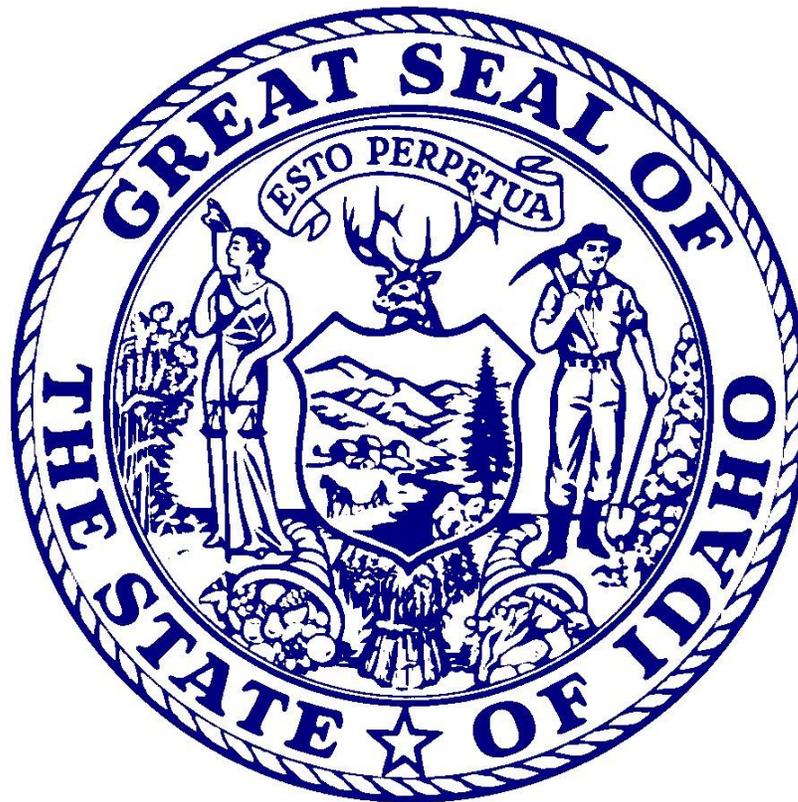


2009

State of Idaho

**Local Emergency Planning Committee
(LEPC)
Handbook**



Idaho Bureau of Homeland Security
4040 W. Guard Street, Bldg. 600
Boise, ID 83705
<http://www.bhs.idaho.gov>

TABLE OF CONTENTS

SECTION I:	Introduction	Page 04
SECTION II:	Local Emergency Planning Committees	
	A. General	Page 05
	B. Primary LEPC Responsibilities	Page 05-06
	C. Additional LEPC Responsibilities	Page 06
	D. LEPC Structure	Page 07
	1. Membership	Page 07
	2. Appointments	Page 07-08
	3. Subcommittees	Page 08-09
	E. By-Laws	Page 10
	F. Meetings	Page 10-11
	G. Administration	Page 11
	1. Maintenance of Records	Page 11
	2. Information Resources	Page 11
	H. Public Inquiries and Awareness	Page 12
	I. Funding LEPC Activities	Page 12-13
	J. Maintain a Healthy LEPC	Page 13
SECTION III:	Reporting Requirements for Facilities with Hazardous Materials	
	A. What Hazardous Materials are Subject to Regulation	Page 14
	B. Hazard Chemical Reporting	
	1. General	Page 14
	2. Hazardous Substance Inventory Reports	
	a. Emergency Preparedness Phase	Page 14
	b. Emergency Response Phase	Page 15
	c. Risk Management (112R)	Page 15
SECTION IV:	Emergency Operations Plan Development	
	A. Minimum Requirements for the Plan	
	1. State Law	Page 16
	2. Federal HAZMAT Planning Requirements	Page 16
	B. Hazard Analysis	Page 17
SECTION V:	Exercising the Plan and Exercise Evaluation	Page 18
	A. Exercise Development Suggestions	Page 18-19
	B. Exercise Design Course, Review of Exercises, Credit	Page 19

TABLE OF CONTENTS (Cont.)

SECTION VI:	Hazmat Response Options	
	A. Local Government Response to Hazardous Substance Incidents	
	1. General	Page 20
	2. Local Response	
	a. Firefighters and Haz Mat Teams	Page 20
	b. LERA's	Page 20
	c. NIMS/ICS	Page 20-21
	d. Hazmat Contractors	Page 22
	B. Reimbursement to Local Governments for Emergency Response to Hazardous Substance Incidents (Cost Recovery)	Page 22
SECTION VII:	LEPC Training and Education Programs	
	A. General	Page 23
	B. Training Program Considerations	Page 23
	C. Organization for Training	Page 23-24
	D. Continued Training & Education Programs	Page 24
	1. Available Training Resources	Page 25
APPENDIX A	Title 42 – Chapter 116 – Emergency Planning and Community Right-to-Know Act (EPCRA)	
APPENDIX B	Title 39 Chapter 71 – Idaho Hazardous Substance Emergency Response Act	
APPENDIX C	Idaho Disaster Preparedness Act of 1975, amended by the Idaho Homeland Security Act of 2006	
APPENDIX D	LEPC Member Nomination Letter	
APPENDIX E	Sample LEPC By-Laws	
APPENDIX F	Guide for Conducting Effective Meetings	
APPENDIX G	How the Idaho Hazardous Materials Incident Command and Response Support Plan Works	
APPENDIX H	Cost Recovery Packet	
APPENDIX I	LEPC Checklist	
APPENDIX J	Idaho Open Meeting Law Manual	

SECTION I: INTRODUCTION

A. History and Background

This handbook is designed for Local Emergency Planning Committees (LEPC's) in Idaho. The LEPC is a product of federal legislation passed after the disaster in Bhopal, India, where thousands of people died because of an accident involving hazardous chemicals. To prevent similar accidents in our communities, in 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III. (See Appendix A) EPCRA establishes requirements for businesses, and for federal, state and local governments regarding emergency planning and community right to know reporting for hazardous chemicals. This helped increase awareness about the presence of chemicals in their communities and releases of these chemicals into the environment. The State of Idaho also enacted the Hazardous Substance Emergency Response Act (Title 39, Chapter 71 Idaho Code) and the Idaho Homeland Security Act of 2006 (Idaho Code §46-1001 et.seq.). As a result, states and communities, working with industry are better able to protect public health and the environment. Congress enacted the EPCRA regulations to benefit communities. The main goals of these laws are to:

1. Provide a basis for each community to develop and tailor a chemical emergency planning and response program to suit their needs. In Idaho, LEPC's are encouraged to address all hazards in concert with the National Response Framework (NRF) and the National Incident Management System (NIMS).
2. Provide the public with a right-to-know attitude to identify the hazardous materials in the community.

Why this handbook?

Federal, state and local agencies, along with industry are cooperating with local communities to make EPCRA and related laws effective. However, the ultimate success rests with the LEPC's. They are the link among citizens, industry, and the government. Because LEPC's are most familiar with the hazards in their communities, and because local citizens are the first responders for emergencies, LEPC's are in the best position to assist local governments in developing plans to respond to emergencies in their jurisdictions. This LEPC handbook, while not a regulation, is a **guide** for LEPC's in their relationship to state and federal agencies. The State of Idaho Emergency Operations Plan, EPCRA and the National Response Framework (NRF) should be used by the LEPC when making decisions regarding hazards in their community. The Federal Register and any other appropriate document can be used to keep informed of any changes that may be made in the future.

SECTION II: LOCAL EMERGENCY PLANNING COMMITTEES (LEPC's)

A. General

The role of LEPC's is to form a partnership with state, local and tribal government, responders, and industry as an enhancement for prevention, preparedness, response and recovery, planning, exercising and training. Local government is responsible for planning and response within their jurisdiction for all hazards. This includes ensuring the local hazard analysis adequately addresses any possible incidents that may occur in your jurisdiction; incorporating planning for those incidents in the local emergency operations plan; assessing capabilities and developing response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

It is necessary to include all the players to ensure the plan is compatible. Every regulated facility is responsible for identifying a facility emergency coordinator; reporting hazmat inventories annually on a Tier II to the LEPC, local fire department, and Bureau of Homeland Security; providing material safety data sheets (MSDS) or a list of hazardous chemicals; allowing local fire departments to conduct on-site inspections of hazmat facilities; and providing to the EPA and the Bureau of Homeland Security an annual report (Toxic Release Inventory) of chemicals released.

LEPC's are crucial to local planning and community right-to-know programs. The membership comes from the local area and is familiar with factors that affect public safety, the environment, and the economy of the community. This expertise is essential as the LEPC is involved in the writing of the local emergency operations plan.

In addition to its formal duties, the LEPC can serve as a focal point in the community for information and discussion about emergency planning, training and exercising. Citizens may expect the LEPC to answer questions about all hazards and risk management actions.

Members of the LEPC represent the various organizations, agencies, departments, facilities and other groups within the jurisdiction. Each member must realize that they represent their organization on the LEPC and that they are responsible for coordinating information and activities from the LEPC to their organization, and for providing accurate feedback from their organization back to the LEPC. The LEPC has many responsibilities, mandates, and deadlines. The membership can organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

B. Primary LEPC Responsibilities

As mentioned in Section 1, EPCRA establishes the LEPC as a forum for discussions, as well as a focus for action in matters pertaining to local hazardous materials planning. In Idaho we encourage all-hazard planning. LEPC's also provide local governments and the public with information about possible hazards in their communities.

The major *legal* responsibilities cited in EPCRA are listed below:

- Shall review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require.
- Shall make available each Material Safety Data Sheet (MSDS), or TIER II Report, inventory form, and follow-up emergency notice to the general public, during normal working hours at a location designated by the LEPC.
- Shall establish procedures for receiving and processing requests from the public for information including Tier II information.
- Shall receive from each subject facility, the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.
- Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities.
- Shall be given follow-up emergency information as soon as practical after a release, which requires the owner/operator to submit a notice.
- Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described.
- Shall, upon written request by any person, make available an MSDS to that person.
- Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form.
- Shall respond to a written request for Tier II information no later than 45 days after the date of receipt of the request.
- May commence a civil action against an owner or operator of a facility for failure to provide information, or for failure to submit Tier II information.

C. Additional LEPC Responsibilities

- Shall appoint a Chairperson, and Information Coordinator, and have rules for:
 - Establishing authority of the LEPC
 - Immunity for LEPC members
 - Notifying the Bureau of Homeland Security of nominations for changes in the LEPC membership. The LEPC shall also notify the BHS of address changes for LEPC Chairpersons.
- Shall evaluate the need for resources necessary to develop, implement, and exercise the emergency operations plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.
- Shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, follow-up release notifications, and inventory forms have been submitted.

D. LEPC Structure

1. Membership

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

- Elected state or local officials
- Emergency Medical Personnel
- Fire Departments
- Health Officials
- Emergency Management
- Law Enforcement
- Community Groups
- Local Environmental Groups
- Broadcast and/or print media
- Hospital personnel
- Owners and operators of covered facilities

A single member may represent more than one of the above groups or organizations. Likewise, more than one member may represent a group. Ideally, members should be interested in emergency programs and community right-to-know activities. If you are not able to get a representative from each of these organizations, do not let that stop you from having meetings. You can provide them with a copy of the minutes, the meeting announcements and agendas, and stay in contact with them.

2. Appointments

The LEPC must appoint a Chairperson and may appoint a Vice-Chairperson and other officers. A term of office should be set, but may vary in length according to the needs of each LEPC. The Chairperson can be any LEPC member. Some LEPC's have chosen political leaders; others have selected chairpersons from Emergency Management, environmental groups, industry or civic organizations. Important factors to consider are the availability, management skills, commitment to the program, and respect from other LEPC members and the community. (See Appendix D for a sample appointment letter)

EPCRA requires the LEPC to appoint an Information Coordinator. The Information Coordinator's job is to process requests from the Public for information under Section 324, including Tier II information under Section 312. The Information Coordinator can also assist other committee members, and may have another position in the LEPC as well.

Positions not required by law, but which have proved useful are: Vice-Chairperson, Secretary/Treasurer, and Chairpersons of standing committees.

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

The Bureau of Homeland Security is responsible for maintaining a listing of LEPC memberships. The BHS provides this information to the public, industry, federal agencies, and other state agencies and states. It is important that your LEPC membership is kept current and the BHS is kept informed of all membership changes.

3. Subcommittees

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process to move forward more quickly, because the LEPC can work on several projects at one time.

The appointment of a subcommittee chairperson may ensure that work progresses efficiently. The number and type of subcommittees that an LEPC creates should depend solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as needed to accomplish initial and on-going tasks. Subcommittee membership does not need to be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the jurisdiction for additional input and enhanced expertise.

In determining the type and number of subcommittees to establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals. For example, LEPC members should try to answer the following questions:

- What are the goals of the LEPC this year?
- Do certain topics require much discussion/research?
- Is it necessary to establish subcommittees?
- Are there enough people, expertise, and leadership among LEPC members to maintain subcommittees?

The LEPC might appoint Subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually.
- Coordinating emergency response capabilities of LEPC member organizations.
- Checking emergency response equipment in the community.
- Identifying financial resources.
- Coordinating with other LEPC's, the Bureau of Homeland Security, and their BHS Area Field Officers.
- Conducting a hazard analysis.
- Managing and providing information for citizens.
- Providing information to facilities.

- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public.

Some subcommittees your LEPC might designate are:

- A Planning Subcommittee, whose responsibilities may include:
 - Developing and assisting in the review of the Emergency Operations Plan.
 - Reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with Extremely Hazardous Substances (EHS's).
 - Reviewing and updating the local Emergency Operations Plan yearly.
- 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 valuable information.
- A Training and Exercising Subcommittee, whose responsibilities may work with your Regional Exercise Coordinator to include:
 - Conducting a training needs assessment.
 - Coordinating training programs.
 - Establishing an exercise schedule.
- Once an assessment has been done by the LEPC and basic subcommittees have been formed, the LEPC may want to create additional subcommittees. Some examples are:
 - An Executive Subcommittee who may do the following:
 - Appoint chairpersons for each subcommittee.
 - Develop long-term goals for your LEPC.
 - Tend to needs of the LEPC members.
 - Review LEPC membership terms and solicit volunteers to fill vacancies.
 - Be familiar with federal, state and local laws that impact the LEPC.
 - Develop a work plan with timetables for the other subcommittees.
 - A Resource Development Subcommittee, whose responsibility may include:
 - Researching the resources in the community for emergency response.
 - Identifying alternative resources that the community may use in time of emergency or disaster.
 - Updating the local resource inventory.
 - Identifying other volunteer or in-kind assistance contributions (private sources such as business, industry, non-profit agencies etc.)
 - An Emergency Response Subcommittee whose responsibilities may include:

- Developing emergency response procedures for local government personnel that may be utilized in emergency response.
- Establishing local Incident Command System and NIMS procedures to strengthen and coordinate local government emergency response.
- A Finance Subcommittee, whose responsibilities may include:
 - Management of the LEPC budget.
 - Examining and recommending the use of funds.
- Business/Industry Outreach subcommittee, whose responsibilities may include:
 - Developing initiatives that will encourage active participation by the commercial businesses and industrial facilities in your community.

Reports on subcommittee activities can be made at the regularly scheduled LEPC meetings.

E. By-Laws

Rules or by-laws for the LEPC should be established as required in EPCRA Section 301. The by-laws may include the following provisions:

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

(See Appendix E for a sample of By-Laws)

F. Meetings

The frequency of LEPC meetings is not mandated. In order to keep the LEPC functioning effectively, regularly scheduled meetings that address local issues and work toward progress on key concerns are important. Circumstances change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC participants to become familiar with each other and their roles in the community. Some LEPC's have their meetings on the same day each month so schedules can be planned in advance. Some have their meetings during the lunch hour and the involved agencies and industry take turns providing lunch during the meeting.

LEPC meetings are open to the State Open Meetings Act Section 67-2342. (See Appendix J) They should follow an organized format such as Robert's Rules, or some other guidelines. A well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed as well as guest speakers. If needed, each agenda item may be assigned a time limit. The key is to follow the agenda and keep the time limits as they are set.

Each committee member should be sent, if possible, a copy of the agenda one to two weeks before the meeting. With this you can also send any pertinent information to allow the participants to prepare for the meeting. Again, the LEPC Chairpersons should determine how requirements under State Meeting rules apply to LEPC meetings.

Posting of meeting dates, times and locations, oral public comments, and recording of meeting minutes may all be subject to State Rules. LEPC's are encouraged to seek topics, speakers, invitations from facilities and response organizations and other opportunities to expand knowledge from a wide variety of sources. Each meeting should have a record keeper that will produce minutes, and a record of all actions. A copy of these minutes should be provided to all the members of the LEPC, and the Bureau of Homeland Security.

Although LEPC's should attempt to have regularly scheduled meetings, it may be beneficial to move meetings to different locations within the county. This will allow participants that may not be able to attend at one place and time the opportunity to attend at another. (See Appendix F for a Guide for Conducting Effective Meetings)

G. Administration

Most LEPC's are challenged with having to administer a program with little or no budget, and no office to work from. Despite this, they are required by law to respond to public inquiries about hazardous materials in their communities within 45 days. Keeping efficient records and using workspace provided by a LEPC member organization can still accomplish this. Some LEPC's co-locate with the emergency management program or a local fire or law enforcement department. This can be a benefit to each organization involved.

1. Maintenance of Records

At a minimum, LEPC's should maintain the following records:

- Copy of Local Emergency Operations Plans.
- Material Safety Data Sheets (MSDS) or information on where to obtain them.
- Records of LEPC and committee meetings (minutes).
- LEPC membership list.
- Tier II reports for covered facilities.

2. Information Resources

EPCRA has existed for over twenty years. During this period the resources available to LEPC's have increased greatly. Today, assistance is available from all levels of government and from industry. The good news is most of this information is free to LEPC's.

H. Public Inquiries and Awareness

EPCRA requires LEPC's to establish procedures for receiving and processing requests from the public for information under Section 312. EPCRA is based on the principal that the more known about hazardous chemicals in the community, the better prepared the community will be to manage these potential hazards and to improve public safety and health.

I. Funding LEPC Activities

When Congress passed EPCRA, it did not provide funding for LEPC's. On the average, annual LEPC budgets range from \$0 to \$3,000.00.

The cost of implementing EPCRA at the LEPC level will vary. Communities have found a wide range of solutions to the funding. Some examples are:

1. Volunteers and donated services

Much of the work of the LEPC can be accomplished with little or no funding. Committee members often donate time and other resources. Local businesses and agencies have also contributed their services. Some LEPC's have found that volunteers can be a great source of manpower.

2. Grants

a. General

There are limited state and federal funds available to the LEPC's through grant programs. Authorized by the 1990 Hazardous Materials Transportation Uniform Safety Act (HMTUSA), the Hazardous Materials Emergency Preparedness (HMEP) Program provides funding nationally for hazardous materials emergency response planning and training at the local level. The U.S. Department of Transportation (DOT) administers this program. The state share of this federal grant is administered by the Bureau of Homeland Security.

b. Other Federal Assistance

The Bureau of Homeland Security, Finance Division can assist with information on other grants that may be available.

3. Supplemental Environmental Projects (SEP's)

Once EPA has taken an action for not submitting a TIER II Chemical Inventory Report (Section 312) or emergency release notification (CERCLA Section 103/EPCRA Section 312), there is an alternative to simply imposing fines on the non-complying facility. Current federal enforcement policy authorizes consideration for mitigating the fines imposed if the offending facility agrees to perform a supplemental environmental project (SEP). Enforcement actions provide an opportunity for the facility to become actively involved in the local planning and response process and to assist the LEPC's in their

activities. These agreements are an appropriate way to enforce EPCRA, since the SEP's can be arranged to aid in its implementation. Through the use of SEP's, facilities have:

- Provided emergency or computer equipment to the LEPC
- Provided training to local emergency or planning personnel
- Become active members in the LEPC
- Participated in training exercises
- Provided funding for public outreach

4. Industry Donations

Some of the most active funding programs in the country for LEPC's are through industries that are active members of the LEPC. Industry can provide not only funding for special projects, but equipment, and expertise.

There is no question that funds provided to the LEPC can be used for different purposes such as planning, training and exercising. The Bureau of Homeland Security is committed to supporting LEPC's by providing funding obtained through EPA enforcement actions, DOT HMEP Planning & Training grants and other funding sources that may be available in the future.

J. Maintain a Healthy LEPC

Research shows most healthy LEPC's:

- Have clearly defined goals.
- Have members that know what their "job" is in the LEPC.
- Have members with responsibilities and interests from broad-based community representation (not dominated by one segment).
- Have members that stay committed and interested because they:
 - feel useful and believe they are helping the community
 - have been given tasks according to their interests and expertise
 - have been given challenging tasks
 - are recognized for their contributions
 - have a chance to develop their own skills
- Have members that understand their purpose and value and share this with their superiors to gain support.
- Have working relationships with the state level agencies responsible for the program, and with their peers in other counties.
- Have meetings scheduled at regular, convenient times.
- Have meetings that adhere to the agenda and are concerned with common interests.
- Have a strong leadership and dedicated members.

SECTION III: REPORTING REQUIREMENTS FOR FACILITIES WITH HAZARDOUS MATERIALS

A. What Hazardous Materials are Subject to Regulation?

There are five groups of chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Plans (RMP's) under the Clean Air Act (112R).

Some chemicals appear in several of these lists. These lists are:

- Extremely Hazardous Substances (EHS's)
- Hazardous Substances
- Hazardous Chemicals
- Toxic Chemicals
- List of Toxics & Flammables

B. Hazard Chemical Inventory Reporting

1. General

There are fixed facilities in almost every county, which use, produce and/or store hazardous chemicals. LEPC's need to be aware of all the facilities in their district, especially the ones handling Extremely Hazardous Substances (EHS's). These facilities may be privately or government owned and they all may be subject to some provisions of the law. Federal facilities also must comply with the provisions of the EPCRA.

2. Hazardous Substance Inventory Reports

a. Emergency Preparedness Phase

(1) Identification of facilities subject to Special Planning Requirements:

- Emergency planning letter submitted to the BHS and LEPC when the facility has sufficient EHS's to warrant reporting.
- All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.

(2) Annual Chemical Inventory Reporting

- Covered facilities must submit Tier II forms to the LEPC, local fire departments, and the Bureau of Homeland Security by March 1st of each year.
- If requested, covered facilities must submit MSDS's to the above agencies.

(3) Annual Toxic Chemical Release Reporting

- Covered facilities must submit written Toxic Chemical Release Inventory Form R (TRI) by July 1st of each year to EPA Headquarters and to the BHS.

b. Emergency Response Phase

Covered facilities or transporters must make immediate notification to an emergency 24-hour phone number designated by each LEPC, the BHS, and the National Response Center (NRC). In Idaho, State communications must be called at 1-800-632-8000 or (208) 846-7610 to notify the state. Written follow-ups must be filed with the BHS and the LEPC.

c. Risk Management Program (Clean Air Act Section 112 R)

Important provisions in the amendments of the Clean Air Act advance the process of risk management planning. The amendments include specific provisions addressing accidental releases of hazardous chemicals.

On June 20, 1996, EPA promulgated rules and guidance for chemical accident prevention. These rules include requirements for sources (facilities) to develop and implement risk management programs that incorporate three elements: a hazard assessment, a prevention program, and an emergency response program. These programs are summarized in a risk management plan (RMP), which was to be submitted to EPA by June 21, 1996.

It is important for LEPC's to be familiar with these federal rules since they will clearly be affected by them. As a minimum, LEPC's can expect to get involved in the following areas of the RMP rule:

- Emergency Response Program of the final rule, which requires the owner or operator of a covered facility to "provide the name and telephone of the local agency which the facility emergency response plan is coordinated." Facilities may have approached LEPC's with requests for the mentioned coordination. LEPC's should familiarize themselves with those emergency plans.
- LEPC's should make a point of reviewing at least the executive summary of all the risk management plans submitted by facilities within their LEPC planning areas. Not only will you find a short summary of the entire facility plan, but you will read about future changes planned to improve safety.
- LEPC's should review the hazard assessments provided by the facilities. The vulnerable zones may add significantly to the planning efforts of the LEPC. (Because of security concerns, these assessments are not included on the Internet. LEPC's should discuss these directly with the facility.)

SECTION IV: EMERGENCY OPERATIONS PLAN DEVELOPMENT

A. Minimum Requirements for the Plan

1. State Law

Under the federal EPCRA law, each LEPC was to develop an emergency response plan for hazardous materials response, and review it at least annually thereafter. Section 312 of EPCRA states that nothing in EPCRA will preempt any state or local law. Therefore, existing State Law governs local emergency management planning as long as it meets the requirements of EPCRA. Under State guidelines, LEPC's develop emergency operations plans to meet the response and recovery needs during emergencies involving natural hazards, Incidents of National Significance, and technological and man-made hazards. (All Hazard Planning) The State of Idaho, through a Governor's Executive Order, is mandating the use of the National Incident Management System (NIMS) for state and local response and recovery activities to any hazard. This must be reflected in your emergency operations plans.

2. Federal Requirements

The LEPC planning envisioned for by EPA for Hazardous Materials incidents, was intended to complement the existing planning that state law already required instead of creating a separate process. In most situations, the LEPC did not develop a separate plan, but carried out the emergency planning requirements related to hazardous materials by adding a hazardous materials annex. In this way, the LEPC is an important resource useful to all local responders.

EPCRA requires that each **hazardous materials** emergency response plan does the following:

- identify facilities and transportation routes of extremely hazardous substances;
- describe emergency response procedures, on-site and off-site;
- designate a community emergency coordinator and facility coordinator(s) to implement the plan;
- outline emergency notification procedures;
- describe methods for determining the occurrence of a release and the probable affected area and population;
- describe community and industry emergency equipment and facilities, and the identity of persons responsible for them;
- outline evacuation plans;
- describe a training program for emergency response personnel (including schedules);
- present methods and schedules for exercising emergency medical personnel, fire services, and law enforcement agencies.

B. Hazard Analysis

As you will notice while reading the criteria for developing a hazardous materials annex, some of your key tasks will be to identify facilities containing extremely hazardous substances (EHS's) or to identify transportation routes likely to be used for the transportation of these substances. A hazard analysis will help identify all the hazards in your community. Planners should try to answer the following questions:

- What are the major hazards in our community?
- How can we determine the area or population likely to be affected by these hazards?
- What emergency response resources does our community need? (Include personnel and equipment.)
- What kind of training is needed?
- How can we help prevent (mitigate) these hazards?
- How do we incorporate NIMS into our response, and our Emergency Operations Plan?

The hazard analysis process can assist local emergency planning committees (LEPC's) in answering these and other important planning questions.

SECTION V: EXERCISING THE PLAN AND EXERCISE EVALUATION

For hazardous materials, EPCRA requires each plan to “present methods and schedules for exercising emergency response plans to emergency personnel, fire service, and law enforcement agencies”. The Office of Domestic Preparedness also requires exercises for terrorism incidents that include **Chemical Biological, Radiological, Nuclear, Explosive, Agricultural, Cyber (CBRNEAC)**. Each LEPC, therefore, must develop and conduct an exercise to test and validate the various plan sections that relate to the local agencies, departments and organizations within the district to satisfy exercise requirements.

The LEPC must decide what objectives to test, select the type of exercise, the basic scenario, the participants, and when to conduct the exercise. The LEPC should appoint an Exercise Design Team to actually develop the exercise, including the scenario, messages, incident site, exercise safety and control measures. The Team should consist of individuals experienced with the functions of the organization, agencies, and facilities involved in the exercise. One member should be designated as exercise team leader and be responsible for submitting appropriate progress reports to the LEPC.

The state has BHS Regional Training & Exercise Coordinators that can be of assistance in planning for and conducting the exercise. The team may want to meet initially with the Regional Training & Exercise Coordinator of the Bureau of Homeland Security to seek guidance and to ensure that exercise directives and procedures are understood.

The local Emergency Management Office will also have a major impact and input into this process. The LEPC should provide BHS Training & Exercise with notice of the exercise. This permits the state to participate as appropriate. There are various courses, exercise guidance, and evaluation documents available to assist the LEPC with exercises.

A. Exercise Development Suggestions

Utilize the training and experience of all representatives of the LEPC and of others in the community in the planning of the exercise.

The LEPC should start planning many months prior to the expected date of the exercise to determine the type, scope and objectives of the exercise.

Appoint an Exercise Design Team and provide them guidance on what type of exercise the LEPC would like to conduct. Have the Exercise Design Team provide the LEPC briefings and identify any needs or requirements the LEPC should be made aware of. NOTE: The team members should not participate directly in the exercise as players, but could serve as Controllers or Evaluators during the exercise.

Arrange for a meeting between the team, and the BHS Regional Training and Exercise Coordinator. They can provide guidance to ensure the exercise meets all applicable state and federal planning and exercising requirements. Ensure that all participating departments, agencies, and organizations:

- are aware of the exercise;
- wish to participate;
- receive general information on the exercise;
- know what will be expected of them during the exercise.

The LEPC may wish to schedule pre-exercise training and/or drills to assist individuals or organizations in preparing for the exercise.

B. Exercise Design Course, Review of Exercises, Credit

The Bureau of Homeland Security periodically can provide access to a FEMA certified course in designing, conducting, and evaluating exercises. Interested individuals can contact their Regional Training & Exercise Coordinator for information.

The Regional Training & Exercise Coordinator can also assist in getting evaluators for exercises conducted in communities. The exercise should include sufficient evaluators who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review.

When the LEPC conducts a full-scale exercise, there should be a Formal presentation of the After-Action Report (AAR) and Improvement Plan. (IP) This should be scheduled by the LEPC, and could be done in conjunction with a LEPC meeting, or it could be scheduled separately.

AAR's and IP's are important to the participants as well as the LEPC. The participants want to know what the evaluator observed and the recommendations they have. Debriefings, also referred to as a "hot wash", should be conducted immediately after the exercise, usually at the site while all the participants are still present.

AAR's and IP's bring the participants together and allow them to listen to the comments of the evaluators as they review the exercise. A public critique is required after each full-scale exercise. Finally, the LEPC should assemble the various heads of the participating agencies, departments, groups or organizations to discuss the exercise. They should discuss how the exercise actions met or conflicted with procedures outlined in the plan. They should identify which plan changes, if any, need to be made. Any changes recommended will be brought to the LEPC and should be reviewed and possibly included in the next plan revision.

It is very important, if using grant funding, to work the entire exercise process through your Regional Training & Exercise Coordinator to ensure grant requirements are met.

SECTION VI: HAZMAT RESPONSE OPTIONS

A. Local Government Response to Hazardous Substance Incidents

1. General

Both Federal and state statutes indicate the person responsible for the spill (spiller) is responsible for the clean up. Local government must be prepared to implement appropriate notification and response actions in order to save lives and property during a Haz Mat incident. In Idaho you call State Communications at 1-800-632-8000 or (208) 846-7610 to make your notifications and receive advice and assistance.

2. Local Response

a. Firefighters and HazMat Teams

Most jurisdictions assign the responsibility of hazardous substance spills response to the local or district fire department. Proper training and equipment necessary for hazardous substance response is costly in manpower and dollars, so capabilities vary considerably throughout the state. First responders should have the training to recognize immediately whether their team has the proper training and equipment to handle the incident. Some fire departments in Idaho have specially trained personnel that have the capability to respond to a hazardous materials incident in their jurisdiction. If assistance is needed in the form of manpower, equipment, or just advice it can be obtained by calling State Communications at 1-800-632-8000 or (208) 846-7610. (See Appendix G)

b. Local Emergency Response Authority (LERA)

The Hazardous Substance Emergency Response Act requires cities and counties to designate a Local Emergency Response Authority (LERA) for hazardous materials incidents that occur within their jurisdictions. Cities and counties are encouraged to appoint a response authority whose members are trained in hazardous substance incident response. If the jurisdiction does not designate a LERA, Idaho State Police fills the function by default. This does not relieve the local jurisdiction of the liabilities. (See Appendix B Title 39 Sections 39-7105 & 39-7106)

Idaho State Police can provide training for LERA's at no cost.

c. Incident Command System (ICS)/National Incident Management System (NIMS)

NIMS is a system mandated by Homeland Security Presidential Directive 5 that provides a consistent nationwide approach for federal, state, local and tribal governments, as well as the private-sector and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity. NIMS includes a core set of concepts,

principles, and terminology. HSPD-5 identifies these as the ICS; multi-agency coordination systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.

NIMS builds on the long-used Incident Command System and the proven principles of unified command. Another key feature of NIMS includes communication and information management so that responders and managers across all agencies, professions and jurisdictions have a common operating picture for a more efficient and effective response.

The Incident Command System (ICS) is a widely used and understood emergency management tool. It is used by local, state, and federal agencies and the military. Although originally developed to manage multi-agency response to wild land fires, it long ago evolved into an all risk system.

Use of the ICS for hazardous materials incidents is required by the Emergency Planning and Community Right to Know Act (EPCRA), Occupational Safety and Health Administration rules, and the National Fire Protection Association. It has been adopted by the National Fire Academy as the model system for the fire service. It is also the policy of the State of Idaho that the Incident Command System will be used in response to hazardous materials incidents.

The Incident Command System is suitable for use regardless of the number or variety of jurisdictions and agencies involved in a response. It provides an organizational structure that is adaptable to any incident, and is acceptable to users throughout a community, state, or region. It is a flexible and responsive system, which is capable of orderly expansion to a Unified Command if a simple initial response escalates into a major emergency.

All functional units report to and are guided by Incident Command. The Incident Command function may be conducted in two ways; single command or unified command. The single command option gives one individual the authority for overall management of the incident. This is appropriate when only one agency or jurisdiction is involved in the response. When an incident crosses jurisdictional boundaries or when response from numerous agencies is required, a unified command system may be established. This requires several agencies jointly to determine objectives, strategy, and priorities.

To ensure coordination during a significant incident, the State of Idaho will provide a State On-Scene-Coordinator (SOSC). The SOSC will facilitate the formation of a unified command during a significant incident. Under Unified Command, the Idaho SOSC can assist by acquiring resources, advising on response issues, and coaching the jurisdiction in overall scene management. The SOSC will coordinate with responding state agencies and be the principal state spokesperson in the unified command as an advocate for all state interests. In this role, the SOSC effectively represents the interests

of the state of Idaho and its citizens. The Idaho SOSOC will be appointed by the Director of the Bureau of Homeland Security.

d. HAZMAT Contractors

Idaho Department of Environmental Quality maintains a list of companies that are providers of various HAZMAT services within the state. Although they do not license, certify, recommend or otherwise regulate these vendors, the state can provide a list of contractors to the responsible party “spiller” for site clean up. If the spiller does not act promptly, the state can request a contractor to perform the clean up and bill the spiller for the costs.

B. Reimbursement to Local Governments for Emergency Response to Hazardous Substance Incidents. (Cost Recovery)

All hazardous materials incident expenses, including staff time, incurred by each responding agency should be carefully documented by those agencies and submitted to the Bureau of Homeland Security using the cost recovery packet provided by BHS. All cost recovery claims must be submitted to the Bureau of Homeland Security within 60 days of the termination of the incident. (See Appendix H for a Cost Recovery Packet.)

SECTION VII: TRAINING AND EDUCATION PROGRAMS

A. General

EPCRA requires that each plan “describe a Hazardous Materials training program for emergency response personnel (including schedules)”. These programs should be made available for all emergency response, management, and facility personnel. Additionally, the LEPC should train its own members in their respective areas of responsibility. It should also work together with the Community Emergency Management Office in training such groups as the EOC staff, officials, and others regarding plans, exercises, and other activities. The LEPC must also include the Regional Training & Exercise Coordinator in their jurisdiction to ensure grant requirements are met.

B. Training Program Considerations

The LEPC should:

- Identify training needs
- Identify training resources
- Identify personnel to be trained
- Obtain funding
- Determine where and when training will be held

The LEPC should also consider the implementation of a training and education program for the jurisdiction that includes training already scheduled and conducted by the Emergency Management Office, the various first response agencies and organizations, as well as other training activities relating to mitigation, preparedness, response and recovery.

The LEPC should coordinate with the various emergency preparedness disciplines (Elected Officials, Fire, EMS, Law Enforcement, Public Works, Public Health, hospitals, schools etc.) to combine training efforts. Combining training sessions has many benefits, such as:

- Attracting more participants per course
- Improve the training cost/benefit ratio
- The students get to know each other, and the roles and responsibilities of their agencies to improve “team” coordination.

C. Organization for Training

Each LEPC will have to determine how the jurisdiction can best organize, set-up, and conduct a productive Haz Mat training and education program. Each area has unique needs and challenges, and each LEPC should develop a program that benefits its people in accordance with Local, State, and Federal training standards. One way a LEPC might approach establishing a training and education program is to appoint a Training Sub-Committee. This group should contain representatives of various emergency preparedness disciplines and organizations. Their tasks could be to:

- Identify the community's training needs
- Identify existing training resources that are available
- Develop a training plan to meet the collective needs of all disciplines and agencies

This information could then be presented to the entire LEPC at the regularly scheduled meetings.

D. Continued Training and Education Programs

The various Haz Mat training and education programs conducted or arranged by the LEPC for Emergency Management and LEPC participants and officials should be considered an on-going program based on the continual re-assessment of the training needs.

The Training and Education Sub-Committee should carefully review training already provided, assess current and future needs and develop their programs accordingly

The Training Sub-Committee should be familiar with 29 CFR 1910.120, which requires initial, management and supervisor, emergency response, and refresher training. The members of the Training Sub-Committee should also be familiar with NIMS, The State's Homeland Security Strategy, and HSPD #8.

Summary

Training of all personnel is important, but the training of individuals that must respond to an incident is critical. This is not only because of concern for the health and welfare of the responder, but for the community as well. All emergency responders must be properly trained and equipped if they are to successfully handle incidents. The LEPC has a responsibility to coordinate, support, and assist the various agencies, departments, organizations, and groups with their training programs.

Available Training Resources

Idaho Preparedness Learning Management System
<https://www.idahoprepares.com>

Idaho Bureau of Homeland Security Training Section
208-422-3095 or 422-3417
<http://www.bhs.idaho.gov/>

Emergency Management Institute (FEMA)
1-800-238-3358
<http://training.fema.gov/emiweb>

Idaho Emergency Services Training
208-334-3216
1-888-242-0216
<http://www.ptc.state.id.us/iest/esthome.htm>

National Fire Academy
1-800-238-3358
<http://www.usfa.fema.gov/training/nfa>

Police Officers Standards Training (POST)
<http://www.idaho-post.org>