act, Public Act 390, of 1976, as amended by Public Act 90, of 1990, has the following provisions as it relates to emergency planning:

- Each county, and municipalities of 25,000 or more in population, must appoint an emergency management coordinator who is responsible for coordinating all-hazard mitigation, preparedness, response, and recovery in the jurisdiction. Municipalities of 10,000 or more population may appoint a coordinator.
- In order to be eligible for disaster contingency fund aid, the jurisdiction must have a current and adequate emergency operations plan. This plan includes a section on hazardous materials incident response.
- The law contains numerous other provisions for declaring state and local states of emergency, local and state emergency powers of chief executives, and procedures for disaster assessment and response. In order to obtain a copy of this act, contact the MSP/EMHSD.
- Other applicable MIOSHA regulations that LEPCs could consider, such as Hazard Communication and Hazardous Waste Operation and Emergency Response, can be found on the MIOSHA Section of the Department of Licensing and Regulatory Affairs (LARA) website, www.michigan.gov/MIOSHA.

The attached Fire Marshal Bulletin 9 describes the Firefighter Right-to-Know and HAZWOPER laws.

LEPC Tasks

- Become familiar with each of these laws.
- Work with fire departments to share information and assist each other in similar planning responsibilities.
- Coordinate with emergency management coordinators appointed within the LEPC emergency planning district. Share information and assist each other in formulating hazardous materials response procedures.



Department of Energy, Labor and Economic Growth
Bureau of Fire Services

Fire Marshal Bulletin – 9

Fire Department Hazardous Material Emergency Planning Responsibilities

This document replaces, expands, and provides in one document a summary of the three requirements regarding emergency planning for a hazardous material incident. This bulletin was jointly developed by the Department of State Police, and former Departments of Labor and Public Health in 1987 and was revised in 1994 as a result of an Attorney General Opinion.

The three emergency planning requirements that fire departments and/or the communities they serve must meet are: 1) Firefighter Right-to-Know, 2) HAZWOPER, and 3) Superfund Amendments and Reauthorization Act (SARA) Title III.

Each of these requirements is explained in detail below.

A. Firefighter Right-to-Know

Background:

Section 14i of Act 154, as amended, the Michigan Occupational Safety and Health Act requires that the chief of an organized fire department prepare and disseminate to each firefighter a plan for executing the department's responsibilities with respect to each site within their jurisdiction where hazardous chemicals are used or produced. There are no exemptions based on the quantity of chemical at the site. The purpose of this act is to ensure firefighter safety.

The administration and enforcement of this provision is under the jurisdiction of the Department of Energy, Labor and Economic Growth (DELEG), Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety Division (GISHD), 517 322-1831.

Section 5p of the Michigan Fire Prevention Code (Act 207, as amended) requires that a firm handling of hazardous chemicals provides the following information upon request of the fire chief:

- A list of the hazardous chemicals on-site and a SDS for each chemical on the list. A description of the quantity and location of any hazardous chemical specified by the fire chief after a review of the list.

Steps for Implementation:

1. As a first step, the fire chief surveys all sites within the fire jurisdiction which may have hazardous chemicals on-site. The purpose of the survey is to gather information on the chemicals at each site and to determine whether the site uses or produces hazardous chemicals. The survey is used as a tool for gathering the information the chief is authorized to obtain under Act 207, as described above. A suggested letter which the chief may send to each site, along with the survey form, is included as Attachment A. The survey form is included as Attachment B. Site location information, mailing addresses, etc., may be obtained from tax rolls, building inspectors, etc.
2. The survey form lists the chemical types and specifies quantities for each. Even though a plan is required at a site which uses or produces hazardous chemicals, regardless of quantity, the quantities at a site will determine if a site-specific plan must be developed or if the site can be addressed in a general plan. This is explained in further detail below.

3. The fire chief must make every effort to obtain completed surveys from each site. If a site refuses to cooperate, the chief should follow up with a second letter of request. A sample follow up letter is included as Attachment C.
4. If the site continues to be uncooperative, the chief may refer the case to the Department of Labor and Economic Growth, MIOSHA. The referral form to be used by the fire chief is included as Attachment D. MIOSHA may cite the location for failure to be in compliance with the MIOSHA Hazard Communication Standard.
5. The fire chief should keep a copy of each completed survey, even those returned showing that few or no hazardous chemicals are present at the site. In addition, the chief must keep a file of "no responses" and a file of the follow up correspondence written in an attempt to obtain a response.
6. The fire chief should have surveys on file that are not older than five years. Sites are requested to update their survey form as conditions change on the site. However, if no update has been submitted within the last five years, the chief must solicit an updated survey. Current information must be kept on file to fulfill the requirements of the law.
7. In addition, the fire chief must survey new or changed sites (change of ownership, expanded, conducting new business, etc.) as they occur. Information on new sites and additions to sites may be obtained with the assistance of the building inspector, zoning authority, tax rolls, etc.
8. When the surveys are returned, the fire chief must first separate those sites which use or produce hazardous chemicals from all others. These are the sites for which a plan (either site-specific or general) is required.
9. The chief must further separate the user and producer sites according to hazardous chemical quantity. For those sites which use or produce hazardous chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. See number 10 below. Other sites with hazardous chemicals under the specified quantities can be addressed by a general plan. See number 11 below.
10. For those sites which use or produce hazardous chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. This should be the chief's planning priority. To comply with the Firefighter Right-to-Know requirements:
 - a. Develop a site-specific plan for each site. See Attachment E for the list of planning elements which should be included in this plan.
 - b. Obtain more detailed information about each site, as necessary, to address the elements in Attachment E. (The survey form is used to determine the sites for which site-specific plans are necessary. Now additional information needs to be obtained for planning purposes.) The chief may request additional information under the authority of Act 207 as described above in the introduction. The chief may also use the information which is provided through the Superfund Amendments and Reauthorization Act (SARA) Title III reporting requirements. (See Section C.)
 - c. The MSP/EMHSD publication 308, Guidance for Community Hazmat Response Plans, contains worksheets which may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning elements cross referenced to pages in the workbook. Copies of this workbook are available through Local Emergency Planning Committees (LEPCs) or the MSP/EMHSD (See Section C.)
 - d. The fire chief should work with the Local Emergency Planning Committees (LEPCs) which exist within each county and in many larger municipalities. The LEPC must develop hazardous material emergency response plans for certain sites. The fire chief and the LEPC should cooperate in the development of these plans. Appropriate portions of these plans as listed in Attachment F will satisfy the Firefighter Right-to-Know requirements. (See Section C for more information on LEPC requirements.)
 - e. Inform all firefighters of the existence of the Firefighter Right-To Know plans and their location. Make them available upon request.
 - f. Train all potentially affected firefighters in the procedures developed for responding to the specific site. These procedures should have been developed in conjunction with site personnel and commensurate with the level of training accomplished by firefighters. In addition, the fire chief should be aware that there are other firefighter training

requirements in MIOSHA Safety Standards Parts 73 and 74 (Firefighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).

11. The fire chief can incorporate those sites which use or produce hazardous chemicals below the specified quantities into a general plan. To comply with the Firefighter Right-to-Know requirements:
 - a. Maintain a current copy of all survey forms in a systematic manner.
 - b. Inform firefighters of the existence of these forms and their location. Make them available upon request.
 - c. Train firefighters for initial operational response, informing them of procedures found in the DOT Emergency Response Guidebook or other response plan the community has developed. In addition, the fire chief should be aware that there are other firefighter training requirements in MIOSHA Safety Standard Parts 73 and 74 (Firefighting) and MIOSHA HAZWOPER.
12. If a hazardous material response team is called in through a mutual aid agreement, the host fire district is obligated to provide site information to the team while en route or upon arrival at the scene. Plans do not need to be distributed to mutual aid agencies prior to response.
13. Through these steps, the fire chief has developed a plan (either general or site-specific) for those sites which use or produce hazardous chemicals as required by law. The other survey forms which show that the site is neither a user nor a producer must be retained as evidence of response. They may also be used for other local planning needs as the chief sees fit.
14. The preceding steps show how to comply with the Michigan Firefighter Right-to-Know law. (See Attachment G for a flow chart of this process.) It is not mandatory that these steps be followed. The fire chief may choose another method to comply. However, all of the elements discussed above must be included in Firefighter Right-to-Know plans.

B. MIOSHA Hazardous Waste Operations and Emergency Response (HAZWOPER)

Background:

Since the enactment of the Firefighters Right-to-Know legislation, which was described above, the state and federal governments have also promulgated rules to ensure firefighter and other emergency responder safety. The SARA Title II requires the OSHA to promulgate rules governing employer emergency planning and training for hazardous material responders. Federal OSHA final rule 29 CFR 1910.120 was promulgated in March 1990. Since Michigan is a state plan state, MIOSHA must also promulgate rules which are at least as strict as the federal rule. These Michigan regulations became effective October 31, 1991. They mirror the federal rule. The enforcement of this requirement is handled by DELEG, MIOSHA, GISHD (517) 322-1831. Part of this rule requires employers to train all employees who may encounter or respond to a hazardous material incident. Certain levels of training are required depending upon the anticipated level of involvement. A uniform training curriculum has been developed and is being offered statewide. Information on these training requirements is not within the scope of this Bulletin. Contact the DELEG, MIOSHA, GISHD for more information on this topic.

The following is a summary of the planning requirements.

Steps for Implementation:

1. The rules state that any employer who may involve its personnel in a hazardous material incident must develop an emergency response plan.
2. See Attachment E for the list of planning elements which must be included in the MIOSHA plan.
3. The plan required under the MIOSHA rules and the plan required under Firefighter Right-to-Know requirements described above in Section A are both to ensure emergency responder safety. Therefore, one plan for each site can be developed to satisfy both requirements, assuming the required planning elements are included.
4. Some elements that are required in MIOSHA plans are generic and do not need to be included in site-specific plans. These general planning elements should be included in the department's

internal standard operating procedures. Internal procedures should include detailed incident command system information, information on decontamination, use of personal protective gear, etc.

5. Site-specific plans and procedures must be available to firefighters through CAMEO, or some other computer or microfiche system, or they must be available in a hard copy file at the workstation.
6. The Michigan State Police, Emergency Management and Homeland Security Division's Planning Guidance, described above in Section A, may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning items cross referenced to pages in the workbook.

C. Superfund Amendments and Reauthorization Act (SARA) Title III

Background:

SARA Title III federal legislation mandates that Local Emergency Planning Committees (LEPCs) be established by a state commission. The LEPC must be made up of a number of community organizations, including the fire service. These LEPCs are required to develop site-specific emergency response plans for those sites within their jurisdiction which have one or more "extremely hazardous substance" above a given threshold quantity. These plans are population protection oriented. The law states that the site owner must cooperate in the development of the plans by appointing a facility emergency coordinator and providing any information the LEPC deems is necessary in order to fulfill its planning responsibilities. Another part of the law requires the reporting of chemical inventories and the submission of SDSs to fire departments and LEPCs. Emergency release notification requirements are also part of the law, as well as community right-to-know provisions.

In Michigan, the Department of Environment Great Lakes and Energy (EGLE) manages the reporting and notification requirements of SARA Title III. The Department of State Police, Emergency Management and Homeland Security Division, manages the planning elements of the law and chairs the State Emergency Response Commission (SERC), otherwise known as the Michigan Citizens Community Emergency Response Coordinating Council (MCCERCC). The MCCERCC appoints LEPC members who are recommended by their local jurisdiction. For more information on SARA Title III, contact the Department of Environment Great Lakes and Energy, Michigan SARA Title III Program at 517-284-7272 or the Department of State Police, Emergency Management and Homeland Security Division at 517-284-3745.

Steps for Implementation:

1. The fire chief of the department which has jurisdiction over the site should participate with the LEPC in the development of these site-specific standard operating procedures.
2. See Attachment E for the list of planning elements which must be included in the LEPC plan.
3. By completing these procedures and distributing appropriate portions to firefighters, the chief's firefighter safety requirements, as described under Sections A and B above, are partially satisfied. (Internal procedures and training must still be completed to fully satisfy firefighter safety requirements.)
4. The Michigan State Police, Emergency Management and Homeland Security Division's guidance, described above was developed to assist LEPCs in developing these site-specific plans. These workbooks have been distributed to LEPCs. See Attachment F for a matrix of planning items cross referenced to pages in the workbook.
5. The site-specific plans should be considered part of the all-hazard Emergency Operations Plan developed for each jurisdiction. The Emergency Operations Plan should reflect the overall policy the jurisdiction will follow in responding to an incident. All other plans and procedures should be consistent with the Emergency Operations Plan. The Emergency Management Coordinator for each jurisdiction maintains this plan.
6. The Emergency Management Coordinator appointed for each jurisdiction is also part of the LEPC and is responsible for assisting in the development of the off-site response plans.

Conclusion:

There are three emergency planning requirements: Firefighter Right-to-Know, MIOSHA rules, and SARA Title III. Each of these has been explained in the Sections above. Each requires that specific items be included in plans. However, many of the required planning elements are similar or duplicated. Attachment E provides a specific listing of planning elements required under each law for informational purposes. Attachment F is a summary of the required items cross referenced to a page in the workbook on how to satisfy that item.

The fire chief can meet these requirements by developing the following documents and ensuring the required planning elements are incorporated:

1. Site-specific firefighter safety plans for all sites within the fire district which use or produce hazardous chemicals at or above the quantity specified on the survey form.
2. Good internal standard operating procedures for the department.
3. Participate with the Local Emergency Planning Committee (LEPC) in the development and completion of site-specific procedures for Title III sites.
4. Ensure that all plans are consistent with the overall policy for responding to a hazardous material incident as described in the jurisdiction's Emergency Operations Plan.
5. Retain on file a copy of the survey form for all other sites.

For additional information or questions, contact the Bureau of Fire Services
517- 241-8847

Please be advised as a recipient of State Fire Marshal Bulletins, you are free to treat the contents as news release in your name to the local news media or any other means of circulation.

Attachment A
Bulletin 9 – Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)

Date: _____

Firm Name: _____

Address: _____

Dear Facility Owner/Operator:

Section 14i of the Michigan Occupational Safety and Health Act, Act No. 154 of the Public Acts of 1974, as amended, requires that each fire chief prepare and disseminate to each firefighter information on facilities within their jurisdiction that use or produce hazardous chemicals.

The Michigan Fire Prevention Code, Act No. 207, P. A. of 1941, as amended, requires that any firm handling hazardous chemicals provide information to the fire chief upon request. This allows the fire department to gather information on each chemical so that the requirements of Act No. 154 can be met.

To assist our department in fulfilling its responsibilities under Act No. 154, we are requesting that you complete the enclosed survey. If your firm does not use or produce any hazardous chemicals (see attached definitions), you still need to complete the form. This information can be beneficial to you and your firefighting personnel when responding to a fire or other emergency at your facility.

If the information you provide indicates that your firm is a user or producer of hazardous chemicals and the chemicals on-site meet or exceed the specified quantities, we will be contacting you for further information. This may include safety data sheets (SDS); a listing of the hazardous chemicals by name, along with the greatest amount that may be located on-site at one time; and the actual locations of the chemicals at your facility.

Please complete the survey and forward to *(insert your department's address)* within ten days. All surveys, including negative responses, will be kept on file for future use and to satisfy Act No. 154 requirements. If there is a change concerning the use, production or quantity of hazardous chemicals at your firm in the future, please contact this department so that we may update our files.

If you have any questions, please contact *(insert name of department's contact)* at *(insert department's phone number)*. Thank you for your cooperation.

Fire Chief

Fire Department

Attachment B
Bulletin 9 – Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)

Chemical Survey

Information: This survey is requested to determine the quantity of specific chemical groups used, produced or stored in your facility. Fire Chiefs are required to collect chemical data under the Michigan Occupational Safety and Health Act, PA 154 of 1974, as amended, and the Fire Prevention Code, PA 207 of 1941, as amended.

Instructions: Indicate below whether your site uses or produces any of the chemical types listed. Check all the categories that apply when a chemical has more than one characteristic, (example: both a Class 3 flammable and a Class 6 poison), see definitions. Each chemical group listed in this survey includes a specified quantity. Indicate the quantity category for each chemical group on your site. To complete this survey, you may need to reference Safety Data Sheets, SARA Title III reporting forms, along with the attached definitions.

(Note: You must complete each line. Do not leave blanks. If you do not use a chemical group listed, mark "DO NOT HAVE" box.)

When substantial changes occur in the quantity or type of chemical use, manufacture or related storage, a revised survey must be submitted to the Fire Chief. In addition, a revised survey will be requested periodically as the Fire Chief determines necessary, but a least once every five years.

This survey may be followed-up with a request for more detailed information. This may include a request for SDS's, chemical lists maintained under the Employee Right to Know provisions of MIOSHA and other information.

Please return this questionnaire as indicated in the attached cover letter.

This site is: (please circle one)

Chemical User – (Chemicals used in activities on-site)

Chemical Producer – (Chemicals manufactured at this site, includes packaging)

Other – Circle this box if chemicals are stored on-site, but not used or produced. Please Specify (Examples: service station, retail store, storage facility)

	Date Completed: _____
Name of Premises:	_____
Site Address:	_____

Site Telephone:	_____

Emergency Contacts: (Include Private Alarm/Security Companies)		
Name/Title	Business Telephone	Home Number
.	.	.
.	.	.
.	.	.
.	.	.

Respond based on the maximum quantity you would have on-site, including storage, at any one time during the year.

Check 1 Box for Each Category				
Chemical type	Specified quantity	Have at or Above Specified Quantity	Have but Below Specified Quantity	Do Not Have
Class 1				
Explosives & Blasting Agents (Not including Class C Explosives)	Any Quantity			
Class 2				
Poison Gas	Any Quantity			
Flammable Gas	100 gal. water capacity			
Non-Flammable Gas	100 gal. water capacity			
Class 3				
Flammable Liquid	1,000 gallons			
Combustible Liquid	10,000 gallons			

Class 4				
Flammable Solid (Dangerous when wet)	100 lbs.			
Flammable Solid	500 lbs.			
Spontaneously Combustible Material	100 lbs.			
Class 5				
Oxidizer	500 lbs.			
Organic Peroxide	250 lbs.			
Class 6				
Poison	500 lbs.			
Irritating Material: Liquid	1,000 gal.			
Irritating Material: Solid	500 lbs.			
Class 7				
Radioactive Material (Yellow III Label)	Any Quantity			
Class 8				
Corrosives: Liquid	1,000 gal.			
Corrosives: Solid	500 lbs.			
No DOT Category				
Known Human Carcinogen	Any Category			

Please return within ten days to the official indicated in the cover letter attached to this survey.

HAZARDOUS CHEMICAL DEFINITIONS

Carcinogen – A chemical is considered to be a carcinogen if: 1) it has been evaluated by the International Agency for Research on Cancer (IARC) and found to be a carcinogen or potential carcinogen; or 2) it is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition), or 3) it is regulated by OSHA as a carcinogen.

Combustible liquid – Any liquid having a flashpoint at or above 100 degrees F (37.8 degrees C), but below 300 degrees F (93.3 degrees C), except any mixture having components with flashpoints of 200 degrees F (93.3 degrees C), or higher, the total volume of which make up 99 percent or more of the volume of the mixture.

Corrosives - liquid and solid – Any liquid or solid that causes visible destruction or irreversible damage to human skin tissue. Also, it may be a liquid that has a severe corrosion rate on steel.

Explosives and blasting agent – (not including Class C explosives) – "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature. "Blasting Agent" means a material designed for blasting. It must be so insensitive that there is very little probability of: 1) accidental explosion, or 2) going from burning to detonation.

Flammable liquid – Any liquid having a flashpoint below 100 degrees F (37.8 degrees C), except any mixture having components with flashpoints of 100 degrees F (37.8 degrees C) or higher, the total of which makes up 99 percent or more of the total volume of the mixture.

Flammable gas – A gas that can burn with the evolution of heat and a flame. Flammable compressed gas is any compressed gas of which: 1) a mixture of 13 percent or less (by volume) with air is flammable, or 2) the flammable range with air is under 12 percent.

Flammable solid – A solid, other than a blasting agent, or explosive, that is liable to cause fire through friction, absorption or moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard.

Flammable solid (dangerous when wet) – Water Reactive Material (Solid) - Any solid substance (including sludges and pastes) which react with water by igniting or giving off dangerous quantities of flammable or toxic gases. (Sec.171.8)

Irritating material - liquid and solid – A liquid or solid substance which, upon contact with fire or air, gives off dangerous or intensely irritating fumes.

Non-flammable gas – Any compressed gas other than a flammable compressed gas.

Organic peroxide – An organic compound that contains the bivalent -O-O structure and may be considered a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer – A chemical that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases. Example being: chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily.

Poison – Less dangerous poisons, toxic - substances, liquid or solids (including pastes and semi-solids) so toxic to man that they are a hazard to health during transportation.

Poison gas – Extremely dangerous poisons, highly toxic poisonous gases or liquids - a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life.

Radioactive material (yellow 111 label) - Any material, or combination of materials, that spontaneously gives off ionizing radiation.

Spontaneously combustible material – (Solid) A solid substance (including sludges and pastes) which may undergo spontaneous heating or self-burning under normal transportation conditions. These materials may increase in temperature and ignite when exposed to air.

Attachment C
Bulletin 9 – Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)

Firm Name	_____	Date _____
Address	_____	

Second Request

Dear Facility Owner/Operator:

The attached survey has been previously sent to your firm. To date we have not received a completed form. Please complete the survey as accurately as possible and return it to my office within ten days. Note that you must complete and return the survey even if you respond "do not have" to all categories.

Fire Chiefs are required to collect chemical data under the Michigan Occupational Safety and Health Act, P. A. 154 of 1974, as amended, and the Fire Prevention Code, P.A . 207 of 1941, as amended. The information to complete this form should be readily available from your firm's records and materials you maintain for your Employee Right-to-Know Program as required by Act 154.

The requested information will be used to assure our firefighters are prepared for any chemical hazards they may encounter if called to your facility. It will result in increased safety for our firefighters and better fire protection for your firm.

Failure to respond to this survey may result in a referral to the Michigan Occupational Safety and Health Administration (MIOSHA) for follow-up action. A comprehensive hazard communication program is required by Act 154. If you have been unable to obtain Safety Data Sheet for chemicals used at your facility, you may contact MIOSHA for assistance.

Thank you.

Fire Chief

Fire Department

Attachment D
Bulletin 9 – Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)

Hazardous Chemical Referral to:
 Michigan Department of Energy, Labor, & Economic Growth
 Michigan Occupational Safety & Health Administration
 General Industry Safety Division
 7150 Harris Drive
 P.O. Box 30643
 Lansing, Michigan 48909-8143

Referral From (Fire Department Name)		
Street Address, City, Zip Code		
PLEASE COMPLETE AS MUCH INFORMATION AS POSSIBLE		
Name of Employer Firm Telephone No.		
Job Site Street Address, City, Zip		
Nature of Business	SIC #	No. Of Employees
Location of Hazard If Known (Building, Floor, Dept. No., Section)		
Contact Person Title		
Exposure in Question (describe contaminant or hazards suspected)		

Remarks		

Has the firm been informed that this referral is being made? (Please circle one) Yes No		
Investigation Results and Action Taken (to be used by MIOSHA to respond to your referral)		

 Signature

Attachment E
Bulletin 9 – Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)

REQUIRED PLANNING ELEMENTS

Firefighter Right-to-Know

Each site-specific plan should include the following:

1. An emergency call list.
2. A site map. (For large sites it may be necessary to have a map for particular sections, in addition to a general map.)
3. A list of chemicals on-site and their quantities.
4. A response data information sheet listing specific information about each chemical.
5. Specific response procedures for the site.
6. A description of the training necessary for responding to an incident at the site.

MIOSHA HAZWOPER

This plan must include the following:

1. Planning and coordination with outside parties.
2. Personnel roles, lines of authority, and communication.
3. Emergency recognition and prevention.
4. Safe distances and places of refuge.
5. Site security and control.
6. Evacuation routes and procedures.
7. Decontamination procedures.
8. Emergency medical treatment and first aid.
9. Emergency alerting and response procedures.
10. Critique of response and follow-up.
11. Personal protection equipment and emergency equipment.

SARA Title III

The LEPC plan must include the following (as summarized):

1. Identification of facilities subject to the emergency planning requirements and identification of transportation routes likely to be used in transporting hazardous substances.
2. Methods and procedures to be followed by facility owners and local responders.
3. Designation of a facility emergency coordinator and a community emergency coordinator.
4. Procedures for providing notification by the facility and the community emergency coordinator to emergency personnel and the public.
5. Methods for determining the occurrence of a release and the area likely to be affected.
6. A description of emergency equipment and facilities in the community and at the facility.
7. Evacuation plans.
8. Training programs.
9. Methods and schedules for exercising the plan.

CHAPTER NINE

Community Right-To-Know Requirements

SARA Title III requires several actions to encourage public involvement. These include:

- Development of written procedures for receiving and processing public requests for information in accordance with the federal law regarding public access to SARA information under EPCRA.
- Hold a public meeting that complies with the Open Meetings Act and Americans with Disabilities Act to discuss the making of the emergency response plan(s) and facility report(s).
- Appoint an information coordinator. At a minimum, this person will be responsible for filing all Section 302, 304, 311, and 312 reports and for making these available upon request. This person could also fulfill the larger role of coordinating all public outreach activities initiated by the LEPC, as identified below under additional optional tasks.
- Ensure that the LEPC bylaws, which are required to contain the following, are carried out: Provisions for public notification of committee activities; public meetings to discuss the emergency plan; public comments; response to such comments by the committee; and distribution of the emergency plan.
- Fulfill requests from the public for SDSs (Section 311). If the facility has only submitted a list of chemicals, the LEPC must request, obtain, and provide an SDS from the facility.
- Ensure a system is in place for handling confidential facility information.
- Make sure the emergency release notifications are logged and available for public distribution.
- Ensure that all plans, reporting forms, and emergency release follow-up notices are available for public review at a designated location.

Optional LEPC Tasks:

- Develop an informational packet for all businesses and industries in the community describing the provisions of the law.
- Develop an informational packet for all farms in the community describing the provisions of the law.
- Form neighborhood "citizen action committees" around each Section 302 facility for which emergency planning is necessary and involve this group in the development of the site-specific procedures.
- Speak at various service groups and other association meetings about SARA Title III and the LEPC's activities.
- Develop publications for residents outlining the hazards in the community and the provisions contained in the emergency plan, including expected public actions.
- Conduct media outreach describing the LEPC, its function, and the actions the public should take in the event of an emergency.
- Hold a "Hazardous Materials Awareness Week" and set up displays in malls, schools, etc.; issue press releases; invite the public to view a response exercise at a facility.
- Hold a facility coordinator's conference.
- Hold a conference of potentially affected institutions (schools, hospitals, factories, stadiums, etc.) located within the vulnerable zone of 302 facilities.
- Maintain a LEPC website, social media account, and publish contact information in a public place.

CHAPTER TEN

Training

This chapter provides information on:

- Training for LEPC members and emergency first responders within their community, within Michigan, and outside Michigan.
- The MSP/EMHSD offers courses for members of an LEPC, first responders, and others at the Michigan State Police, Emergency Management and Homeland Security Training Center (EMHSTC). For more information, refer to the course schedule available online at www.mi.train.org.
- Federal training opportunities are available for LEPC members and emergency first responders through the National Domestic Preparedness Consortium (NDPC) at www.ndpc.us and the Emergency Management Institute at <http://training.fema.gov>.
- The MSP/EMHSD is available for on-site briefings, if requested. Contact the MSP/EMHSD to schedule a time.

Training Requirements for Emergency Responders

- Training for emergency responders must comply with state and federal standards. SARA Title I require the OSHA to make known rules governing employer emergency planning and training for HAZWOPER. Michigan is a state plan state, which means that the MIOSHA must make known the rules that are at least as strict as the federal rules.
- These rules state that employers are responsible for training their employees to a level commensurate with duties expected to be performed by the employees.
- The Michigan Firefighters Training Council to develop a curriculum based on the MIOSHA rule and on the National Fire Protection Association (NFPA) standard for training.

LEPC Tasks

- Make sure all LEPC members are knowledgeable in SARA Title III, LEPC duties, and planning methodologies.
- Include in the plan a description of training programs and a schedule of training for emergency responders.
- Monitor training needs of police, fire, EMS, and other personnel in the emergency planning district

Optional Additional LEPC Tasks

- Coordinate all training for emergency responders.
- Based on the results of the survey, make recommendations for training and programs.
- Encourage that "train-the-trainers" be present in the district who can train all personnel to the necessary minimum levels.
- Research the community's capability to fully mitigate an incident (Hazardous Materials Technician). Work to develop this capability either within the district or outside the district through a negotiated agreement.

CHAPTER ELEVEN

Exercising Requirements

An exercise is a test of the written emergency plan. It can be as simple as holding a meeting to discuss the response or as complex as actually deploying equipment and personnel in the field.

The purpose of the exercise is to react to a situation as it is written in the plan. This reaction tests the procedures for any omissions or unworkable concepts. The plan is then altered based on the exercise results. Exercising is also a form of training whereby emergency responders gain experience in operating from the planned procedures.

There are many different types of exercises. They include:

- **Tabletop** – The emergency responders are called together and given a hypothetical situation and are asked how their employer or profession would respond.
- **Functional** – A select group of emergency responders, responsible for a specific area of the response, come together to test their procedures. Examples include: Hazardous materials response setting up and operating a shelter; patching a leak; treating a victim of chemical contamination.
- **Full Scale** – All emergency responders come together and are given a hypothetical situation. They operate out of the designated emergency coordination facility, testing communications, coordination, and each agency's procedures. This level of exercise includes field activity.

Other exercise types include seminars, workshops, games, and drills. Assistance in developing, conducting, and evaluating exercises is provided by the MSP/EMHSD.

LEPC Tasks

- Decide on an exercise policy for the emergency planning district.
- Work with local emergency management coordinators to develop a method and schedule for exercising off-site response plans.

Additional Optional LEPC Tasks

- At each facility for which site-specific procedures are developed, hold a tabletop exercise annually. At a minimum, the local emergency management coordinator, local fire chief, and facility emergency coordinator should be involved. These persons can review the plan and discuss operating procedures. This exercise can also fulfill the annual plan review and update requirement in that this group can forward plan changes they believe are necessary to the LEPC.
- Annually, the LEPC should choose one facility for which site-specific procedures are developed and hold a full-scale exercise. This exercise should involve all emergency responders and should be located at the emergency coordination facility identified in the plan. They should respond to a hypothetical situation at the site, as they would in real life. The facility should be involved in developing the scenario. This exercise is often held in conjunction with the facility exercising its own procedures. Response teams can be deployed to the site to test procedures.
- Develop a four-year exercise calendar identifying which facilities and fire departments are scheduled for exercises in which year. This allows all involved to plan ahead. By cooperating together in developing this long-range plan, many needs can be met simultaneously.

CHAPTER TWELVE

Frequently Asked Questions

Q. What if the county does not have an active LEPC?

A. The SARA Title III legislation requires that the state commission must create emergency planning districts and appoint LEPCs in each district. This has been done in Michigan. Further, the law states that LEPCs shall perform certain functions. If the LEPC is not active, it is failing to abide by the law. If no LEPC is present, the jurisdiction's chief-elected official would assume the responsibility of the LEPC.

Q. We have a few members we would like to see taken off the LEPC. How can we accomplish this?

A. It is the policy of the MCCERCC to rely on local input for LEPC membership nominations. Members may be added or removed by the LEPC or the LEPC chair with, at minimum, a yearly updated roster be submitted to the MSP/EMHSD. The MCCERCC has the right, per EPCRA legislation, to review, accept, and reject LEPC nominations.

Q. I know there are more 302 sites in my jurisdiction than those shown on the active site list. What should I do?

A. Perform community outreach, informing sites of their responsibilities. Alternatively, the LEPC can inform the EGLE of possible sites, and the EGLE will make inquiries for the LEPC. The site itself must make the official notification; the LEPC cannot do it for them.

Q. Our LEPC cannot get anything done at LEPC meetings because we usually cannot get a quorum. What can we do?

A. First, much can be accomplished through subcommittees. The LEPC bylaws should be re-examined because the requirement for a quorum may be too strict. The bylaws should also provide for replacement of an LEPC member after a certain number of unexcused absences by maintaining a current and accurate membership roster to ensure all those listed are active members.

Q. Our fire department has no training. Where do they get it?

A. The Firefighters Training Council advocates that each county establish a training committee responsible for overseeing all Hazmat training within the county. Refer all fire departments to review the MSP/EMHSTC training course catalogue on online at www.mi.train.org.

Q. Our community has very little capability to respond to a Hazmat incident. Why should we develop a plan?

A. The less capability a community has, the more reason there is to develop a plan. Accidents will happen and the community must be prepared to handle them. Through planning, the community identifies shortfalls and makes provisions to correct them, either through further training and equipping of existing responders or through arrangements with neighboring jurisdictions or the private sector. Planning for all emergencies will also identify needs for mutual aid agreements between jurisdictions.

Q. Our hospital and EMS staff are not trained, nor do they have the facilities to respond to victims of a Hazmat incident. What should we do?

A. If an EMS unit or hospital personnel respond to an incident, they must have the appropriate training according to MIOSHA. A First Responder Operations course is available through the MSP/EMHSTC. It is recommended that someone from the area be trained to the technician level. If such organizations indicate they will not respond due to the cost of training, a cooperative effort on the part of the LEPC, industry, all hospitals and EMS organizations in a region may be necessary. By sharing the effort, this requirement may be less costly.

Q. A facility in our town is not cooperating. What can we do?

A. The EGLE can assist with inquiries and ultimately refer to the EPA for enforcement action, if necessary. Also, other organizations, such as the Michigan Chemical Council, may be able to assist.

Q. How can we get the elected officials interested in getting the LEPC active?

A. The MSP/EMHSD is available to discuss the requirements of the law, either individually or through a public officials' conference. The MCCERCC members may also assist with direct contact based on request. Local emergency management coordinators are appointed by the chief executive and should be instrumental in convincing public officials of the importance of the LEPC. Often, citizen groups and the news media provide a good motivating factor.

Q. How should the vulnerability zone be calculated around the facility?

A. The LEPC should consult with first responders to determine the best way to calculate the vulnerable zone. Several methods exist using the Emergency Response Guidebook (ERG), CAMEO, or ALOHA. This decision should be made to assure first responders have access to the information.

Q. Is there funding available for LEPC activities?

A. There is some funding available through the Hazardous Materials Emergency Preparedness (HMEP) grant program from the U.S. Department of Transportation. It is administered by the MSP/EMHSD and is available to LEPCs who apply for the funding.

Q. There are 302 sites on the EGLE list in my jurisdiction that should not be on the list. What should I do?

A. See Chapter Six for procedures.

Q. How long does an LEPC have to maintain records that are presented at an LEPC Meeting?

A. All records that are physically presented at an LEPC Meeting must be maintained permanently, they can be scanned and maintained digitally; the physical copy does not have to be kept.

CHAPTER THIRTEEN

References and Sources of Additional Information

ORGANIZATIONS

Department of Environment Great Lakes and Energy, Michigan SARA Title III Program: Provides information on Title III reporting requirements; receives and processes all reports submitted pursuant to SARA Title III; maintains historical database of Title III reports; provides workshops and training for facilities, LEPCs, and responders; responsible for enforcement of Title III regulations in cooperation with EPA.

Contact Information:

Michigan Department of Environment Great Lakes and Energy 525 West Allegan Street

Lansing, Michigan 48929

Website: www.michigan.gov/SARA

Email: EGLE-SARA@michigan.gov

Phone: 517-284-7272

Michigan State Police, Emergency Management and Homeland Security: Oversees local emergency management programs; provides direct assistance to local government via district coordinators located across the state; reviews Hazmat plans; provides Hazmat planning services; provides training for first responders, local emergency managers, public officials, and members of volunteer organizations on all phases of emergency management.

Contact Information:

Michigan State Police

Emergency Management and Homeland Security Division

7150 Harris Drive

Dimondale, Michigan 48821

Website: <https://www.michigan.gov/msp/divisions/emhsd/programs-and-publications/michigan-citizen-community-emergency-response-coordinating-council-mccercc.michigan.gov/MCCERCC>

Email: MSP-EMHSD@michigan.gov

Phone: 517-284-3745

Environmental Protection Agency (EPA): Responsible for Title III at the federal level; available for CAMEO training; enforcement of Title III regulations; making policy decisions; responding to inland spills when beyond state and local capability; co-chair of the federal Regional Response Team.

Contact Information:

Region V EPA (Chicago):

Chemical Emergency Preparedness and Prevention Section (CEPPS)

Mail code SC-6J

77 West Jackson Boulevard

Chicago, Illinois 60604

Fax: 312-886-6064

Phone: 312-353-9045

Michigan Chemistry Council: Available to assist in identifying facilities and facility coordinators.

Contact: 517-372-8898

Michigan Firefighters Training Council: Establishes firefighting training standards, courses, and curriculum development, training program delivery, and professional certification; offers field delivery of the first two levels of Hazmat first responder courses.

Contact: 517-373-7981

The Bureau of Fire Services within the Department of Licensing and Regulatory Affairs: Provides information on firefighter right-to-know planning and fire department and other organization's safety regulations.

Contact: 517-241-8847

Michigan Railroads Association: Available to assist in identifying the rail carrier and/or commodities being transported on a specific line.

Contact: 517-482-9413

Michigan Trucking Association: Available to assist in identifying major trucking firms operating in the community.

Contact: 517-321-1951

National Response Center: Responsible for receiving reports of Hazmat spills; available for technical advice.

Contact: 1-800-424-8802

APPENDIX A

Glossary

The following are terms referenced in this document that may need further explanation:

Annex – A section of the Emergency Operations Plan that provides detail on how particular tasks identified in the basic plan will be accomplished.

Appendix – A supporting section attached to each annex in an Emergency Operations Plan. The appendices provide detail on a hazard-specific basis.

Basic Plan – The basic plan is the first part of the Emergency Operations Plan that provides a summary of how the jurisdiction operates during an emergency or disaster. It is the foundation of the plan and has various supporting annexes.

Command Post – A base of operations established by the incident commander of the local fire department at the site of a hazardous materials incident.

Community Emergency Coordinator – The person appointed by the Local Emergency Planning Committee (LEPC), pursuant to SARA Title III, who makes determinations necessary to implement plans and who receives emergency notification of releases.

Emergency Management Act – An act to provide for mitigation, preparedness, response, and recovery from natural and human-made disasters within the state of Michigan. Public Act 390 of 1976, as amended.

Emergency Management Coordinator – The person appointed in each county and some municipalities pursuant to Public Act 390 of 1976, as amended, to coordinate all-hazard mitigation, preparedness, response, and recovery services within the jurisdiction.

Emergency Operations Center (EOC) – The pre-designated facility, established by the emergency management coordinator, from which government officials coordinate emergency response.

Emergency Operations Plan (EOP) – The all-hazard plan developed and maintained by an emergency management program for the purpose of organizing and coordinating the community's emergency or disaster response. An EOP usually consists of a basic plan and various supporting annexes and appendices.

Emergency Planning District – The geographic area designated by the Michigan Citizen-Community Emergency Response Coordinating Council as the area in which plans must be developed for response to a hazardous materials incident. In Michigan, each county has been designated as a district, and municipalities over 10,000 may petition the MCCERCC to be designated as a district. There are 87 districts designated in Michigan.

Emergency Response Plan – As referenced in SARA Title III, “Emergency Response Plan” means the document developed by an LEPC which includes the requirements referenced in Section 303 (see Chapter 1 of this book for a summary).

Emergency Action Guidelines (EAG) – See Emergency Operations Plan above.

Extremely Hazardous Substance (EHS) – A substance contained within the list of 355 substances published in 40 CFR Part 355 Appendix A pursuant to Section 302 of SARA Title III.

Facility Emergency Coordinator – The facility representative for each facility subject to Section 302 of SARA Title III (having an EHS in an amount exceeding its threshold planning quantity), who participates with the LEPC in the emergency planning process for that site.

HAZWOPER – Hazardous Waste Operations and Emergency Response rule requires the fire chief to provide necessary training to firefighters to develop emergency response plans for each facility within their jurisdiction that handles hazardous substances above certain thresholds.

Incident Command System (ICS) – The combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure with responsibility for management of assigned resources to effectively accomplish stated objectives at the scene of an incident. According to HAZWOPER, all Hazmat incidents must be managed by an incident command system. Several models are available.

Incident Commander (IC) – The individual (normally the ranking fire officer on scene) responsible for the management and coordination of all hazardous materials incident operations.

Local Emergency Planning Committee (LEPC) – The committee appointed by the Michigan Citizen-Community Emergency Response Coordinating Council, as required by Title III of SARA, to perform local emergency planning and community right-to-know activities. Committees are appointed in each emergency planning district in the state and are required to have representation from a variety of groups.

Michigan Emergency Management Plan (MEMP) – The all-hazard plan for State of Michigan government operations developed pursuant to Public Act 390 of 1976, as amended, for the purpose of coordinating the emergency management activities of mitigation, preparedness, response and recovery within the state.

Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC) – The MCCERCC appointed by the Governor pursuant to SARA Title III to carry out the emergency planning and community right-to-know activities in the state of Michigan, as authorized. Otherwise known as the MCCERCC and previously known as the State Emergency Response Commission (SERC).

Michigan Hazardous Waste Operations and Emergency Response (HAZWOPER) – State safety and health standards promulgated for hazardous waste operators and emergency response personnel by the MIOSHA as originally authorized in SARA Title I. The Michigan standard mirrors the federal law, known as 29 CFR 1910.120 final rule. The Michigan rule is Michigan Occupational Health Rule 325.5210.

MIOSHA – Michigan Occupational Safety and Health Administration. Responsible for developing and enforcing state standards for occupational safety and health.

Off-Site Standard Operating Procedure – Standard Operating Procedure (SOP) developed by an LEPC to respond to an emergency incident at a designated facility.

Resource Manual – A manual compiled by the emergency management coordinator and local government that lists sources of resources (personnel, equipment, etc.) which can be accessed by the emergency response community in the event of an emergency incident. A supporting document to the Emergency Operations Plan and the off-site standard operating procedures for fixed sites.

Safety Data Sheet (SDS) – A document that includes the description of a material, including the manufacturer's name, the chemical's synonym, trade name, chemical family, hazardous ingredients, physical data, fire and explosion hazard data, health hazard data, reactivity data, spill or leak procedures, special protection information, and special precautions about that material required by OSHA regulations. SDSs must be available for hazardous materials.

SARA – Superfund Amendments and Reauthorization Act of 1986. Title I deals with health and safety issues for hazardous waste workers and emergency response personnel. Title III deals with emergency planning and community right-to-know provisions. Also known as the Emergency Planning and Community Right-to-Know Act (EPCRA).

SARA Title III, Section 302 active site list – Official list of facilities subject to SARA Title III, Section 302 (having an extremely hazardous substance in an amount equal to or exceeding its TPQ) maintained by the Michigan SARA Title III Program.

Site Plan – A detailed plan of action for employees that is unique to a specific site to be implemented during an emergency or disaster situation. Written and coordinated with the local government off-site standard operating procedures.

Standard Operating Procedures (SOP) – Detailed procedures that are unique to a specific emergency or disaster situation or those that are written by a specific department or agency to detail the tasks assigned in an Emergency Operations Plan.

State Emergency Response Commission (SERC) – See Michigan Citizen-Community Emergency Response Coordinating Council above.

Superfund Amendments and Reauthorization Act – See SARA above.

Technically Qualified Individual (EPA Definition) - "a person or persons (1) who, because of education, training, or experience, or a combination of these factors, is capable of understanding the health and environmental risks associated with the chemical substance which is used under his or her supervision, (2) who is responsible for enforcing appropriate methods of conducting scientific experimentation, analysis, or chemical research to minimize such risks, and (3) who is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substance as may be appropriate or required within the scope of conducting a research and development activity.

Title III – The Emergency Planning and Community Right-to-Know Act of 1986 which specifies requirements for organizing the planning and community right-to-know process at the state and local level. See SARA above.

APPENDIX B

SARA Title III, Off-Site Community Emergency Response Plan Template continued on the next page.

Superfund Amendments and Reauthorization Act (SARA) Title III Emergency Response Plan Submittal Sheet

The off-site response plan, the SARA Title III Emergency Response Plan Submittal Sheet, and the completed SARA

Title III Emergency Response Plan Completion Sheet must be submitted to the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) District Coordinator to begin the review process. Each plan must have a separate submittal sheet.

Note: Plans will NOT be returned to the Local Emergency Planning Committee (LEPC).

Use this form for **new plans** only, not for review.

LEPC Name		Facility Name	
Street Address	City	State	Zip Code
SARA ID Number from Department of Environment, Great Lakes, and Energy 302 List			
<p>NOTE: Plans submitted without a SARA ID Number will be returned by MSP/EMHSD. No exceptions will be made; the LEPC must obtain the facility number from the Department of Environment, Great Lakes, and Energy before submitting the plan to the MSP/EMHSD.</p>			
Local Emergency Management Coordinator			
This off-site response plan for the facility indicated is hereby submitted. The information contained within is consistent with the policy or policies contained by the jurisdiction's Emergency Operations Plan/Emergency Action Guidelines (EOP/EAG).			
Local Emergency Management Coordinator Signature		Signature Date	

The coordinator and the plan must be applicable to the emergency management program area in which the site is located.

MSP/EMHSD District Coordinator	
<input type="checkbox"/>	References in this plan and submittal sheet to information located in the Local Emergency Management Office EOP or EAG are accurate.
<input type="checkbox"/>	References to fire department identifies the fire department by name.
MSP/EMHSD District Coordinator Signature	
Signature Date	
MSP/EMHSD Planner	
The Michigan State Police, Emergency Management and Homeland Security Division finds this work product acceptable under SARA Title III planning requirements and eligible for Hazardous Material Emergency Planning grant funding (if applicable).	
MSP/EMHSD Planner Signature	
Signature Date	

SARA TITLE III Required Plan Provisions 42 United States Code (USC) § 11003

Subsection c:

1. Identification of facilities subject to the requirements of 42 USC § 11001-11005 that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in 42 USC § 11002(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of 42 USC § 11001-11005, such as hospitals or natural gas facilities.
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.
3. Designation of a community emergency coordinator and facility emergency coordinators who shall make determinations necessary to implement the plan.
4. Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public that a release has occurred (consistent with the emergency notification requirements of 42 USC § 11004).
5. Methods for determining the occurrence of a release, and the area or population likely to be affected by such a release.
6. A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of 42 USC § 11001-11005, and an identification of the persons responsible for such equipment and facilities.
7. Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
8. Training programs, including schedules for training of local emergency response and medical personnel.
9. Methods and schedules for exercising the emergency plan.

Review by the State Emergency Response Commission: After completion of an emergency plan under the guidelines established in 42 USC § 11003, Subsection c(1) for an emergency planning district, the LEPC shall submit a copy of the plan to the State Emergency Response Commission of each state in which such district is located. The commission shall review the plan and make recommendations to the LEPC on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

Michigan SARA Title III Program Off-Site Emergency Response Completion Sheet

This form is to be completed by the Local Emergency Planning Committee (LEPC) and attached to each plan.

LEPC Name	Date
-----------	------

Does this site contain a SARA Title III Section 302 (42 USC § 11002) Extremely Hazardous Substance (EHS)?

Yes **No**

If **Yes**, please name the EHS(s):

Facility Name: _____

Physical Address of Facility: _____

Latitude and Longitude: _____

All plans **must** include or reference information to address each of the following topics:

Items 1 through 10 **must** be included in this document and not only referenced from another source.

Fire departments where information is located **must** be identified by name.

Check the appropriate box for each item listed below for the location of where the information may be found.

	Subject Areas to be Addressed	Fire Department (provide name of responsible department at right)	Found in EOP/EAG	Included in Hazmat Response Plan	Other: Specify EOP/EAG/Hazmat plan page number or fire department name
1	Identifies the facility emergency coordinator and emergency telephone numbers.	NA	NA	<input type="checkbox"/>	
2	Provides an inventory of extremely hazardous substances at the facility.	NA	NA	<input type="checkbox"/>	
3	Includes an inventory of other chemicals.	NA	NA	<input type="checkbox"/>	
4	Identifies route which extremely hazardous substances are transported to and/or from the facility.	NA	NA	<input type="checkbox"/>	
5	Describes the facilities procedures to be followed once a release has been detected.	NA	NA	<input type="checkbox"/>	
6	Includes procedures for a timely notification of a release by the owner/operator to the local emergency management coordinator and government agencies.	NA	NA	<input type="checkbox"/>	
7	Identifies the method used to determine the population likely to be affected by a release and identify the area affected.	NA	NA	<input type="checkbox"/>	

Subject Areas to be Addressed		Fire Department (provide name of responsible department at right)	Found in EOP/EAG	Included in Hazmat Response Plan	Other: Specify EOP/EAG/Hazmat plan page number or fire department name
8	Identifies facilities with special populations, such as: hospitals, schools, and nursing homes, and identify facilities that may contribute to or are subject to additional risk due to their proximity to the facility.	NA	NA	NA	
9	Identifies provisions for evacuation routes, including alternative routes out of the vulnerable zone if evacuation becomes necessary.	NA	NA	<input type="checkbox"/>	
10	Identifies the hazardous materials expertise and emergency response equipment of the FACILITY and identifies how the equipment is maintained.	NA	NA	<input type="checkbox"/>	
11	A statement or procedure on how Mutual Aid will be activated and/or the adjoining LEPC will be contacted if needed. Please include the responding LEPC or first responder's jurisdiction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12	A statement or procedure that describes how population protection decisions will be made and implemented for accidental chemical release.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13	A statement or procedure that describes the community's medical response actions in the event of an accidental chemical release in the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14	A list of the known SARA Title III, Section 302 (42 USC 11002) HAZMAT sites in the LEPC's geographical area of jurisdiction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15	A list of persons/organizations to contact for assistance (railroads, EGLE, DNR, Drain Commissioners, road commissions, airports, health departments, police/sheriff, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16	A description of the community's HAZMAT response procedures and equipment and who maintains the equipment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17	A description of the community's HAZMAT responder training schedule.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18	A description of the community's exercise schedule for HAZMAT sites and the method(s) used for exercising.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

RECOMMENDED ITEMS: The following items are **NOT** required to be included. However, their inclusion is **highly** recommended.

	Subject Areas to be Addressed	Fire Department (provide name of responsible department at right)	Found in EOP/EAG	Included in Hazmat Response Plan	Other: Specify EOP/EAG/Hazmat plan page number or fire department name
1	Provides a facility location map.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Provides a site layout map indicating a chemical's physical location in the facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Establishes access control procedures and maps the access control points and traffic rerouting within the vulnerable zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Provides contact names and phone numbers for populations of concern (schools, hospitals, shopping centers, factories).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	Identifies shelters in the event an evacuation is needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6	Identifies where chemical specific toxicology information can be found.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SARA Title III, Off-site Community Emergency Response Plan Template

This plan template is intended for LEPC use. This template includes information that is not required under SARA Title III Required Plan Provisions 42 USC 11003, part C. Please refer to the Plan Submittal Sheet (EMD-076) for the list of required and optional information. This template is intended to establish a baseline plan that may be utilized by any LEPC and is customizable to each LEPC's specific needs. All elements in this template not required under SARA Title III are denoted with "optional" after the heading title.

Quick Reference Table of Contents

Facility Information.....

Authorizing Signatures (optional).....

Dates of Completion, Update, and Exercising.....

EHS Chemical(s) On-Site

Other Chemicals of Concern

Chemical Specific Toxicological and Response Information.....

Facility Floor Plan/ Schematic (optional)

Facility and Emergency Response Maps (3 pages)

Vulnerable Zone Calculation.....

Access Control.....

Evacuation Routes.....

Other Facilities of Concern

Mass Sheltering (optional)

Access and Functional Needs Populations (optional).....

Other Areas of Concern (optional)

Emergency Release Notification, SARA Title III

Notification HAZMAT Incident Notification Message Form.....

County Resources Available

Facility Resources Available

Mutual Aid Agreements (optional)

HAZMAT Training and Exercising.....

Site Photographs (optional).....

Facility Information

Facility Name:

SARA ID Number:

Facility Address:

Township Section:

Fire District:

Law Enforcement:

Cross Streets: ,

Global Positioning System (GPS) Coordinates: ,

Facility 24 Hour Emergency Contact Person:

Facility 24 Hour Emergency Contact Phone Number:

Local Emergency Planning Committee (LEPC) Name:

LEPC Contact Phone Number:

Michigan Department of Environmental Quality [PEAS Hotline](#): 1-800-292-4706

United States Coast Guard, [National Response Center](#): 1-800-424-8802

Authorizing Signatures (optional)

LEPC Chairperson:

Local Emergency Manager:

Responding Fire Department Designated Official:

Facility Emergency Coordinator:

Dates of Completion, Update, and Exercising

Date created:

Date last modified:

Date plan was last exercised:

Comments:

EHS Chemical(s) On-Site

EHS chemicals are those found on the Environmental Protection Agencies (EPA) List of Lists. The EPA List of Lists may be found [here](#).

Comments:

Chemical Name	Container Type	Storage Location	Months on Hand	Maximum Amount in Pounds	Largest Container	Emergency Response Guide Number

Other Chemicals of Concern

Other hazardous chemicals that are on site, in storage and in process, at any time, that are not listed on the EPA's List of List's.

Comments:

Chemical Name	Container Type	Storage Location	Months on Hand	Maximum Amount in Pounds	Largest Container	Emergency Response Guide Number

Chemical Specific Toxicological and Response Information

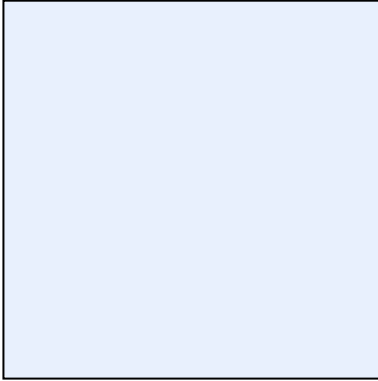
Chemical specific toxicological information such as health risks, environmental risks, and general characteristics (vapors, heavier than air, flammable, etc.) is available through [CHEMTREC](#) 1-800-424-9300 (for emergencies only). Information on the EHS chemicals in this plan are included on page .

Comments:

Facility Floor Plan/ Schematic (optional)

Does this facility utilize a fire suppression system? Yes No

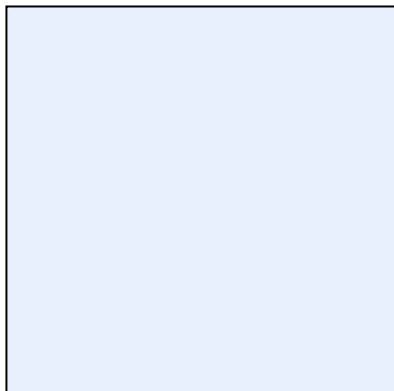
Insert map of the facility floor plan or schematic here:



Comments:

Facility and Emergency Response Maps (3 pages)

Insert map of the facility with transportation route of EHS chemical(s) to facility here:

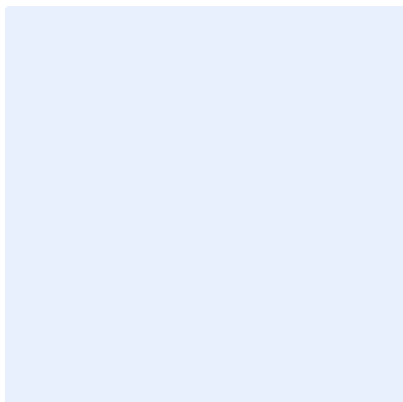


Comments:

Vulnerable Zone Calculations

Insert map of the vulnerable zone, access control points, and evacuation routes here

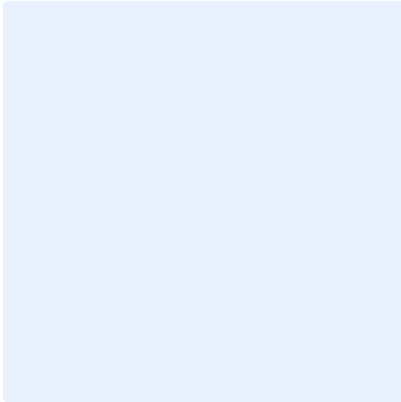
Comments:



Nearby Facilities of Concern

Insert map of other nearby facilities of concern here

Comments:



Vulnerable Zone Calculation

The vulnerable zone for Click here to enter text. was determined by using (CAMEO, ERG Guidebook). The vulnerable zone has been identified as Click here to enter text. miles in all directions.

After learning the scope of the incident, the Incident Commander should determine what the appropriate evacuation and/or shelter in place distance should be based on size of spill, tank or container size, wind direction, time of day, and atmospheric conditions.

Comments:

Access Control

Access control points will be established at key intersections to prohibit entry into the vulnerable zone. Access control and security will be coordinated by local law enforcement, fire personnel, and emergency management personnel.

Comments:

Road Name	Intersecting Road Name	Access Control Point Contact Person(s)	Contact Telephone Number
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Evacuation Routes

Evacuation routes should be pre-established in case the event should expand.

Comments:

Other Facilities of Concern

Other facilities may be nearby and store or manufacture hazardous substances, which may be affected by a release from this site. There are Click here to enter text. number of facilities within the vulnerable zone of this site.

Comments:

Facility Name	Facility Address	Contact Person(s)	Contact Telephone Number
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Access and Functional Needs Populations (optional)

The following facilities fall within the vulnerable zone and will be notified if an incident occurs. (Access and Functional Needs populations include: schools, nursing homes, hospitals, churches, day care facilities.)

Comments:

Facility Name	Facility Contact Person(s)	Contact Telephone Number
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

Other Areas of Concern (optional)

Other areas, structures, natural features may be vulnerable to a release at this site. Document any additional areas of concern here.

Comments:

Type of Concern	Location
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Sheltering Information (optional)

In the event mass evacuation is required, the following shelter locations have been pre-determined.

Emergency Release Notification, SARA Title III

Emergency release reporting is required for the release of a reportable quantity of any EHS or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance that results in potential exposure to persons outside the site boundaries. Certain information is to be reported, without delay, to the extent the information is known at the time. A written follow-up report on the release, its effects, and response actions must be sent as soon as is practicable after a release. The Hazardous Materials (HAZMAT) Incident Notification Message Form within this Section meets the requirements of initial release reporting. This notification format is the same as the Law Enforcement Information Network (LEIN). This form should be used by the facility and government agencies.

Notify Immediately

Telephone Number

Local Government (Police, Fire, EMS):

911

Local Emergency Planning Committee:

State Emergency Response Commission (MCCERCC)

Via [MEGLE PEAS Hotline](#):

1-800-292-4706

[National Response Center](#):

1-800-424-8802

[Agricultural Spills](#):

1-800-405-0101

Other Phone Numbers (railroads, Michigan Department of Environmental Quality (MEGLE), Michigan Department of Natural Resources (MDNR), Drain Commissioner, airports):

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Comments:

Notification HAZMAT Incident Notification Message Form (LEIN: ACCCHEMICAL)

A more detailed incident notification procedure may be found [here](#).

Line 1 - Date: Click here to enter a date. Reporting Time: hrs.

Line 2 - Reported By: Telephone:

Line 3 - Time of Incident: Hrs. Initial Report Follow-Up

Line 4 - Incident Description:

Line 6 - Transportation Fixed Site

Line 7 - Facility or Carrier Involved:

Line 8 - Facility/Carrier Contact:

Line 9 - Address of Incident:

Line 10 - City or Township:

Line 11 - Spill Leak Fire Explosion Other:

Line 12 - Released into: Air Water Ground

Line 13 - Class: Minor Alert Site Area Emergency Community Emergency

Line 14 - Incident status: Escalating Stable De-Escalating Terminated

Line 15 - Protective Action Recommendation: In-Place Shelter Evacuation None

Line 16 - Protective Action Status: In-Place Shelter Evacuation None

Line 17 - Number of Injuries: Number of Deaths:

Line 18 - Material Name:

Line 19 - Liquid Gas Solid

Line 20 - Extremely Hazardous Substances: Yes No Unknown

Line 21 - Amount of Material Released:

Line 22 - Duration of Release:

Line 23 - Total Amount Which Could Be Released:

Line 24 - Other Chemicals or Incompatibles Involved:

Line 25 - Health risks and Precautions:

Line 27 - Emergency Medical Treatment Recommended:

Line 29 - Wind Direction (from): (i.e. N, NW) Wind Speed: MPH

Line 30 - Air Temp (F): Clear Partly Cloudy Overcast

Line 31 - Area of Release: Rural Residential Commercial

Line 32 - Industrial Open Water

Line 33 - Release Impact - Number of Persons Affected:

Line 34 - Special Populations of Concern: Schools Rest Homes Hospitals

Line 35 - Shopping Centers Jails Other:

Line 36 - Response Status (list jurisdictions responding: PD, FD, HAZMAT team, etc.):

Line 38 - Investigating Agency: Telephone:

EMD-076A (08/2022) Michigan State Police

Line 39 - Local Fire Department/Police Department Facility or Carrier

Line 40 - Local Emergency Management Coordination Local Health Department Michigan State Police District Coordinator

Michigan Department of Environmental Quality PEAS Hotline National Response Center

Local HAZMAT Resources Available

List HAZMAT resources available at the city/county level to respond to the facility when needed.

Comments:

Chemical Emergency Monitoring Equipment	Quantity	Notes
Weather instrument(s)		
PH meters (fixed/portable)		
Combustible gas indicator		
Colormetric indicator tubes		
Radiation detector		
Chlorine kits (A, B, C)		
Heat detector (thermal imaging)		
Oxygen concentration meter		
Other monitoring equipment		
Personal Protective Equipment	Quantity	Notes
Positive pressure respirator		
SCBA		
SCBA tanks (Duration)		
Mobile cascade		
Cascade with compressor		
Fully encapsulated suits (type)		
Full protective turnout gear		
Boots and gloves		
Helmets with gloves		
Trained Emergency Response Personnel	Quantity	Notes
First responder awareness		
First responder operations		
Specialist/ technician		
Incident Commander/ IC System		
Other HAZMAT trained [personnel		
Equipment and Supplies	Quantity	Notes
Foam AFFF		
Foam Class A		
Sand		
Pumper		
Ladder truck		
Tanker		
Rescue Squad		
Off-road vehicles		
Communications vehicles		
Multi-purpose vehicles		
Portable radios		
Pagers		

Facility Resources Available

List resources available at the facility to respond to an event when needed.

Comments:

Chemical Emergency Monitoring Equipment	Quantity	Notes
Weather instrument(s)		
PH meters (fixed/portable)		
Combustible gas indicator		
Colormetric indicator tubes		
Radiation detector		
Chlorine kits (A, B, C)		
Heat detector (thermal imaging)		
Oxygen concentration meter		
Other monitoring equipment		
Personal Protective Equipment	Quantity	Notes
Positive pressure respirator		
SCBA		
SCBA tanks (Duration)		
Mobile cascade		
Cascade with compressor		
Fully encapsulated suits (type)		
Full protective turnout gear		
Boots and gloves		
Helmets with gloves		
Trained Emergency Response Personnel	Quantity	Notes
First responder awareness		
First responder operations		
Specialist/ technician		
Incident Commander/ IC System		
Other HAZMAT trained [personnel		
Equipment and Supplies	Quantity	Notes
Foam AFFF		
Foam Class A		
Sand		
Pumper		
Ladder truck		
Tanker		
Rescue Squad		
Off-road vehicles		
Communications vehicles		
Multi-purpose vehicles		
Portable radios		
Pagers		

HAZMAT Training and Exercising

Include a brief description of the city/county first responder HAZMAT training schedule and a description of the community's exercise schedule for HAZMAT sites. If available, include a description of the community's HAZMAT responder levels of training including: FRA/FRO/HAZMAT Technician, HAZMAT Specialist.

Comments:

Mutual Aid Agreements (MAA) (optional)

MAA or Memorandum of Understanding (MOU) may be pre-established with neighboring jurisdictions or contractors in the event a hazardous materials incident's scope exceeds local response capabilities.

Comments:

List any MAA or MOU here:

Site Photographs (optional)

Comments:

Sample Emergency Planning and Community Right-to-Know Record Retention for Local Emergency Planning Committees in Michigan

The following table is a sample retention schedule for records related to the Emergency Planning and Community Right to Know Act (EPCRA). EPCRA does not have a provision regarding records retention. A Local Emergency Planning Committee may choose to implement a retention schedule like this sample but is in no way obligated to follow this example. This sample does not, and is not intended to, constitute legal advice; Local Emergency Planning Committees should consult appropriate legal counsel for their jurisdictions' official records retention policies.

Type of Information or Documents	Description	Recommended Record Retention
Tier II Reports containing only Hazardous Materials chemical inventories	Annual Tier II Reports (312 Reports) and Update or Initial Reports (311 Reports)	1-year of retention
Tier II Reports containing Extremely Hazardous Substances above prescribed Thresholds in EPA's List of List (Tier II Reports subject to 302)	Annual Tier II Reports (312 Reports containing Extremely Hazardous Substances) and Update or Initial Reports (311 Reports with Extremely Hazardous Substances)	1-year of retention
EPCRA Release Reporting Information	Releases that provision under 304 of SARA Title III (release of CERCLA and Extremely Hazardous Substances)	5-years of retention or Retention of records for the lifetime of the facility. EPA audits the last 5-years of Tier II Reports and relevant EPCRA documentation.
EPCRA Facility Emergency Management Plans	Emergency Management Plans required by EPCRA for facilities storing Extremely Hazardous Substances above prescribed Thresholds in EPA's List of List	Retention of records for the lifetime of the facility. EPA audits the last 5-years of Tier II Reports and relevant EPCRA documentation

All other EPCRA Information
(excluding Tier II Reports)

Correspondence, email, etc.

1-year of retention

Appendix D

Sample LEPC By-Laws

Some LEPCs are established by county, city or parish. Others are established as political subdivisions. Tribes that do not have TEPCs established may join neighboring LEPCs.

EPCRA Section 303(c) requires LEPCs and TEPCs to appoint a chairperson and establish rules by which the committee shall function. These by-laws may meet this requirement.

The following is a sample of by-laws developed by LEPCs in various states, which LEPCs and TEPCs may adopt if they do not have any.

BY-LAWS OF THE _____ COUNTY/PARISH OR DISTRICT LEPC

Article I

This organization shall be known as the _____ (Regional, County, Tribal) LEPC.

Article II

The purposes of the LEPC are those set out in EPCRA and any other lawful purposes which are assigned to it or permitted by the county and/or the SERC. In keeping with the intent of EPCRA, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 EPCRA. The LEPC shall, in addition:

- Receive and process public requests for information.
- Notify the public of all LEPC meetings or activities.
- With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis;
- Establish and maintain a data base of hazardous chemical locations and quantities in the district;
- Establish and maintain a system of data management;
- Maintain information on **ALL** facilities which manufacture, or store, EHSs, and include

this information within the response and plan.

The LEPC will establish, and notify the public, all meetings, including sub-committee meetings, open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State, or the County Judge/Parish President. The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan.

The LEPC shall be instrumental in fulfilling the purpose of EPCRA to increase community protection from exposure to chemicals produced, used, stored and/or transported within the District. Transportation analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

Article III

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of EPCRA. This includes equal representation of elected state and local officials; law enforcement, emergency management, 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 or operators of local facilities.

The members will be nominated by County / Parish officials and will be approved by the SERC. Members shall be residents or conduct business in the jurisdictional area of the LEPC. The membership of the LEPC shall consist of OFFICERS and a Staff. The officers shall consist of a Chair, a Vice-Chair, an Information Coordinator, and a Secretary-Treasurer. The LEPC staff members may be either salaried or volunteer personnel. Most LEPC's does not have a pay salaried for the staff.

Terms of Membership

The County/Parish officials may request the SERC appoint members for specific terms of office, or the membership of the LEPC may select their officers by ballot or voice vote at a preselected vote event.

Terms of Office

Membership of an LEPC may select the terms of office to be either one or two years. Existing officers may be reelected to their existing offices if they so indicate a willingness to continue.

The Chair

The Chair shall preside at all meetings of the LEPC unless they cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation by the existing Chair. The Chair shall serve as an ex-officio member of all committees and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chair

shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

The Vice-Chair

Upon resignation, or death, or advice of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform other duties assigned by the Chair.

The Secretary-Treasurer

The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents, and other property of the LEPC.

The Secretary-Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

The Information Coordinator

The LEPC will appoint an Information Coordinator. This person will process requests from the public for information under Section 324, including Tier Two information under Section 312.

The Coordinator will assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator will be a non-voting member of LEPC committees.

Inactive Members

Appointed members shall be considered inactive when they have missed more than _____ consecutive Committee meetings without notification to the Chair of significant reasons why they were unable to attend the meetings.

An annual report listing members declared inactive will be provided to the SERC.

Removal of Members

The LEPC may ask the SERC to remove a member.

Vacancies

Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification will be filled by appointment of the Chair, or by identification of a qualified replacement and nominated, by vote of the membership to fill the position in which such a vacancy exists.

The LEPC Secretary shall submit that person's name, with the recommendation the person serve the balance of the unexpired term, to the County (Tribal) Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

Article IV

Section 1. Executive Committee.

The Executive Committee will consist of Chair, Vice-Chair, Secretary-Treasurer, and Chairs of the four Standing Committees described in Section 2. The Information Coordinator shall serve as a non-voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

Section 2. Standing Committees.

The following Standing Committees shall be established:

a) Right-To-Know Committee.

This Committee shall be responsible for the formulation of procedures concerning the public's Right-To-Know program; the formulation of release reporting procedures; the establishment of trade secret protection procedures, and the formulation of record keeping and information dissemination procedures for the LEPC.

b) Public Education and Information Committee.

This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

c) Hazardous Materials Facilities Liaison Committee.

This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.

d) Emergency Response and Resources Committee.

This committee will work with the Hazardous Facilities Liaison Committee and with exist emergency response organizations in jurisdictions with the planning district to review and help local emergency management offices(s) test a hazardous substance emergency response plan for the planning district as required by law. This Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

Section 3. Ad Hoc Committees.

The Chair may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairs of Ad Hoc Committees shall be appointed by the Chair of the LEPC.

Section 4. Chair of the Standing Committees.

The Chair of the Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except when there is only one nomination for

each office, election may be by voice vote.

Section 5. Membership in Standing Committees.

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

Section 6. Meetings.

Meetings of the Standing and Ad Hoc Committees may be called by the Chair of the LEPC or the Chair of the Committee as deemed necessary. All meetings are open to the public.

LEPC meetings in large areas are held monthly. Some states with low population areas have opted to hold meetings based upon population of their counties or districts.

a) *Regular meetings.*

The committee shall meet at least quarterly.

b) *Special meetings.*

The Chair may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of at least 3 members, the Chair shall call a meeting with ten (10) days.

c) *Hearings.*

The LEPC shall hold such public hearings or forums as it may deem necessary, at such time and places as may be determined by a Committee majority vote.

At least one such public hearing, or forum, shall be held each year for the purpose of discussing the Committee's emergency plan with the public, receive and respond to the public comments of the presented plan.

Section 7. Quorum.

A quorum shall consist of a majority of Committee members, excluding those members declared to be inactive. A quorum shall be required to transact business.

Designated representatives must be identified by the primary committee member to the information coordinator or any other board member prior to the meeting.

An individual may not be the designated representative for more than one primary board member at a time.

Section 8. Agenda.

Any member may request the Chair place an item on the meeting agenda. If the Chair should decline to do so, a member may have such item placed on the agenda by submitting it in

writing to the Chair with support signatures of 3 of the membership.

Section 9. Rules of Order.

The deliberations of all meetings of the LEPC and subcommittees shall be governed by Robert's Rules of Order.

Section 10. Notice of Meetings.

Notice of time, date, place of meeting, and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff or Chair; and to the Clerk of _____ County/Parish Board.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County/Parish in accordance with EPCRA. This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

Section 11. Voting.

Each committee member, or designated representative, including the Chair, shall be entitled one vote. No member shall vote by proxy.

Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them.

All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those committee members or designated representatives present at a duly called meeting.

Article V – MISCELLANEOUS PROVISIONS

Section 1. Fiscal year.

The fiscal year shall from October 1 to September 30.

Section 2. Indebtedness.

All indebtedness incurred by the LEPC shall be approved by the Chair before payment by the Secretary-Treasurer.

Section 3. Approval of Bylaws.

These bylaws shall become effective upon approval by a majority by those in attendance at the meeting.

Section 4. Disqualification.

Any member who is unable to attend a meeting may notify the Secretary-Treasurer or Information Coordinator. Any member with five or more absences is subject to disqualification at the request to the SERC.

Article VI – AMENDMENTS

Section 1. Amendments.

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

Article VII – RULES

PCRA requires the LEPC “shall establish rule by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.”

Section 1. Adoption of Rule; Publication of Proposals.

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

Section 2. Method of Initiating Proposed Rule-Making.

Any member of the LEPC may recommend the initiation of proposed rule-making. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC.

If the Executive Committee, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding Section.

Section 3. Method of Adopting Final Rules.

Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any changes to the proposal.

The Committee shall present such statement to the LEPC. The LEPC shall vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption.

Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.

Section 5. Emergency Rules.

In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided no such rule will remain in effect for more than 90 days.

FINAL RULES

Public Access to Information.

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant with EPCRA and any requested Tier Two forms or the MSDS otherwise in possession of the Committee shall be made available to any person submitting a request under this Section.

If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All information request to the photocopied by a member of the public, shall be provided at the sole expense of the requestor(s).

The cost of such reproductions shall be set by the Information Coordinator, with the approval of the Executive Committee, at a level which will enable the LEPC to recover all reasonable expenses associated with the processing of the request.

Requests for MSDSs and Other Non-Confidential Information.

Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the Committees Information Coordinator.

The facility shall provide the MSDS copy with _____ days of the written request. Any person may request any other non-confidential information concerning a facility which may be held by the Committee by submitting a written request to the Committee's Information Coordinator.

Requests for Tier Two Information.

Any person may request Tier Two information with respect to a specific facility by submitting a written request to the committee in accordance with the following requirements:

- a. If the Committee does not have in its possession the Tier Two information as requested, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request, provided the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity.
- b. If the request does not meet the requirements, the Committee may request submission of the Tier Two form from the owner or operator of the facility subject to the request if the request includes a general statement of need.

This Document, the Constitution and By-laws of _____ (County, Regional) LEPC, Adopted at the Regular Meeting of the LEPC on this ____ Day of _____, _____ Year).

LEPC Chair Date Signed