

2015

Kentucky Emergency
Response Commission
(KERC)

Kentucky Emergency
Management (KYEM)

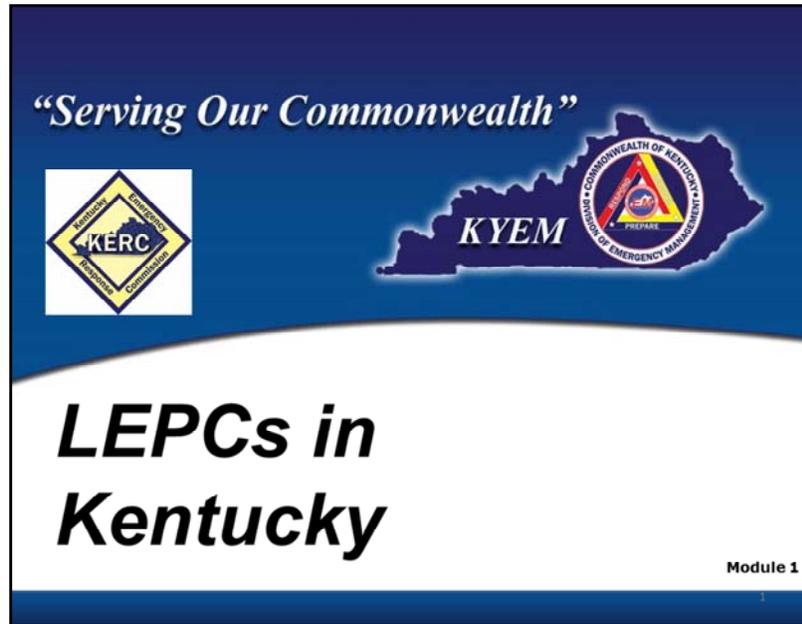


LEPCS IN KENTUCKY: COURSE MANUAL

This manual is designed to provide readers with an understanding of the history, composition and responsibilities of the State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPC) and how these organizations are established in Kentucky.

710-Course Manual

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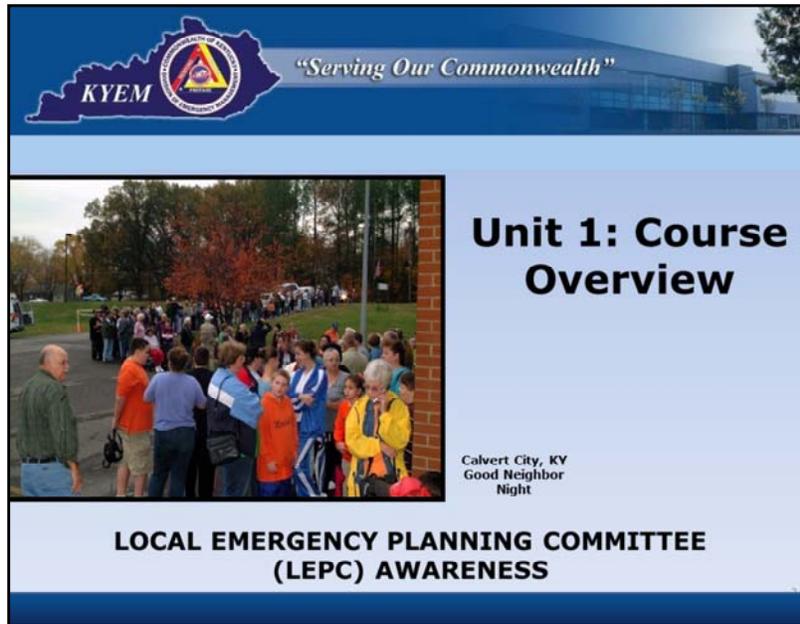


LEPCs in Kentucky: Module 1 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. An introductory look at Local Emergency Planning Committee (LEPC), the laws and regulations that govern them, and an LEPCs importance in providing the community – its citizens and its leaders – with needed information that will better prepare them in the event of a chemical emergency.

LEPC Grant Applications: Module 2 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC members with an understanding of the state requirements for LEPC grant funding (KRS and KAR), including a review of all the documentation and forms LEPCs are required to submit to the KERC or their designees.

Emergency Response Planning for EHS Facilities: Module 3 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. This course is designed to provide active LEPC planners with an understanding of the federal (EPCRA) and state (KRS and KAR) requirements for Hazardous Materials (HAZMAT) emergency response plans (formerly known in Kentucky as TAB Q-7s).

Tier2 / EHS Facility Plan Validating Exercise: Module 4 of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses. Includes the final culminating activity; a Tier2 / EHS Facility Plan Validating Exercise. This course is designed to provide active LEPC members with an understanding of the relationship between Tier2 reporting and EHS Facility plans and how both can be utilized to ensure the LEPC is fulfilling its EPCRA and KRS planning requirements.



Unit 1: Course Overview

This is the 1st module of the Kentucky Emergency Response Commission (KERC) Local Emergency Planning Committee (LEPC) Courses.

This course is an introductory look at Local Emergency Planning Committee (LEPC), the laws and regulations that govern them, and an LEPCs importance in providing the community – its citizens and its leaders – with needed information that will better prepare them in the event of a chemical emergency.

Discussion Questions:

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This course is designed to provide students with an understanding of the history, composition, and responsibilities of the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) and how these organizations are established in Kentucky.

Course Purpose

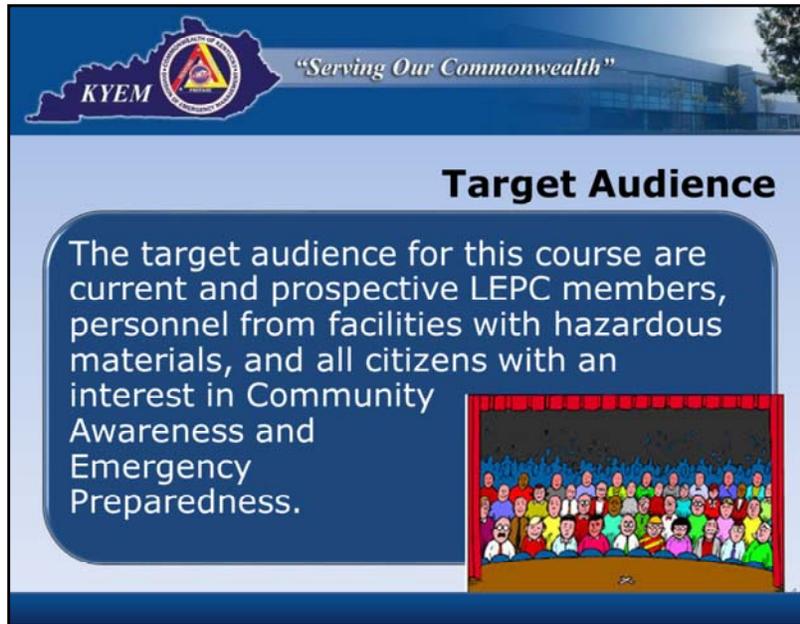
The roots of education are bitter, but the fruit is sweet.
- Aristotle

Course Purpose

This course is designed to provide students with an understanding of the history, composition and responsibilities of the State Emergency Response Commission (SERC) and Local Emergency Planning Committees (LEPC) and how these organizations are established in Kentucky.

Discussion Questions:

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Target Audience

The target audience for this course are current and prospective LEPC members, personnel from facilities with hazardous materials, and all citizens with an interest in Community Awareness and Emergency Preparedness.

Who can / should be involved with the Local Planning Committee?

Listed in no particular order:

- Representatives of Special Facilities
- Representatives from the local school district
- Facility personnel
- First Responders
- Local Elected Officials and government personnel
- Any private citizens with an interest in Community Awareness and Emergency Preparedness

Can you identify others?

Discussion Questions:

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This course is comprised of the following:

Course Design

- Unit 1: Course Overview
- Unit 2: Historical Background of SERCs & LEPCs
- Unit 3: Major Provisions of EPCRA
- Unit 4: EPCRA in Kentucky
- Unit 5: Funding LEPCs
- Final Exam



Course Design

Unit 1: Course Overview

Unit 2: Historical Background of SERCs & LEPCs

Unit 3: Major Provisions of EPCRA

Unit 4: EPCRA in Kentucky

Unit 5: Funding LEPCs

Appendix

Final Exam

Course Objectives

The course objectives: After completing this manual you should be able to:

- Provide a historical background for the formation of SERCs and LEPCs
- Describe the legal responsibilities contained in the Emergency Planning and Community Right to Know Act (EPCRA) including the composition of the SERC and LEPCs
- Describe how EPCRA requirements are implemented in Kentucky through KRS 39E and the paperwork required of Kentucky LEPCs
- Discuss Funding for LEPCs

Discussion Questions:

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Course Logistics

Please sign in and provide an e-mail address.

Note: Course certificates will be sent to address on sign-in sheets. Course instructors are not responsible for incorrect or illegible addresses.

Housekeeping Issues

- Breaks
- Cell Phones on Vibrate
- Location of Restrooms
- Location of Emergency Exits
- Other Concerns (Instructor and/or Student)

Discussion Questions:

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 "Serving Our Commonwealth"

Class Expectations

- Participate
- Ask Questions
- Respect Other's Opinions
- Return on Time From Breaks



Class Expectations

All class participants are expected to:

- Participate
- Ask Questions
- Respect Other's Opinions
- Return from breaks on time!
- Other Concerns (Instructor and/or Student)

Discussion Questions:

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“Serving Our Commonwealth”

Introductions

Instructor:

- Name
- Title
- Organization
- Professional Experience

Student:

- Name
- LEPC Name (county)
- Personal or professional interest in LEPC



You can't base your life on other people's expectations.
- Stevie Wonder

Introductions

Your instructor(s) will introduce themselves and provide you with information about their background and experience with LEPCs.

You will be asked to introduce yourselves and provide information on your background, your experience with LEPCs, why you wanted to participate in the class, and what you think is the most important thing your LEPC does or can do.

Discussion Questions:

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Acronyms

As you will soon see, part of learning about LEPCs is becoming familiar with a number of acronyms, some of the more common acronyms are:

- **EPCRA**
Emergency Planning and Community Right to Know Act
- **LEPC**
Local Emergency Planning Committee
- **LOL**
List of Lists
- **SARA**
Superfund Amendment and Reauthorization Act



Acronyms

As you will soon see, part of learning about the LEPC is becoming familiar with a number of acronyms, some of the more common acronyms are:

- **EPCRA**
Emergency Planning and Community Right to Know Act
- **LEPC**
Local Emergency Planning Committee
- **LOL**
List of Lists
- **SARA**
Superfund Amendment and Reauthorization Act

A more complete acronym list can be found in the back of this manual.



Unit 2 – Historical Background



Bhopal, India
December 2, 1984

-
The catalyst that led to EPCRA



Unit 2 – Historical Background

This unit will provide a historical overview of the developments of State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC).

After completing this unit, you should be able to:

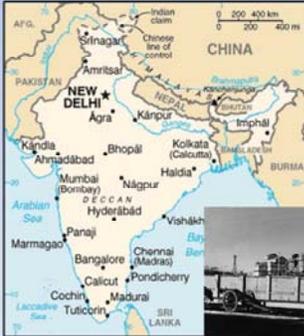
- Identify the name of the Act establishing the requirement to have SERCs and LEPCs;
- Tell what EPCRA stands for and identify the two main concepts it contains;
- Name the catastrophic event that was the impetus for the passage of EPCRA;
- Describe how Local Emergency Planning Districts are designated in Kentucky; and
- Name of the larger piece of legislation which EPCRA is Title III.

Discussion Questions:

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HAZMAT History – Bhopal, India



December 3, 1984 – Union Carbide

- 40 tons of toxic gas released (methyl isocyanate)
- 3,800 – 8,000 immediate deaths
- 11,000+ disabilities
- 558,125 injuries

“The world’s worst industrial catastrophe”



HAZMAT History – Bhopal, India

Midnight December 2nd, 1984: Highly toxic methyl Isocyanate gas (MIC is an irritant but the reaction products are deadly.) from a Union Carbide pesticide plant in India is released in the unaware and unprepared community of Bhopal, India. The gas causes the immediate death of thousands, and injuries to hundreds of thousands. Birth defects attributed to the release impact multiple generations and the water supply remains contaminated to this day.

The Bhopal accident was the result of an MIC storage tank being contaminated with water. The water was being used in routine line cleaning. Four systems designed to prevent or mitigate the accident either failed or were turned off. The mixture of MIC and water resulted in a reaction that generated heat and pressure causing a relief valve to release approximately 40 tons of this deadly gas. The International Medical Commission on Bhopal estimated that, as of 1994, more than 50,000 people remained partially or totally disabled as a result of this accident and a Death Toll as high as 20,000.

Bhopal is considered the world’s greatest human caused chemical disaster to date.

- The Site Is Abandoned
- No Cleanup Has Occurred
- Soil & Groundwater Remain Contaminated
- Disposal Lagoons

Discussion Questions:

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HAZMAT History – Institute, West Virginia

- August 11, 1985
- Release of methylene chloride and aldicarb oxime
- Approximately 135 people hospitalized
- 28 releases of MIC between 1980-1985




HAZMAT History – Institute, West Virginia

Even before Bhopal, Americans were becoming increasingly aware and concerned about the potential dangers posed by hazardous substances in their communities. In 1985, the same chemical released in Bhopal was released from the Union Carbide facility in Institute, West Virginia causing the hospitalization of 135 people. Union Carbide later admitted that it had 28 releases of MIC between 1980 and 1985.

1985 August 11. The Institute, West Virginia facility leaked Methylene Chloride and Aldicarb Oxime, chemicals used to manufacture the pesticide Temik, into the Kenawa Valley; six workers were injured, and more than a hundred residents were sent to the hospital. Luckily, there were no deaths. Congress decided it was time to act.

Other fatal accidents in the U.S.:

TEXAS CITY, TEXAS – 4/16/1947

Ship loading Ammonium Nitrate (AN) fertilizer explosion - 3,500 injuries and 576 killed

TEXAS CITY, TEXAS – 3/23/2005

British Petroleum (BP) Refinery explosion – 15 killed and 180 injured

Discussion Questions:

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Bayer CropScience Explosion Video

Bayer CropScience Pesticide Waste Tank Explosion
Location: Institute, WV
Accident Occurred On: 28 August 2008

[Animation of Bayer CropScience Pesticide Waste Tank Explosion.](#)
This is a 3D animation of the sequence of events leading up to the explosion. Two workers were fatally injured when a waste tank containing the pesticide methomyl violently exploded, damaging a process unit at the plant. Duration: 4:00 minutes



This incident could have "eclipsed" Bhopal, India. Bayer CropScience had 13,700 lbs MIC.

Bayer CropScience Explosion Video

Bayer CropScience Pesticide Waste Tank Explosion

Location: Institute, WV

Accident Occurred On: 28 August 2008

Animation of Bayer CropScience Pesticide Waste Tank Explosion. This is a 3D animation of the sequence of events leading up to the August 2008 explosion at Bayer CropScience in Institute, WV. Two workers were fatally injured when a waste tank containing the pesticide Methomyl violently exploded, damaging a process unit at the Bayer CropScience chemical plant in Institute, West Virginia. The facility replaced an old pressure tank and the unit was restarted prematurely. Managers used a password to work around safety measures and failed to refill tank before start-up. The tank ruptured and 2200 gallons of flammable & toxic materials sprayed, a massive fire erupted, and debris struck steel mesh surrounding an MIC tank. This was an incident that could have "eclipsed" Bhopal, India. Bayer CropScience had 13,700 lbs MIC in the storage tank next to tank that exploded killing 2 and injuring 8 (2 workers & 6 volunteer fireman).

Video duration: 4:00 minutes

<http://www.youtube.com/watch?v=lblz3vWeqcU&feature=related>

The U.S. Chemical Safety Board (CSB) an independent federal agency investigating chemical accidents to protect workers, the public, and the environment. Follow this link to watch a more in-depth CSB video, Fire in the Valley, depicting events leading to the August 28, 2008, catastrophic explosion and fire at the Bayer CropScience facility in Institute, WV.

Video duration: 16:11 minutes <http://www.csb.gov/investigations/detail.aspx?SID=3>

Discussion Questions:

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EPCRA / SARA Title III Enacted

- EPCRA stands for the **Emergency Planning and Community Right-to-Know Act**.
- EPCRA is Title III of the **Superfund Amendment and Reauthorization Act (SARA)** of 1986.
- “Superfund” is the name by which the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is commonly known.

EPCRA / SARA Title III Enacted

EPCRA was passed in 1986, largely in response to the devastating release of a toxic chemical gas from the pesticide facility in Bhopal, India in December 1984. To reduce the likelihood of such a disaster occurring in the United States, Congress imposed requirements on states and regulated facilities.

EPCRA stands for the Emergency Planning and Community Right to Know Act (EPCRA) and establishes requirements for federal, state, and local governments, and industry regarding emergency planning and reporting on hazardous and toxic chemicals.

“Community Right to Know” provisions exist to increase the public’s knowledge and access to information on the chemicals in their “backyard”. In passing EPCRA, Congress put in action their belief that it is Communities’ “Right to Know” about the chemicals at individual facilities, their uses, and the potential consequences of their release into the environment. Equipped with this knowledge, the public is better prepared in the eventuality that a release does occur.

Discussion Questions:

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Legal References: SARA Title III - EPCRA



Purpose of EPCRA

The name itself tells us what its two main concerns are:

- **Emergency Planning**
- **Community Right to Know**

- Primary focus is to protect/safeguard public health and the environment.
- Help increase public's knowledge and access to information on hazardous and toxic chemicals.
- Encourage applicable entities to develop working relationships to improve emergency response to chemical incidents.



Purpose of EPCRA

The name itself, Emergency Planning and Community Right to Know Act, tells us what its two main concerns are:

1. Emergency Planning
2. Community Right to Know

EPCRA's primary focus is to **ensure communities are better prepared when the "BAD" thing happens** by:

- Protecting and safeguard the public health and environment
- Increasing the public's knowledge and access to information on hazardous and toxic chemicals
- Encouraging applicable entities to develop working relationships to improve emergency response to chemical incidents

Discussion Questions:

Legal References: SARA Title III - EPCRA

 "Serving Our Commonwealth"

Significant State Requirements

EPCRA required:

- Every State have a State Emergency Response Commission (SERC)
- SERCs designate Local Emergency Planning Districts
- Each District have a Local Emergency Planning Committees (LEPC)



Significant State Requirements

Establishes requirements for federal, state and local governments, and industry regarding EMERGENCY PLANNING and REPORTING for hazardous and toxic chemicals.

Discussion Questions:

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Legal References: SARA Title III - EPCRA



Unit 2: Fundamentals Review

What catastrophic event is considered the main reason for the passage of EPCRA?

What does EPCRA stand for?

What are the main components of EPCRA?

EPCRA is Title III of what larger piece of legislation?

What two groups did EPCRA require every State to have?

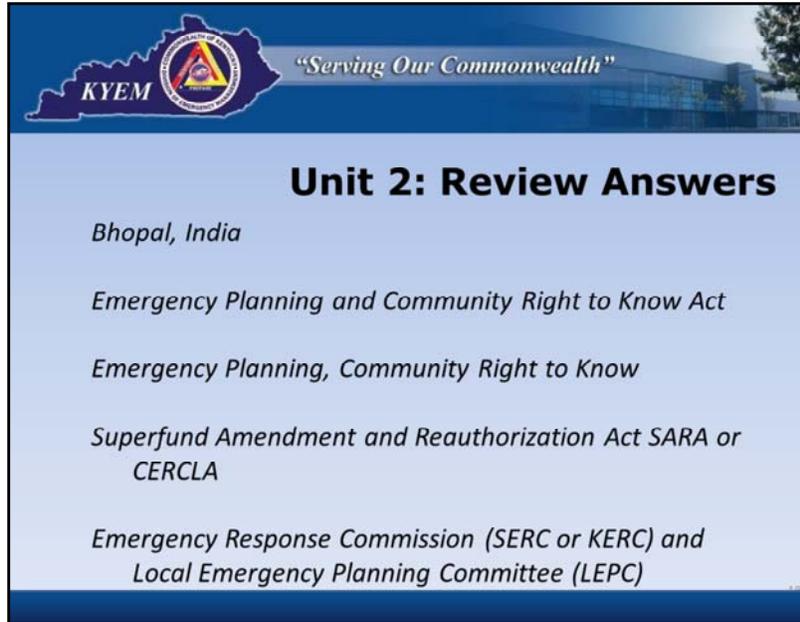
Unit 2: Fundamentals Review

This unit provided a historical overview of the developments of State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC). You should be able to identify:

- What catastrophic event is considered the main reason for the passage of EPCRA
- What does EPCRA stand for
- What are the main components of EPCRA
- What larger piece of legislation EPCRA is Title III
- What two groups did EPCRA require every State to have

Discussion Questions:

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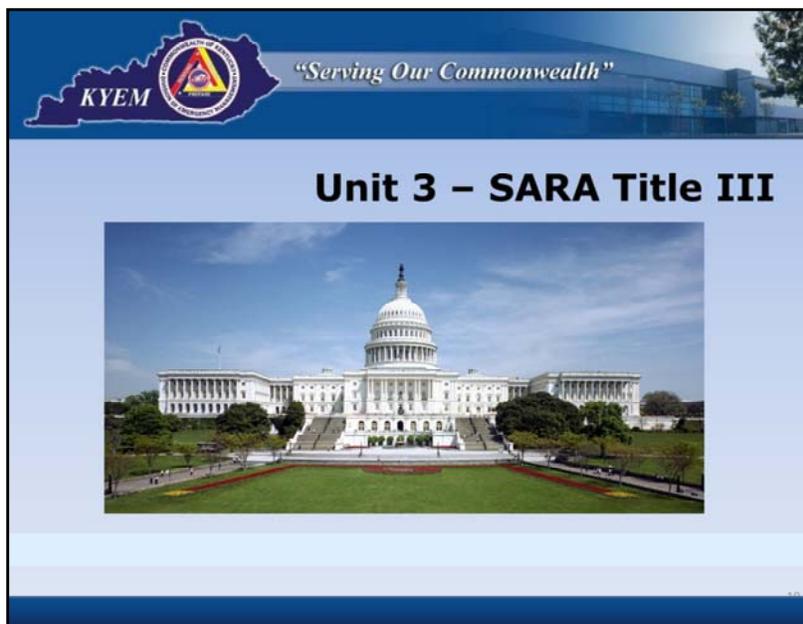
Unit 2: Review Answers

Fundamentals Review Answers:

- Bhopal, India
- Emergency Planning and Community Right to Know Act
- Emergency Planning, Community Right to Know
- Superfund Amendment and Reauthorization Act SARA or CERCLA
- Emergency Response Commission (SERC or KERC) and Local Emergency Planning Committee (LEPC)

Discussion Questions:

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Unit 3 – SARA Title III

This Unit will provide a description of the major components of EPCRA passed by the US Congress in 1986. After completing this unit you should be able to identify:

- Which groups and organizations are required to have representatives as members of the Local Emergency Planning Committee
- Which LEPC functions must specifically be identified in LEPC by-laws
- Where to find a complete list of the chemicals subject to EPCRA's planning requirements (EHSs)
- How much time facilities have to notify the LEPC that they are subject to the planning requirements of EPCRA following the first receipt of an EHS
- Who is responsible for creating an EHS facility emergency plan (TAB Q-7) and how often must the plan be reviewed
- How quickly EHS facilities must inform the LEPC of changes relevant to a TAB Q-7
- How quickly facilities must report accidental releases of EHS chemicals
- What information facilities are required to include in an accidental release follow-up notice
- How quickly facilities are required to provide updated MSDSs if new information is discovered concerning an aspect of a hazardous chemical
- What an LEPC is required to do if they receive a public request for an MSDS that they do not have in their possession
- The five categories of substances exempt from EPCRA planning and/or reporting requirements
- The two classes of chemicals bound by EPCRA and their established thresholds
- What the deadline is for filling a Tier2 Report
- Who, upon request, EPCRA requires is allowed to conduct an on-site facility inspection
- What the two requirements there are for a public request for Tier2 information
- Who receives EPCRA Section 313 reports, Toxic Release Inventory (TRI), and where the LEPC can access them
- Who has the authority to allow facilities to withhold the specific identity of a chemical regulated under EPCRA as a trade secret from reports and planning documents
- Which documents LEPCs are required to make available, during normal working hours, to the general public
- What information is required in the local newspaper as part of the LEPCs annual public notice
- What is EPCRA's applicability to transportation



Emergency Planning & Community Right to Know Act

- Federal law established EPCRA in 1986, under SARA Title III
- Administered by EPA
- Four major provisions (Section):
 - Emergency Planning (301-303)
 - Emergency release notification (304)
 - Hazardous chemical storage reporting requirements (311-12)
 - Toxic chemical release inventory (313)



Emergency Planning & Community Right to Know Act

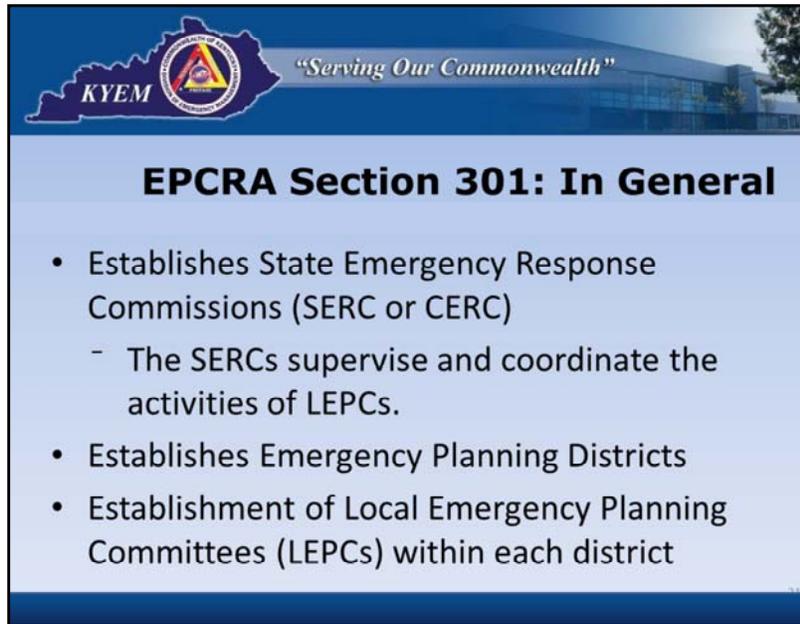
On October 17, 1986 the U.S. established Public Law (PL) 99-499, The Superfund Amendments and Reauthorization Act (SARA), which was an amendment to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It was a response to concerns that US citizens were unaware of the chemical dangers in their communities and unprepared to deal with chemical emergencies. Title III of SARA is also known as the Emergency Planning and Community Right-To-Know Act (EPCRA) or the Community Right-to-Know regulation. 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 can use the information to improve chemical safety and protect public health and the environment.

- EPCRA gave the U.S. public the right to:
 - ✓ Know which toxic substances or chemicals are in their neighborhoods
 - ✓ Know how bad the toxic substances or chemicals are
 - ✓ Know how much stuff is there
 - ✓ Know that there are emergency plans in place to deal with it
- EPCRA required that each state :
 - ✓ Create a State Emergency Response Commission (SERC)
 - ✓ Designate Emergency Planning Districts
 - ✓ Appoint a LEPC (LEPC) for each district

Discussion Questions:

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Legal References: Public Law (PL) 99-499, SARA Title III - EPCRA



EPCRA Section 301: In General

EPCRA Section 301 established the STATE EMERGENCY RESPONSE COMMISSION (SERC).

The SERC:

- Appoints Local Emergency Planning Committees (LEPC)
- Supervises and coordinate the activities of LEPCs.

EPCRA Section 301 also established emergency planning districts to facilitate preparation and implementation of emergency plans.

Discussion Questions:

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Xxx

Xxx

Legal References: EPCRA Section 301



Section 301: LEPC Membership

<ul style="list-style-type: none"> ○ Elected local officials ○ Law enforcement ○ Civil Defense ○ Firefighting ○ First aid ○ Health ○ Hospital 		<ul style="list-style-type: none"> ○ Local environmental ○ Transportation ○ Broadcast and print media ○ Community groups ○ Owners and operators of facilities subject to EPCRA 	
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Section 301: LEPC Membership

EPCRA Section 301 establishes LEPCs. It requires the SERC appoint members of a LEPC for each emergency planning district. Each LEPC must include, at a minimum, representatives from each of the following groups or organizations:

- Elected State and Local Officials
- Law Enforcement
- Civil Defense
- Firefighting
- First Aid
- Health
- Local Environmental
- Hospital
- Transportation Personnel
- Broadcast and Print Media
- Community Groups
- Owners and Operators of Facilities Subject to EPCRA

Discussion Questions:

- Even though schools are not specifically named in either EPCRA or KRS as required LEPC membership should they be a part of the LEPC considering the population?

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Legal References: EPCRA Section 301



Section 301: LEPC Requirements

LEPCs shall appoint a chairperson
LEPCs shall designate an official to serve as coordinator for information.
The LEPC must establish procedures for receiving and processing information requests from the public.



Section 301: LEPC Requirements

LEPCs shall appoint a chairperson

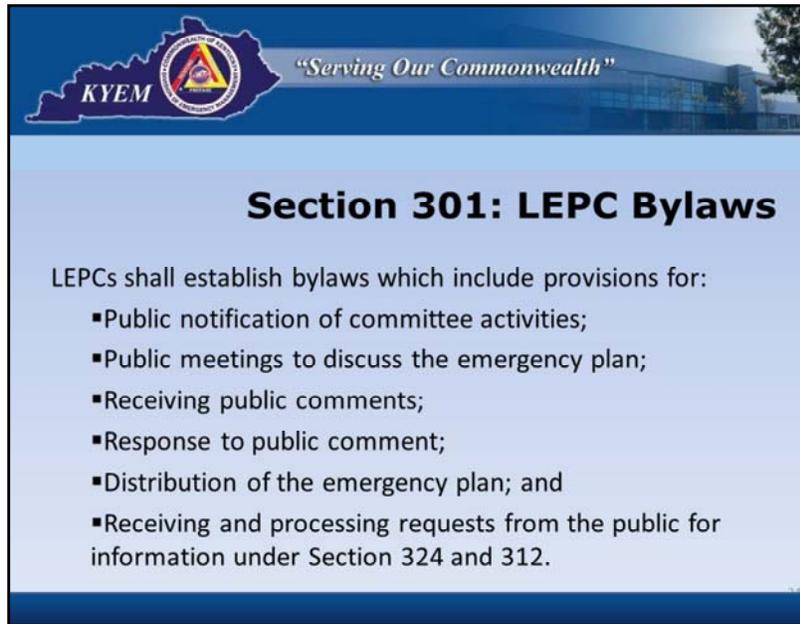
The LEPC must establish procedures for receiving and processing requests from the public for information under section 324, including tier II information under section 312.

LEPC procedures must include the designation of an official to serve as coordinator for information.

Discussion Questions:

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Legal References: EPCRA Section 301



Section 301: LEPC Bylaws

LEPCs shall establish rules, by-laws, by which the LEPC shall function, to include:

- Provisions for public notification of committee activities
- Public meetings to discuss the emergency plan
- Public comments
- Response to such comments by the committee
- Distribution of the emergency plan

Discussion Questions:

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Legal References: EPCRA Section 301



EPCRA Section 302: In General

- Requires EPA to create a list of Extremely Hazardous Substances (EHS) and establishment of a Threshold Planning Quantity (TPQ) for the EHS substances.
- SERC may designate additional facilities which shall be subject to the requirements of EPCRA



EPCRA Section 302: In General

EPCRA SEC. 302 established the substances that are covered under the EPCRA 303 planning requirements. It required publication of a list of extremely hazardous substances (EHS); a substance is subject to the EPCRA planning requirements if it is on this list. The list was formally established in 40 CFR Part 355 Appendix A and B. **A complete list of EHS substances can be found in the EPA's "list of lists" <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>.** Section 302 also required that regulation be published establishing a threshold planning quantity (TPQ) for each EHS.

Section 302 also gives the a Governor or SERC the authority to designate additional facilities, for purposes of emergency planning, which shall be subject to EPCRA. Designation must be made after public notice and opportunity for comment. Following designation, the SERC must notify facilities concerned of the planning requirements.

Discussion Questions:

Legal References: EPCRA Section 302



Section 302: Facility Requirements

Applicable to any facility that has an Extremely Hazardous Substance (EHS) present at any time, at or above its Threshold Planning Quantity (TPQ)

FACILITY REQUIREMENTS:

- One-time notification to SERC and LEPC if any EHS is present in an amount \geq TPQ
- Within 60 days after facility becomes subject to requirements or acquiring new EHS's (Echoed in KRS 39E.120)

Section 302: Facility Requirements

EPCRA Section 302 also established that a facilities are subject to the 302 planning requirements, except as provided in section 304, if an EHS is present at the facility in excess of the threshold planning quantity (TPQ). Furthermore, each facility subject to the planning requirements are required to notify the SERC acknowledging that the facility is subject to EPCRA 302. Subsequently, **the facility must notify the SERC and the LEPC within 60 days if a new EHS substance becomes present at the facility in excess of the TPQ.**

EPCRA section 302 is echoed in KRS 39E.120 Facilities which manufacture, use, or store extremely hazardous substances shall advise the SERC, LEPC, and fire department of the name of the substance and its quantity, within sixty (60) days of the date the facility first receives the substance.

302 FACILITY REQUIREMENTS:

- Applicable to any facility that has an EHS present at any time at or above its TPQ
- One-time notification to SERC and LEPC if any EHS is present in an amount \geq TPQ
- Within 60 days after becoming subject to EPCRA or acquiring a new EHS's
 - (Echoed in KRS 39E.120)

Discussion Questions:

Legal References: EPCRA Section 302



EPCRA Section 303: Planning

- Require LEPCs to prepare chemical emergency response plans for all facilities with an EHS chemical above TPQ.
- Plans must:
 - ✓ Be reviewed by LEPC annually
 - ✓ Be reviewed by the SERC



EPCRA Section 303: Planning

EPCRA Section 303 established that each **LEPC shall complete preparation of an emergency plan (TAB Q-7) and review the plan, at minimum, once a year.** Kentucky specific planning requirements are listed within KAR 1.081. EPCRA requires each emergency plan shall include, but is not limited, to each of the following:

- Identification of facilities, identification of routes likely to be used for the transportation of EHSs, and identification of additional facilities contributing or subjected to additional risk due to their proximity to the facility, such as hospitals or natural gas facilities
- 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
- Designation of a community emergency coordinator and facility emergency coordinators (FERC) , who shall make determinations necessary to implement the plan
- Procedures providing reliable, effective, and timely notification by the FERC and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred
- Methods for determining the occurrence of a release, and the area or population likely to be affected by such release
- A description of emergency equipment in the community and at each facility and an identification of the persons responsible for equipment
- Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes
- Training programs, including schedules for training of local emergency response and medical personnel
- Methods and schedules for exercising the emergency plan

After completion of an emergency plan, the LEPC shall submit a copy of the plan to the SERC for review and recommendations.

Discussion Questions:

Legal References: EPCRA Section 303



Section 303: Facility Requirements

- Within 30 days notify the LEPC of a facility representative who will participate in the emergency planning process as a FERC. (Echoed in KRS 39E.130)
- Promptly inform the LEPC of any relevant changes occurring at facility as such changes occur or are expected to occur.
- Upon request provide information to LEPC necessary for developing and implementing the emergency plan. (Echoed in KRS 39E.220)

Section 303: Facility Requirements

Facilities subject to the 302 planning requirements must:

- Within 30 days of becoming subject to the planning requirements of section 302, notify the LEPC of a facility representative who will participate in the emergency planning process as a FERC
- Promptly inform the LEPCs of any relevant changes occurring at the facility as such changes occur or are expected to occur
- Upon request from the LEPC, promptly provide information necessary for developing and implementing the emergency plan

Discussion Questions:

- Would it be advantageous to utilize Tier2 reporting requirements and invite FERCs using the email provided in the contact information.
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Legal References: EPCRA SEC. 303, KRS 39E.130, KRS 39E.220



EPCRA Section 304: Emergency Notification

- EPCRA 304 and CERCLA 103 (Reporting Spills and Releases) ensure that all levels of government are notified of potential emergencies.
- Facilities must immediately report accidental releases of quantities greater than corresponding Reportable Quantities (RQs) to state and local officials.
- While there are less than 500 chemicals identified as EHSs, there are thousands of chemicals required to be reported under CERCLA. This greatly increases the likelihood and frequency of the SERC and LEPCs receiving release notifications.

EPCRA Section 304: Emergency Notification

Facilities must immediately report accidental releases of EHS chemicals and "hazardous substances" in quantities greater than corresponding Reportable Quantities (RQs) defined under CERCLA, amended in 1986 by SARA Title III, to the **National Response Center (NRC), 1-800-424-8802**, and state and local officials.

Facilities are required to provide immediate release notification for EHSs if the release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Facilities are required to provide immediate release notification for EHSs that are not subject to 103(a) CERCLA if the release is not a federally permitted release as defined in section 101(10) of CERCLA, or is in an amount in excess of the RQ, and occurs in a manner which would require notification under section 103(a) of CERCLA.

Facilities are required to provide immediate release notification for non-EHSs if the substance is subject to 103(a) of CERCLA and exceeds the established RQ under section 102(a) of CERCLA. For those substances without an established RQ under section 102(a) of CERCLA, a release notification is required when the release exceeds one pound.

Release notification is not required for releases in which exposure is limited to persons solely within the site or sites on which the facility is located.

Release notification must be given verbally by such means as telephone, radio, or in person. **Notification must be given to the community emergency coordinator for the LEPC** for any area likely to be affected by the release **and to the SERC** of any state likely to be affected by the release. With respect to transportation, the notice requirements shall be satisfied by dialing 911.

The exemption provided in EPCRA section 327 (relating to transportation) does not apply to this section.

Discussion Questions:

Legal References: : EPCRA SEC. 304 Emergency Notification



Notification Content: Initial and Follow-up

- Initial release notifications (verbal) are required immediately but should not delay an emergency response.
- Follow-up notifications must be written and are required as soon as practicable after a release. 
- Release notification content requirements are fully outlined in EPCRA Section 304.

Notification Content: Initial and Follow-up

To the extent known at the time of the notice and so long as no delay in an emergency response occurs, release notifications must include:

- The chemical name or identity of any substance involved in the release
- An indication of whether the substance is an EHS
- An estimate of the quantity of any such substance that was released into the environment
- The time and duration of the release
- The medium or media (air, soil, water) into which the release occurred
- Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals
- Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan)
- The name and telephone number of the person or persons to be contacted for further information

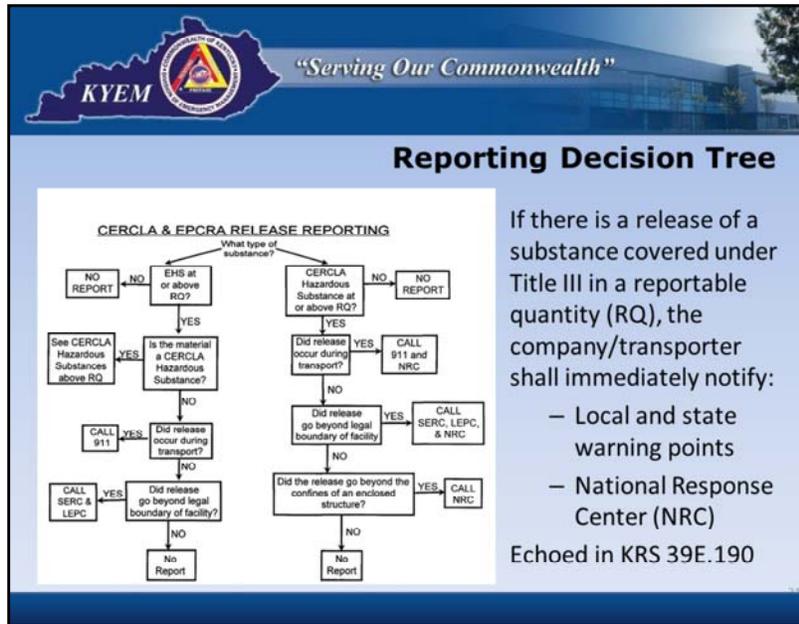
Follow-up notifications must be written and are required as soon as practicable after a release and must **include** updates to the information provided in the initial notification as well as:

- actions taken to respond to and contain the release
- any known or anticipated acute or chronic health risks associated with release
- where appropriate, advice regarding medical attention necessary for exposed individuals

Discussion Questions:

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Legal References: : EPCRA SEC. 304 Emergency Notification



Reporting Decision Tree

EPCRA Section 304 is echoed in **KRS 39E.190**. When a release of a substance covered under SARA Title III occurs in a reportable quantity, the owner or operator of the facility where the release occurs, or the owner or operator of the vehicle transporting the hazardous substance, shall notify the local and state warning points within times established by administrative regulation. These regulations shall also specify information to be provided upon initial report and in written follow-up reports.

State 24-hour warning point for HAZMAT Spill Notification:

If you need to report a spill in accordance with SARA Title III Section 304 and KRS 39E.190, please contact the Duty Officer at the Commonwealth Emergency Operations Center at 800.255.2587 which serves as the twenty-four (24) hour warning point and contact for the Kentucky Emergency Response Commission.

Discussion Questions:

Legal References: KRS 39E.190



EPCRA Section 311: Facility Requirements

Facilities must submit a MSDS for each chemical, or a list of chemicals, to each of the following:

- The county LEPC
- The SERC
- The fire department with jurisdiction over the facility



EPCRA Section 311: Facility Requirements

EPCRA SEC. 311 requires that any facility which is required to prepare or have available a MSDS for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970 must submit a MSDS for each chemical, or a list of chemicals to each of the following:

- The appropriate LEPC
- The SERC
- The fire department with jurisdiction over the facility

If the facility submits a list of chemicals it must include each of the following:

- A list of the hazardous chemicals grouped in categories of health and physical hazards as set forth under the OSHA Act
- The chemical name or the common name of each such chemical as provided on the MSDS
- Any hazardous component of each such chemical as provided on the MSDS

Facilities may meet the requirements of section 311 with respect to a hazardous chemical, which is a mixture by doing one of the following:

- 1) Submitting a MSDS for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one MSDS, or one listing, of the element or compound is necessary
- 2) Submitting a MSDS for, or identifying on a list, the mixture itself

The initial MSDS or list required under this section, with respect to a hazardous chemical, shall be provided within three (3) months after becoming subject to EPCRA or within three (3) months following discovery of significant new information concerning an aspect of a hazardous chemical for which a MSDS was previously submitted to the LEPC.

Discussion Questions:

Legal References:



Section 311: Availability of MSDS

If a facility submits a list of chemicals, upon request by the LEPC, the facility shall submit the MSDS for any chemical on the list to the LEPC.

A LEPC, upon request by any person, shall make available a MSDS. If the LEPC does not have the requested MSDS, the LEPC shall request the MSDS from the facility and then make the MSDS available to the person.



Section 311: Availability of MSDS

If a facility submits a list of chemicals upon request by the LEPC, the facility shall submit the MSDS for any chemical on the list to the LEPC.

An LEPC, upon request by any person, shall make available a MSDS. If the LEPC does not have the requested MSDS, the LEPC shall request the MSDS from the facility and then make the MSDS available to the person.

Discussion Questions:

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Legal References: EPCRA Section 311



Section 311: Exceptions

Several categories are exempt from the definition of “hazardous chemical” and are therefore exempt from EPCRA requirements including:

- Anything regulated by the FDA.
- Solid substances to the extent exposure does not occur under normal conditions.
- Any substance to the extent it is:
 - (1) Present in the same form and concentration as a product packaged for distribution and use by the general public;
 - (2) used under the direct supervision of a technically qualified individual in a research laboratory, hospital, or other medical facility;
 - (3) used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Section 311: Exceptions

EPCRA Section 311 exempts several categories from the definition of “hazardous chemical” **and** are, therefore, exempt from EPCRA planning and/or reporting requirements. “Hazardous Chemical” is defined by section 1910.1200(c) of title 29 of the Code of Federal Regulations.

40 CFR 370, the current version of EPCRA regulation, states:

What Substances are Exempt from Reporting

You do not have to report substances for which you are not required to have an MSDS under the OSHA regulations, or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

- (a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration (FDA).
- (b) 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.
- (c) Any substance to the extent it is used:
 - (1) 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. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;
 - (2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or
 - (3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Discussion Questions:



The Difference Between RQ and TPQ

RQs apply only to the Emergency Notification (Spill) requirements in Section 304

- A large group of chemicals were assigned RQs under CERCLA.
- Some, but not all, of the chemicals on the CERCLA list were later identified as being an EHS.
- Not all EHS are on the CERCLA list.
- EHS not on the CERCLA list are assigned an RQ equal to their TPQ.

TPQs apply only to EHS

- TPQs are used in EPCRA Sections 302, 303, 311, and 312.
- Only chemicals with a TPQ are subject to the Planning Provisions (Section 303) of EPCRA.
- All chemicals required to have OSHA MSDS are subject to the MSDS reporting and Hazardous Material Inventory reporting of Section 311 and 312.
- 10,000 pounds or more for non-EHS
- 500 pounds or the TPQ, whichever is less, for EHS

The Difference Between RQ and TPQ

In unit 3, both Reporting Quantities (RQ) and Threshold Planning Quantities (TPQ) have been referenced. What is the difference and when does each apply under EPCRA?

For EPCRA Provisions:

RQs apply only to the Spill Notification requirements in **Section 304**. A large group of chemicals were assigned RQs under CERCLA in 1980. Some, but not all, of the chemicals on the CERCLA list were later identified as being EHSs. Not all EHSs are on the CERCLA list so after passage of EPCRA, **EHSs not on the CERCLA list were assigned an RQ equal to their TPQ.**

Only EHS are assigned TPQs.

TPQs are used in EPCRA Sections 302, 303, 311 and 312. Only chemicals with a TPQ are subject to the Planning Provisions (Section 303) of EPCRA. All chemicals having an OSHA MSDS are subject to the MSDS reporting and Hazardous Material Inventory reporting of Sections 311 and 312 if they are manufactured, used or stored in a quantity of 10,000 pounds or more for non-EHS and 500 pounds or the TPQ, whichever is less, for EHS.

Discussion Questions:

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Legal Reference:



EPCRA Section 312: Facility Requirements

Any facility required to have a MSDS available under the Occupational Safety and Health Act of 1970 shall prepare and submit a hazardous chemical inventory form (Tier2 Report) to the following:

- ✓ The LEPC.
- ✓ The SERC.
- ✓ The local Fire Department



This includes facilities that manufacture, process, or store hazardous chemicals.

Tier2 Reports must be submitted annually by March 1, and contain data with respect to the preceding calendar year.

EPCRA Section 312: Facility Requirements

EPCRA SEC. 312 requires that any facility, public or private, required to have an MSDS available under the Occupational Safety and Health Act of 1970 shall prepare and submit a hazardous chemical inventory form (Tier2 Report) to the following:

- The appropriate LEPC
- The SERC
- The fire department with jurisdiction over the facility

The Tier2 reports must be submitted annually by March 1, and shall contain data with respect to the preceding calendar year.

An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

- 1) Providing information on each element or compound in the mixture, or
- 2) Providing information on the mixture itself

Upon request, the facility shall provide specific location information on hazardous chemicals at the facility to the fire department with jurisdiction over the facility and allow the fire department to conduct an on-site inspection of the facility.

Discussion Questions:

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Legal References: EPCRA Section 312



Tier2 Reporting Retail Fuel Exemption

The Federal EPA has established the following threshold exceptions for gasoline and diesel fuel in compliant Underground Storage Tanks (UST) at retail stations.

Tier2 Reporting thresholds are:

- Gas: 75,000 gals ~ 470,250lbs
- Diesel: 100,000 gals ~730,000lbs



Tier2 Reporting Retail Gas Exemption

All retail gas stations that have at least 10,000 pounds of gasoline or diesel fuel, stored in tanks that are not entirely underground, or are below ground but not in compliance with the UST requirements, must submit a Tier2 report. Similarly, any retail gas station that has more than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel stored entirely underground, regardless of compliance with the UST requirements, must submit a Tier2 report. In other words, retail fuel stations are exempt from Tier2 reporting if they have less than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel stored entirely underground and are in compliance with the UST requirements. To summarize:

Tier2 Reporting Thresholds for gasoline:

- Above ground tank: 10,000 pounds
- Below Ground Tank, not in compliance with the UST requirements: 10,000 pounds
- Below Ground Tank, in compliance with the UST requirements: 75,000 gals or 470,250 lbs

Tier2 Reporting Thresholds for diesel:

- Above ground tank: 10,000 pounds
- Below Ground Tank, not in compliance with the UST requirements: 10,000 pounds
- Below Ground Tank, in compliance with the UST requirements:100,000 gals or 730,000 lbs

Kerosene:

The EPA exemption does not cover Kerosene. Facilities that have more than 10,000 pounds (approximately 1,468 gallons) of kerosene onsite are required to file annual Tier2 reports.

Discussion Questions:

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Legal References:

<http://emergencymanagement.supportportal.com/link/portal/23002/23016/ArticleFolder/750/Tier-II-Chemical-Inventory-Reporting-EPCRA-312>



Sec. 312 Availability of Tier II Information

- Facilities shall provide, upon request with respect to a specific facility, Tier II information to the LEPC.
- State or local officials acting in official capacity may have, upon request to a LEPC, access to Tier II information.
- Availability To Public - Any person may request Tier II information from a LEPC relating to the preceding calendar year. Request shall be in writing and shall be with respect to a specific facility. (Echoed in KRS 39E.230)

Sec. 312 Availability of Tier II Information

Availability To SERC, LEPCs, and Fire Departments: Upon request by a SERC, an LEPC, or a jurisdictional fire department, the facility shall provide tier II information, regardless of chemical inventory or RQ, to the person making the request. Any such request shall be with respect to a specific facility.

Availability To Other State And Local Officials: A state or local official acting in official capacity may have access to tier II information by submitting a request to the SERC or the LEPC. Upon receipt of a request for Tier2 information, the SERC or LEPC shall request from the facility Tier2 information, regardless of chemical inventory or RQ, and make available such information to the official.

Availability To Public: Any person may request a SERC or LEPC for tier II information relating to the preceding calendar year with respect to a facility. **Any such request shall be in writing and shall be with respect to a specific facility.**

▪**Automatic:** Any tier II information which a SERC or LEPC has in its possession shall be made available to a person making a request under this paragraph in accordance with EPCRA section 324. If the SERC or LEPC does not have the tier II information in its possession, upon a request for tier II information the SERC or LEPC shall request the facility for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available to the person making the request.

▪**Discretionary:** In the case of tier II information which is not in the possession of a SERC or LEPC and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds, a request from a person must include the general need for the information. The SERC or LEPC may request the facility for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the SERC or LEPC shall make the information available to the person.

A SERC or LEPC shall respond to a request for tier II information within 45 days of the request.

Section 312 is echoed in KRS 39E.230, Reports to the SERC or LEPC shall be available to the public upon request in accordance with the provisions of KRS relating to open records, if this information is not protected from release to the general public as a trade secret under federal law.

Legal References: EPCRA Section 312



EPCRA Section 313: Toxic Release Inventory

- Facilities must complete a toxic chemical release form for chemicals that were manufactured, processed, or otherwise used in excess of the threshold quantity during the preceding calendar year.
- Chemicals and threshold quantities on List of Lists
- Form must be submitted on or before July 1, annually and contains data reflecting releases during the preceding calendar year.
- Public can access this information from the EPA database: <http://www.epa.gov/enviro/facts/tri/search.html>




EPCRA Section 313: Toxic Release Inventory

EPCRA section 313 requires that facilities must complete and submit annually to the United States Environmental Protection Agency (USEPA) and to the state (in Kentucky, the Department for Environmental Protection (KY-DEP)) a Toxic Chemical Release Inventory Form for each toxic chemicals in quantities exceeding the threshold quantity. Form shall be submitted on or before July 1, annually and shall contain data reflecting releases during the preceding calendar year.

LEPCs do not normally see these reports since they go directly to the USEPA and to KY-DEP, however, LEPCs and the public can access information from these reports from the EPA database available at <http://www.epa.gov/enviro/facts/tri/search.html>.

Toxic chemical release form requirements apply to facilities that have 10 or more full-time employees and are in the Standard Industrial Classification (SIC) Codes 20 through 39 and are in excess of the quantity established during the calendar year for which a release form is required.

The toxic chemicals subject to reporting are those chemicals on the list titled "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986". There are more than 600 Toxic Release Inventory (TRI) chemicals.

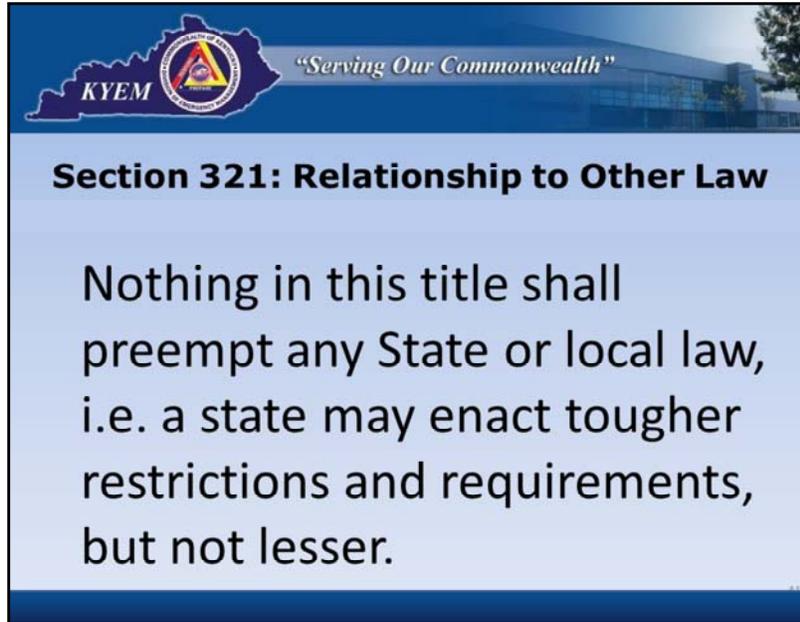
The threshold amounts for purposes of reporting toxic chemicals under this section are as follows (not the amounts stored on site; rather, these are the amounts of chemicals used during the year.) can be found on List of Lists at <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-october-2012-version>:

- With respect to a toxic chemical used at a facility, 10,000 pounds of the toxic chemical per year
- With respect to a toxic chemical manufactured or processed at a facility, 25,000 pounds of the toxic chemical per year

Discussion Questions:

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Legal References: EPCRA Section 313



Section 321: Relationship to Other Law

Nothing in EPCRA shall preempt any state or local law.

Nothing in EPCRA shall affect any state or local law or the authority of any state or local government to adopt or enforce any state or local law, or

A state or locality may require the submission of information which is supplemental to the information required on the data sheet (including information on the location and quantity of hazardous chemicals present at the facility), through additional sheets attached to the data sheet or such other means as the state or locality considers appropriate.

i.e. a state may enact tougher restrictions and requirements, but not lesser.

Discussion Questions:

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Legal References: EPCRA Section 321


“Serving Our Commonwealth”

Section 322: Trade Secrets

Facilities can withhold from reports and planning the specific identity of a chemical regulated under EPCRA as a trade secret if a facility submits a claim with substantiation to the USEPA and the USEPA upholds that claim.

Note: Specific information about this chemical must still be provided to a health care provider if such knowledge will assist in the diagnosis or treatment of an individual exposed to the chemical.



Section 322: Trade Secrets

Facilities may withhold from reports and planning the specific identity of a chemical regulated under EPCRA as a trade secret if the facility submits a claim with substantiation to the USEPA and the USEPA upholds that claim.

EPCRA SEC. 322 allows with regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any facility may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification) if the facility includes:

- the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical in place of the chemical identity, and
- an explanation of the reasons why such information is claimed to be a trade secret, including a specific description of why such factors apply

The facility must also show that the requested trade secret information has not been disclosed to any other person, other than a member of a LEPC an officer or employee of the United States or a state or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures, and:

- The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law
- The disclosure of the information is likely to cause substantial harm to the competitive position of such person
- The chemical identity is not readily discoverable through reverse engineering

Nothing in EPCRA section 322 shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse if such knowledge will assist in the diagnosis or treatment of an individual exposed to the chemical - in accordance with section 323.

In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the SERC shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

Legal References: EPCRA Section 321



EPCRA Section 324: Public Availability

The SERC and the LEPCs must make available to the general public:

- Chemical Emergency Response Plans
- Tier II Hazardous Material Inventory Forms
(specific location of chemical may be withheld from the general public)
- Emergency release notifications and written follow-up notifications
- Individual MSDS or chemical lists

EPCRA Section 324: Public Availability

Information collected and Plans prepared under EPCRA Sections 302-303, 311-312 **must be made available to the general public**, consistent with section 322, **during normal working hours** at the location or locations designated by the SERC, or LEPC. This includes:

- Chemical Emergency Response Plans (TAB Q-7)
- Individual MSDS or SDS
- Hazardous Chemical list
- Tier2 inventory form
- Toxic Chemical Release Forms
- Written Follow-up Emergency Notifications

Upon request by an owner or operator of a facility subject to the requirements of section 312, the SERC and the LEPC shall withhold from disclosure under this section the location of any specific chemical on a Tier2 inventory form.

Discussion Questions:

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Legal References: EPCRA Section 324

 "Serving Our Commonwealth"

Section 324: Public Notice

Section 324 requires annual public notice by LEPC in local newspaper:

- They have received MSDS, Tier II, Emergency Release Notifications, and /or Tab Q-7;
- All items are available for public review; and
- Location where public can view



Section 324: Public Notice

EPCRA Section 324 requires that each LEPC annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted according to EPCRA Section 324. The notice shall state that follow-up emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or follow-up notice may do so at the location designated.

Discussion Questions:

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Legal References: EPCRA Section 324

 "Serving Our Commonwealth"

EPCRA Section 327: Exemption
Except as provided in Section 304, Release Notification, EPCRA is applicable to fixed facilities only (no transportation).



EPCRA Section 327: Exemption

EPCRA, except as provided in section 304, **does not apply to the transportation**, including the storage incident to such transportation, of any substance or chemical subject to the requirements of EPCRA, including the transportation and distribution of natural gas.

EPCRA SEC. 304 stipulates that the exemption provided in section 327 (relating to transportation) does not apply to this section.

Discussion Questions:

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Legal References: EPCRA Section 327



Unit 3: Fundamentals Review

- What has to be in LEPC by-laws?
- Where can you find a complete list of EHSs?
- How long does a facility have to notify the LEPC following the receipt of a new EHS
- Who creates the TAB Q-7 and how often do they review it?
- How quickly must facilities report accidental releases of EHS chemicals?
- What's in an accidental release follow-up notice?
- What substances are exempt from EPCRA?
- What are the two classes of chemicals and their thresholds?
- What is the deadline for filling a Tier2 report?
- What are the two requirements for a request for Tier2 information?
- Which documents are LEPCs required to make available upon request?
- What is EPCRA's applicability to transportation?

Unit 3: Fundamentals Review

This unit provided a description of the major components of EPCRA passed by the US Congress in 1986. After completing this unit you should be able to identify:

- Which groups and organizations are required to have representatives as members of the Local Emergency Planning Committee (LEPC)
- Which LEPC functions must specifically be identified in LEPC by-laws
- Where to find a complete list of the chemicals subject to EPCRA's planning requirements (EHSs)
- How much time do facilities have to notify LEPCs that they are subject to the planning requirements of EPCRA following the first receipt of an EHS
- Who is responsible for creating an EHS facility Emergency plan (TAB Q-7) and how often must the plan be reviewed
- How quickly must EHS facilities inform LEPCs of changes relevant to the TAB Q-7
- How quickly must facilities report accidental releases of EHS chemicals
- What information are facilities required to include within an accidental release follow-up notice
- How quickly are facilities required to provide updated MSDSs if new information is discovered concerning an aspect of a hazardous chemical
- What is an LEPC required to do if they receive a public request for a MSDS that they do not have in their possession
- The five categories of substance are exempt from EPCRA planning and/or reporting requirements
- The two classes of chemicals bound by EPCRA and what are their established thresholds
- What is the deadline for filling a Tier2 report
- Upon request, who does EPCRA require the facility allow conduct an on-site inspection
- What are the two requirements for a public request for Tier2 information
- Who receives EPCRA Section 313 reports, Toxic Release Inventory (TRI), and where can LEPCs get them
- Who has the authority to allow facilities to withhold the specific identity of a chemical regulated under EPCRA as a trade secret from reports and planning documents
- Which documents is a LEPCs required to make available during normal working hours to the general public
- What information is required in the local newspaper as part of the LEPCs annual public notice
- What is EPCRA's applicability to transportation



Unit 3: Review Answers

- Provisions for public notification of: public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. Bylaws must also include procedures for receiving and processing requests from the public for information and the designation of an official to serve as coordinator for information.
- "list of lists" <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-october-2012-version>
- Each LEPC shall complete preparation of an emergency plan (TAB Q-7) and review the plan, at minimum, once a year.
- Facilities must immediately report accidental releases of EHS chemicals and "hazardous substances"

Unit 3: Review Answers

- Full list in Section 301: Elected State and Local Officials; Law Enforcement; Civil Defense; Firefighting; First Aid; Health; Local Environmental; Hospital; Transportation Personnel; Broadcast and Print Media; Community Groups; and Owners and Operators of Facilities Subject to EPCRA.
- Provisions for public notification of: public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. Bylaws must also include procedures for receiving and processing requests from the public for information and the designation of an official to serve as coordinator for information.
- "list of lists" <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-october-2012-version>
- Within 60 days if a new EHS substance becomes present at the facility.
- Each LEPC shall complete preparation of an emergency plan (TAB Q-7) and review the plan, at minimum, once a year.
- EHS facility must promptly inform the LEPCs of any relevant changes.
- Facilities must immediately report accidental releases of EHS chemicals and "hazardous substances"
- Follow-up notifications must include: actions taken to respond to and contain the release, any known or anticipated acute or chronic health risks associated with release, and where appropriate, advice regarding medical attention necessary for exposed individuals.

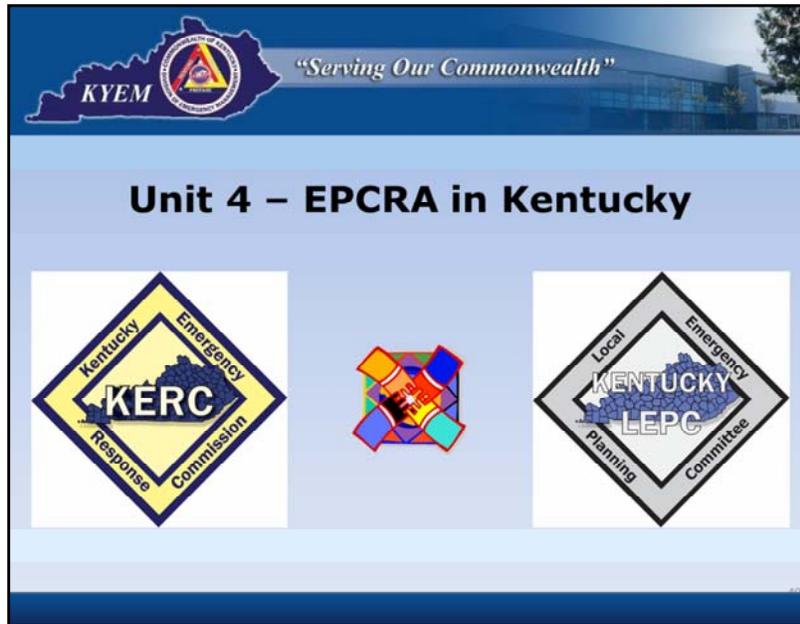


Unit 3: Review Answers Cont.

- Follow-up notifications must include: actions taken to respond to and contain the release, any known or anticipated acute or chronic health risks associated with release, and where appropriate, advice regarding medical attention necessary for exposed individuals.
- Anything regulated by the FDA, solids, products packaged for distribution and use by the general public, substances used by a medical facility, or substances used in routine agricultural operations.
- Hazardous chemical (non-EHS) = 10,000lbs
- EHS 500 pounds or the TPQ whichever is less.
- March 1st, annually.
- Request must be in writing and with respect to a specific facility.
- Chemical Emergency Response Plans (TAB Q-7), Individual MSDS or SDS, Hazardous Chemical list, Tier2 inventory form, Toxic Chemical Release Forms, and Written Follow-up Emergency Notifications
- Does not apply to transportation.

Unit 3: Review Answers Cont.

- MSDS must be provided within 3 months of significant new information.
- The LEPC shall request the MSDS from the facility and then make the MSDS available to the person.
- Anything regulated by the FDA, solids, products packaged for distribution and use by the general public, substances used by a medical facility, or substances used in routine agricultural operations.
- Hazardous chemical (non-EHS) = 10,000lbs and EHS 500 pounds or the TPQ whichever is less.
- March 1st, annually.
- Local Fire Department.
- Request must be in writing and with respect to a specific facility.
- Reports go directly to the USEPA and KY-DEP, the public can access reports from the EPA database.
- USEPA
- Chemical Emergency Response Plans (TAB Q-7), Individual MSDS or SDS, Hazardous Chemical list, Tier2 inventory form, Toxic Chemical Release Forms, and Written Follow-up Emergency Notifications
- What information is in the LEPCs annual public notice? The chemical information received, that items are available for review; and where they can be viewed.
- Does not apply to transportation.



Unit 4 – EPCRA in Kentucky

This unit provides information on how the Kentucky has implemented the requirements of EPCRA into our state laws (KRS) and regulations (KAR).

After completing this unit you should be able to identify:

- Which laws govern the LEPC
- What duties are assigned to the KERC in relation to the LEPC
- For what EHS facility emergency response planning requirements are the LEPC responsible
- What are the state requirements for Tier2 reporting
- What program must facilities use when filing a Tier2 report
- How planning districts in Kentucky are established, and if they can be reorganized
- What liability protection is afforded to LEPC members
- What are the yearly meeting requirements for LEPCs and what proof of meeting is required to be submitted to the KERC
- Which groups and organizations are required to have representatives as members of the LEPC according to KRS
- Who is responsible for developing EHS facility emergency response plans (TAB Q-7)
- Who provides the facility related information needed to complete a TAB Q-7
- How often must TAB Q-7 plans be reviewed
- Where do approved TAB Q-7 plans reside
- Who beside facilities and LEPC members are required to participate in the planning process for TAB Q-7s
- How do TAB Q-7s affect local response agencies in relation to HAZMAT incidents
- What inspection authority do LEPCs have for facilities they suspect are subject to EPCRA



Governing Body & Regulations

Established by law:

- Kentucky Revised Statute (KRS 39E)



Provisions implemented under:

- Kentucky Amended Regulations (106 KAR Chapter 1)

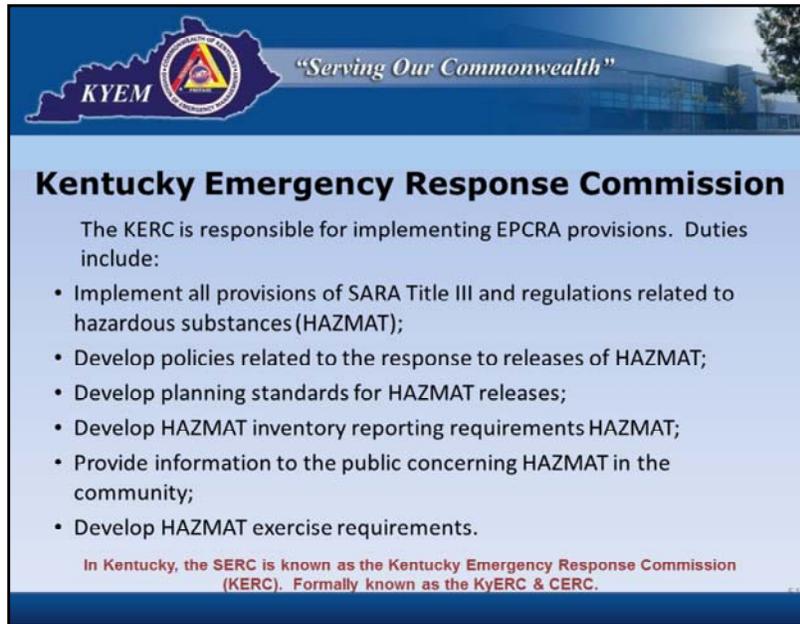
Governing Body & Regulations

The LEPC falls under Title V of the KRS (Department of Military Affairs) and **is governed by** the following:

- KRS 39E
- 106 KAR 1.081 – 1.131
- 401 KAR 31 Haz waste generators
- 401 KAR 32 Haz waste generators
- PL 99-499 (SARA Title III) – EPCRA 1986
- KRS 61.805-850 Open meetings
- KRS 61.870-884 Open records

Discussion Questions:

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Kentucky Emergency Response Commission

The KERC is responsible for implementing EPCRA provisions. Duties include:

- Implement all provisions of SARA Title III and regulations related to hazardous substances (HAZMAT);
- Develop policies related to the response to releases of HAZMAT;
- Develop planning standards for HAZMAT releases;
- Develop HAZMAT inventory reporting requirements HAZMAT;
- Provide information to the public concerning HAZMAT in the community;
- Develop HAZMAT exercise requirements.

In Kentucky, the SERC is known as the Kentucky Emergency Response Commission (KERC). Formally known as the KyERC & CERC.

Kentucky Emergency Response Commission

The Kentucky Emergency Response Commission (KERC) was established to:

- Implement all provisions of SARA Title III, Pub. L. No. 99-499, associated federal regulations, and subsequent related legislation and regulations related to hazardous substances
- Develop policies related to the response of state and local governments to releases of hazardous substances
- Develop standards for planning for releases of hazardous substances
- Develop reporting requirements for those who manufacture, use, transport, or store these substances
- Provide information to the public concerning hazardous substances in the community
- Develop training requirements
- Develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response

Discussion Questions:

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Legal References: KRS 39E.010



KERC Membership

The KERC shall be composed of not more than twenty-five (25) members, appointed by the Governor, and shall be chaired by the director of the Division of Emergency Management. Other members shall include, but not be limited to:

- the executive director of the Kentucky Fire Commission
- representatives of the KY-DEP
- the state fire marshal
- Kentucky State Police
- representatives of the Office of the Attorney General
- affected industry
- local government
- health services
- environmental interests, and other persons who have technical expertise in the emergency response field

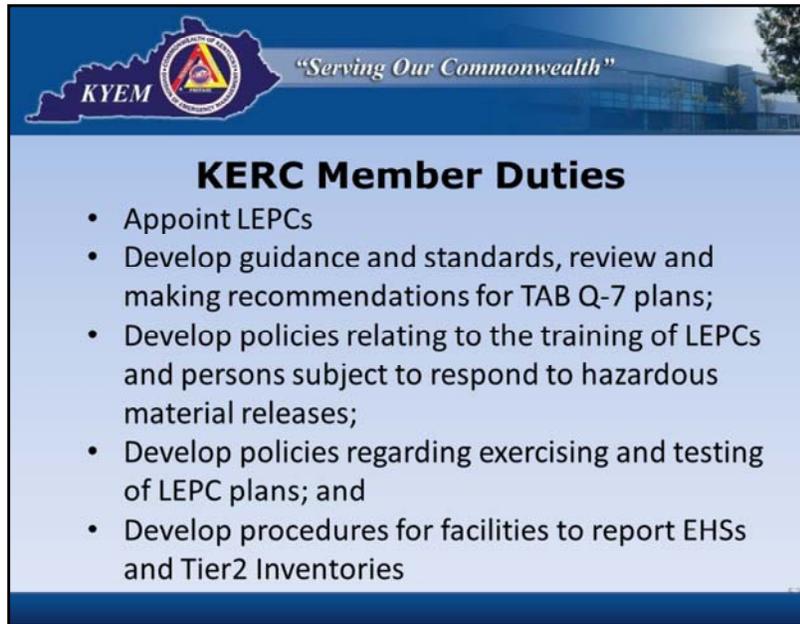
The commission shall meet not less than semi-annually, or as convened by the chairman. Currently, the Commission meets bi-monthly.

The presence of thirteen (13) members constitutes a quorum and actions taken at these meetings are considered as actions of the full commission.

Members of the commission do not receive a salary for serving on the commission, but travel and per diem may be paid if funds are appropriated or otherwise made available for these purposes.

Discussion Questions:

Legal References: KRS 39E.030



KERC Member Duties

The KERC shall:

- Appoint LEPCs (KRS 39E.040 outlines the LEPC membership requirements which will be discussed later in this course)
- Adopt standards and procedures for the operations of LEPCs
- Develop guidance and standards for plans (TAB Q-7) related to hazardous substances
- Approve, disapprove, and, where necessary, make recommendations to improve plans (TAB Q-7) developed by LEPCs
- Develop policies relating to the training of LEPCs and persons subject to respond to releases of hazardous substances
- Develop policies relating to exercising and testing plans developed by LEPCs
- Specify a warning point to which all required emergency notifications shall be made
- Develop a procedure by which facilities may report the Tier2 inventories and by which members of the public may obtain these reports

Discussion Questions:

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Legal References: KRS 39E.040



KERC Member Duties Cont.

The state commission shall, by administrative regulation promulgated by the Division of Emergency Management, establish warning and notification standards which shall include, but not be limited to:

- Establishment of twenty-four (24) hour warning points;
- Public warning; and
- Notification of local emergency response organizations.

KERC Member Duties Cont.

The SERC shall establish warning and notification standards, which shall include, but not be limited to:

- The establishment of twenty-four (24) hour warning points
- Public warning
- Notification of local emergency response organizations

Discussion Questions:

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Legal References: KRS 39E.200



EHS Plan Requirements

The KERC annually publishes a TAB Q-7 Plan Development Guidance Manual and offers a specific training course that reviews each required section.

Plan requirements are listed in full in EPCRA Section 303 and KAR 1.081.

EHS Plan Requirements

The KERC annually publishes a TAB Q-7 Plan Development Guidance Manual and offers a specific training course that reviews each required section. Plan requirements are listed in full in EPCRA Section 303 and KAR 1.081. In general:

- LEPCs must have an approved Tab Q-7 for each facility in the county that has an EHS in excess of 500 lbs or the TPQ, whichever is lower
- LEPCs must submit new Tab Q-7 plans to the KYEM AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ
- LEPCs shall annually review all existing Tab Q-7's and, no later than April 1 each year, send a Annual Certification Letter (ACL) to the KYEM AM identifying the status of each plan

Discussion Questions:

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Legal References: KRS 39E.



Kentucky Online Tier2 Reporting

Kentucky requires all facilities subject to EPCRA to submit Tier2 forms and payments for associated fees electronically.

- Fees are due at the time of submittal, either by electronic check or credit card payment.
- Log onto Kentucky's Online Tier II Submit Website:
<https://secure.kentucky.gov/kyem/Tier2submission>

Kentucky Online Tier2 Reporting

CERC Policy 004-2013 states that it shall be Commonwealth Emergency Response Commission (CERC) policy, beginning January 1, 2014, to require that all facilities within the Commonwealth of Kentucky, subject to Emergency Planning and Community Right-To-Know Act (EPCRA) sections 311-312, file Tier2 reports and pay all associated fees electronically in accordance with KYEM's annually published "EPCRA - How to Comply Packet".

Those facilities which submit paper documents, either reporting forms or payment, shall have those documents marked "Return to Sender" and classified as non-compliant. Furthermore, if a facility remains non-compliant they shall be subject to the maximum penalty allowable, as stated in KRS 39E.990.

This policy was voted on and approved by the CERC Board of Commissioners at the September 17th, 2013 meeting.

Discussion Questions:

■

Legal References: CERC Policy 004-2013



Kentucky Tier2 Forms

Kentucky requires all facilities subject to EPCRA to submit Tier2 forms using the EPA's Tier2Submit program.

- Tier2Submit is available for free download, annually @ Thanksgiving, at:
<http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/Tier2-submit-software>.

Kentucky Tier2 Forms

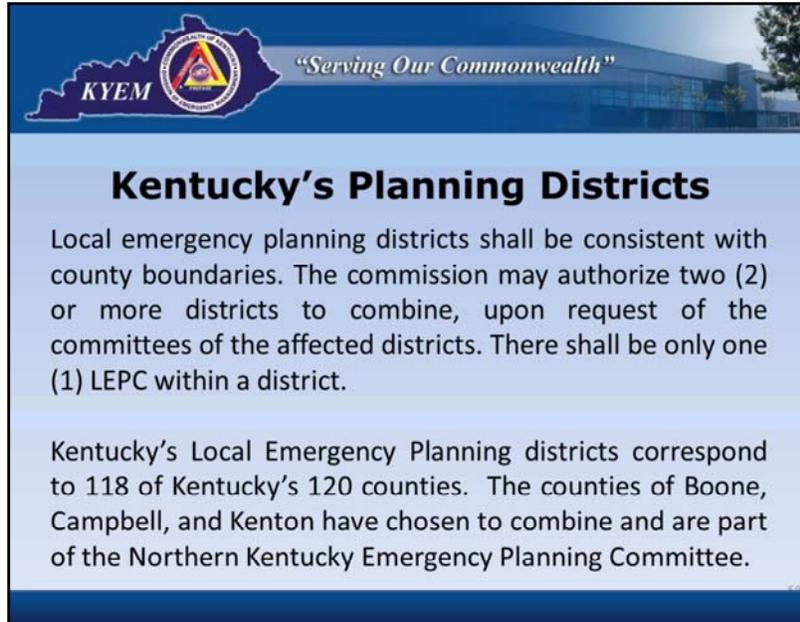
The Kentucky Online Tier2 Submission process requires using the EPA's Tier2Submit program. The "Tier2 Submit 20xx Software" is available at: <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/Tier2-submit-software>. After downloading the program, facilities complete the required information and upload the file through the KYEM Online Tier2 Submission page.

Tier2 Submit was developed by NOAA and EPA and is now maintained by the Risk Management Plan (RMP) Reporting Center. If you have any problems downloading a copy of Tier2 Submit or for technical support, contact the RMP Reporting Center (RMPRC@epacdx.net) or call (703) 227-7650. The RMP Reporting Center is staffed on weekdays from 8 AM to 4:30 PM, EST.

Discussion Questions:

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Legal References:



Kentucky's Planning Districts

Local emergency planning districts shall be consistent with county boundaries. **The commission may authorize two (2) or more districts to combine**, upon request of the LEPCs of the affected districts. There shall be only one (1) LEPC within a district.

Kentucky's Local Emergency Planning districts correspond to 118 of Kentucky's 120 counties. The counties of Boone, Campbell, and Kenton have chosen to combine and are part of the Northern Kentucky Emergency Planning Committee.

Discussion Questions:

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Legal References: KRS 39E.090



Kentucky's LEPCs

LEPCs are created as part of the Commission and members are appointed by Commission and are considered agents of the State for all purposes including liability.

LEPCs are required to meet a minimum of:

- Twice annually if have EHS in their jurisdiction
- Once a year if no EHS in their jurisdiction

LEPCs are required to provide a copy of their meeting minutes to the KERC within thirty (30) days of the date of the meeting.

Kentucky's LEPCs

LEPCs are created as part of the SERC. **LEPC members shall be appointed by the SERC, and shall be considered as agents of the state for all purposes, including purposes of liability protection.**

Kentucky's LEPCs are required to meet a minimum of:

- Twice a year if the LEPC has EHS facilities in its jurisdiction
- Once a year if the LEPC does not have EHS facilities in its jurisdiction

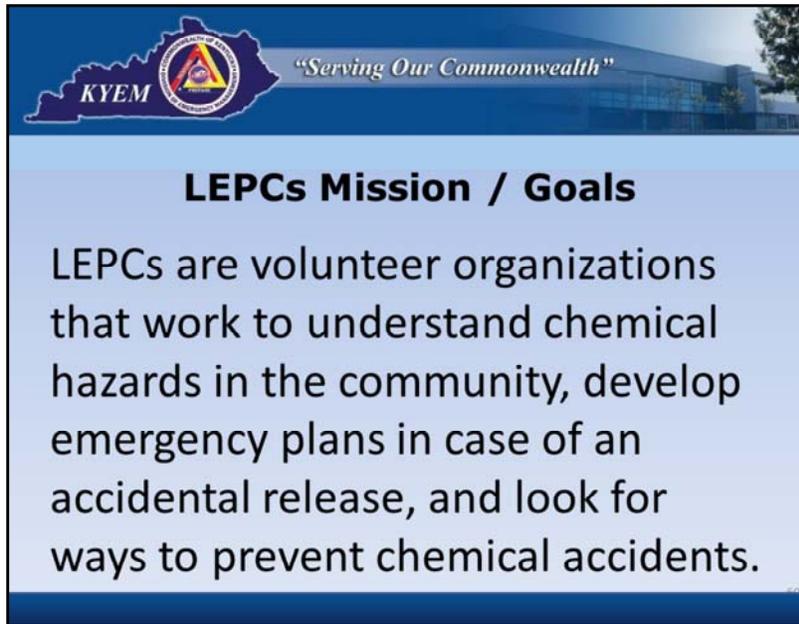
As of the 2013 Tier2 Reporting Cycle (calendar year 2014) there were only four counties in Kentucky without an EHS facility: Menifee, Robertson, Rockcastle, & Wolfe.

LEPCs are required to provide a copy of their meeting minutes to the KERC within thirty (30) days of the date of the meeting.

Discussion Questions:

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Legal References: KRS 39E.100, KRS 39E.110, 106 KAR 1:091



LEPCs Mission / Goals

The major responsibility of an LEPC is to plan and prepare its community to be ready to respond to a chemical emergency by providing for joint emergency planning, training, and public outreach. As a result, communities working with industry are better able to protect public health and the environment.

LEPCs also:

- Effectively administer the core requirements of EPCRA
- Provide the vital link between citizens, government, and industry
- Develop and maintain vital partnerships with federal, state, and local public and private entities
- Increase hazardous materials awareness and preparedness in the community
- Assist communities with the development of emergency action plans
- Maintain/Administer Tier II information
- Participate in public/private entity drills and exercises
- Serve as a source of accurate and timely information for local hazardous materials/chemical incidents

Discussion Questions:

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LEPCs Membership
(At Minimum as defined in KRS 39E.040)

- Elected local officials
- Law enforcement
- Emergency Management
- Fire service
- First aid
- Health service
- Hospital
- Local environmental
- Transportation
- Broadcast and print media
- Community groups
- Owners and operators of facilities subject to EPCRA & KRS



Attendance standards are set by LEPC.

LEPCs Membership

EPCRA Section 301 establishes LEPCs and defines minimum standards for membership. This is echoed in KRS 39E.040, however worded slightly different, which establishes LEPC membership requirements for Kentucky. Each LEPC must include, at a minimum, representatives from each of the following groups:

- Elected Local Officials
- Law Enforcement
- Emergency Management
- Fire Service
- First Aid
- Health Service
- Local Environmental
- Hospital
- Transportation
- Broadcast and Print Media
- Community Groups
- Owners and Operators of Facilities Subject TO EPCRA

Discussion Questions:

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Legal References: KRS 39E.040



LEPCs Duties

- ❖ Development, maintenance, and annual review of TAB Q-7 Plans;
 - Identification of a 24-hour warning point to which persons responsible for releases of hazardous substances may be reported;
 - Establishment of a method for receiving Tier2 reports, and by which members of the public may obtain report information;
 - Appointment of a committee chairman

LEPCs Duties

Duties of the committees shall include:

- Development of plans (TAB Q-7) to prepare emergency response organizations to respond effectively to releases of hazardous substances
- Identification of a twenty-four (24) hour warning point to which persons responsible for releases of hazardous substances must report those releases
- Establishment of a method by which manufacturers, users, or storers of hazardous substances may report the presence of those substances, and by which members of the public may obtain information about those substances
- Appointment of a LEPC chairman
- Development and maintenance of plans (TAB Q-7)
- Development of procedures for the annual review of emergency plans (TAB Q-7)

Also:

- LEPCs may establish attendance standards for continued membership and shall advise the commission of any additions or deletions from the membership that are desired
- LEPC meetings shall be subject to provisions of open records

Discussion Questions:

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Legal References: KRS 39E.110



Planning Participation Facilities

- Within 30 days notify the LEPC of a facility representative who will participate in the emergency planning process as a FERC. (Echoed in KRS 39E.130)
- Promptly inform the LEPC of any relevant changes occurring at facility as such changes occur or are expected to occur.
- Upon request, provide information to LEPC necessary for developing and implementing the emergency plan. (Echoed in KRS 39E.220)



Planning Participation Facilities

EHS facilities must identify, within thirty (30) days the name of a **facility representative (FERC) who will work with the LEPC in the development of emergency plans**, and that person shall provide information necessary to the development of those plans.

Upon request of the SERC or LEPC, EHS facilities must provide additional information necessary for developing and implementing the emergency plan about each substance to include, but not be limited to, material safety data sheets.

Discussion Questions:

- Would it be advantageous to utilize Tier2 reporting requirements and invite FERCs using the email provided in the contact information.
-

Legal References: KRS 39E.130, KRS 39E.220



Planning: development, approval, and review

- TAB Q-7 plans shall be a part of the local EOP.
- TAB Q-7 plans shall be approved by the KERC.
- LEPCs shall annually review each plan.

Planning: development, approval, and review

Plans developed under the guidance of the SERC shall be a part of the local EOP. These plans shall emphasize a coordinated response by all local emergency response organizations.

If, in the judgment of the SERC, the local plan is inadequate, or is inconsistent with the Kentucky EOP, the local plan shall be returned to the LEPC and the committee shall revise the plan until approved by the SERC.

LEPCs shall annually review and update, where appropriate, each plan and submit revisions to the SERC.

Approved plans should be maintained in several locations, including but not limited to: LEPC files, at the facility, with the fire department that would respond to an incident at the facility, and stored on the County SharePoint folder for access by state agencies.

Discussion Questions:

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Legal References: KRS 39E.150



Planning: Other

- Local governments and school districts shall participate in the planning process conducted by the LEPC.
- This participation shall include, at a minimum, providing information concerning government-owned or controlled emergency response assets; reviewing plans developed by the committee; and concurring that the final plan can be executed with existing resources.

Planning: Other

City, county, urban-county **governments**, and charter county governments, **school districts**, special purpose district boards, or other municipal corporations or political subdivisions of the state or local government **shall participate in the planning process** conducted by LEPC.

This participation shall include, at a minimum, providing information concerning government-owned or controlled emergency response assets, reviewing plans developed by the LEPC, and concurring that the final plan can be executed with existing resources.

Discussion Questions:

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Legal References: KRS 39E.140

 "Serving Our Commonwealth"

Planning & Incident Response
Emergency response organizations shall respond in a manner consistent with all KERC approved plans (TAB Q-7s) developed by the LEPC.



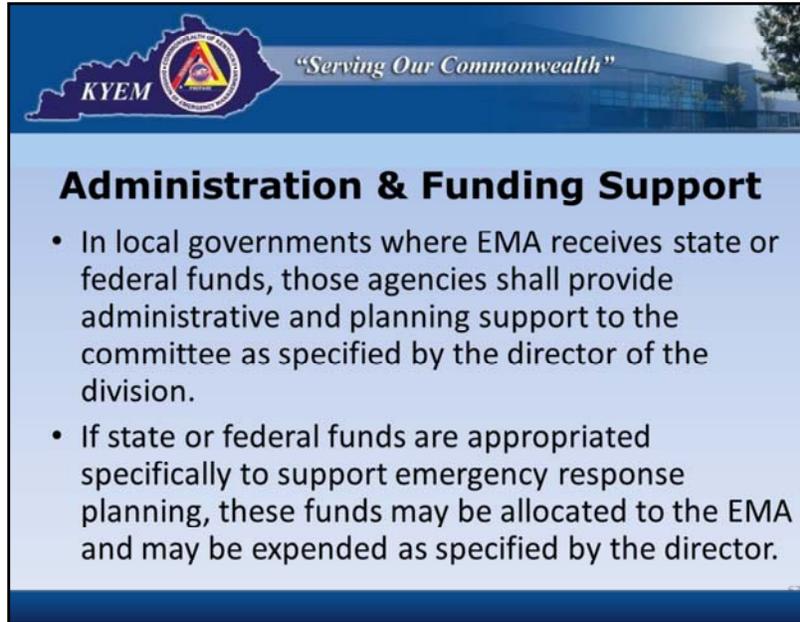
Planning & Incident Response

After the SERC approves plans developed by the LEPC, emergency response organizations of each local government shall respond in a manner consistent with those plans.

Discussion Questions:

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Legal References: KRS 39E. 160



Administration & Funding Support

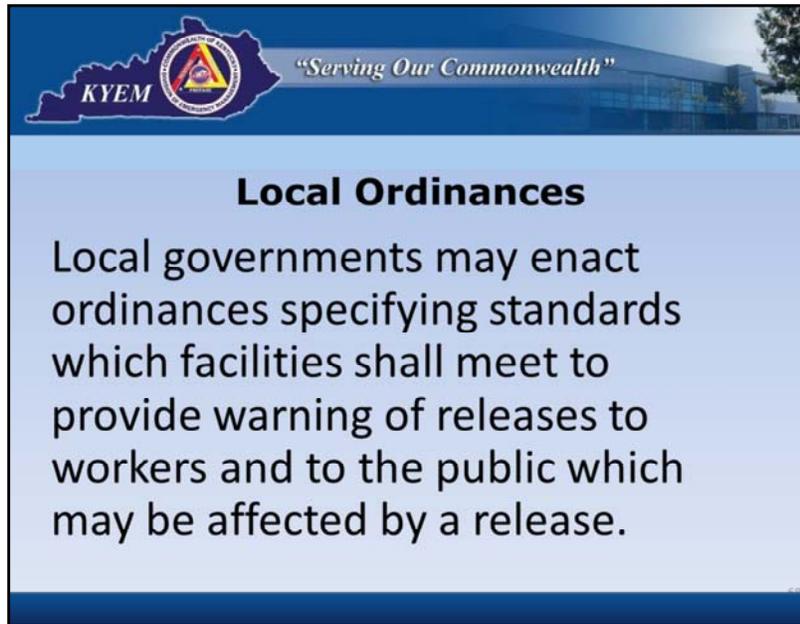
In local governments where the local Emergency Management Agency (EMA) receives state or federal funds, those agencies shall provide administrative and planning support to the LEPC as specified by the director of the division.

If state or federal funds are appropriated specifically to support emergency response planning, these funds may be allocated to the local EMA and may be expended as specified by the director.

Discussion Questions:

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Legal References: KRS 39E.140



Local Ordinances

Local governments may enact ordinances specifying standards which owners or operators of facilities shall meet to provide warning of releases to workers and to the public which may be affected by a release.

Discussion Questions:

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Legal References: KRS 39E.140



Inspection, Prosecution, & Fines:

LEPCs may request the local fire chief make on-site inspections of any facility which has, or may have, HAZMAT substances.

LEPCs may, after consultation with the KERC chairman, seek civil remedies and with his consent and submit information to the county attorney for prosecution.

Any person violating any provision of this chapter shall be guilty of a Class A misdemeanor. First conviction fines begin at two hundred and fifty dollars (\$250), some violations start at \$2,500. Each day upon which the offense is continued constitutes a separate offense.

Facility Inspection, Prosecution, & Fines:

There are twenty-five (25) laws within KRS 39E that pertain to the KERC, establishment of LEPCs, state and local committee duties, Title III plan development, and Title III grants. Specifically it is important to remember:

KRS 39E.110 summary:

- Section (3) **LEPCs may request the local chief of the fire department to make on-site inspections, and to report all findings to the KERC chairman, of any facility which has, or may have, HAZMAT substances**
- Section (6) The LEPC may, after consultation with the KERC chairman, seek civil remedies
- Section (7) The LEPC may, with the advice and consent of the KERC chairman, submit information to the county attorney for prosecution

KRS 39E.990 summary:

Any person violating any provision of this chapter shall be guilty of a Class A misdemeanor. First conviction fines begin at two hundred and fifty dollars (\$250), some violations start at \$2,500. Each day upon which the offense is continued constitutes a separate offense.

Discussion Questions:

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Legal References: KRS 39E.110, KRS 39E.990



Unit 4: Fundamentals Review

- Which laws govern the LEPC?
- How are planning districts in KY established; can they be reorganized?
- What liability protection is afforded LEPC members?
- What are LEPC meeting requirements?
- What proof of meeting is required to be submitted to the KERC?
- Which groups must be a part of the LEPC?
- Who provides facility related information needed to complete a TABQ7?
- Where do approved TAB Q-7 plans reside?
- Who is required to participate in the TAB Q7 planning process?
- How do TAB Q-7s affect emergency response?
- What inspection authority do LEPCs have?

Unit 4: Fundamentals Review

This Unit provided information on how Kentucky has implemented the requirements of EPCRA into our state laws (KRS) and regulations (KAR). You should be able to identify:

- Which laws govern the LEPC
- What duties are assigned to the KERC in relation to the LEPC
- For what EHS facility emergency response planning requirements are the LEPC responsible
- What are the state requirements for Tier2 reporting
- What program must facilities use when filing a Tier2 report
- How planning districts in Kentucky are established, and if they can be reorganized
- What liability protection is afforded to LEPC members
- What are the yearly meeting requirements for LEPCs and what proof of meeting is required to be submitted to the KERC
- Which groups and organizations are required to have representatives as members of the LEPC according to KRS
- Who is responsible for developing EHS facility emergency response plans (TAB Q-7)
- Who provides the facility related information needed to complete a TAB Q-7
- How often must TAB Q-7 plans be reviewed
- Where do approved TAB Q-7 plans reside
- Who beside facilities and LEPC members are required to participate in the planning process for TAB Q-7s
- How do TAB Q-7s affect local response agencies in relation to HAZMAT incidents
- What inspection authority do LEPCs have for facilities they suspect are subject to EPCRA



Unit 4: Review Answers

- KRS 39E and KAR 1.081 – 1.131
- Planning districts follow county boundaries, two or more districts may combine.
- LEPC members are considered as agents of the state, including liability protection.
- LEPCs are required to meet twice a year, once if the LEPC does not have an EHS facility.
- LEPCs must provide meeting minutes to KERC within 30 days.

Unit 4: Review Answers

- Title V of the KRS (Department of Military Affairs) specifically KRS 39E and KAR 1.081 – 1.131
- The KERC:
 - Adopt standards and procedures for the operations of LEPCs;
 - Develop guidance and standards for plans (TAB Q-7) related to hazardous substances;
 - Approve, disapprove, and, where necessary, make recommendations to improve plans (TAB Q-7) developed by LEPCs;
 - Develop policies relating to the training of LEPCs and persons subject to respond to releases of hazardous substances;
 - Develop policies relating to exercising and testing plans developed by LEPCs;
- LEPCs:
 - Must have an approved Tab Q-7 for each facility in the county that has an EHS in excess of 500 lbs or the TPQ whichever is lower.
 - Must submit new Tab Q-7 plans to the KYEM AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ.
 - Shall annually review all existing Tab Q-7's and, no later than April 1 each year, send a ACL to the KYEM AM identifying the status of each plan.
- All facilities in Kentucky, subject to EPCRA must file Tier2 reports and pay all associated fees electronically.
- The Kentucky Online Tier2 Submission process requires using the EPA's Tier2Submit program.
- Local emergency planning districts follow county boundaries. The KERC may authorize two (2) or more districts to combine; however, there can be only one (1) LEPC within a district.
- LEPC members, if appointed by the SERC, are considered as agents of the state for all purposes, including liability protection.
- Kentucky's LEPCs are required to meet a minimum of twice a year, only once per year if the LEPC does not have EHS facilities in its jurisdiction. LEPCs are required to provide a copy of their meeting minutes to the KERC within thirty (30) days of the date of the meeting.

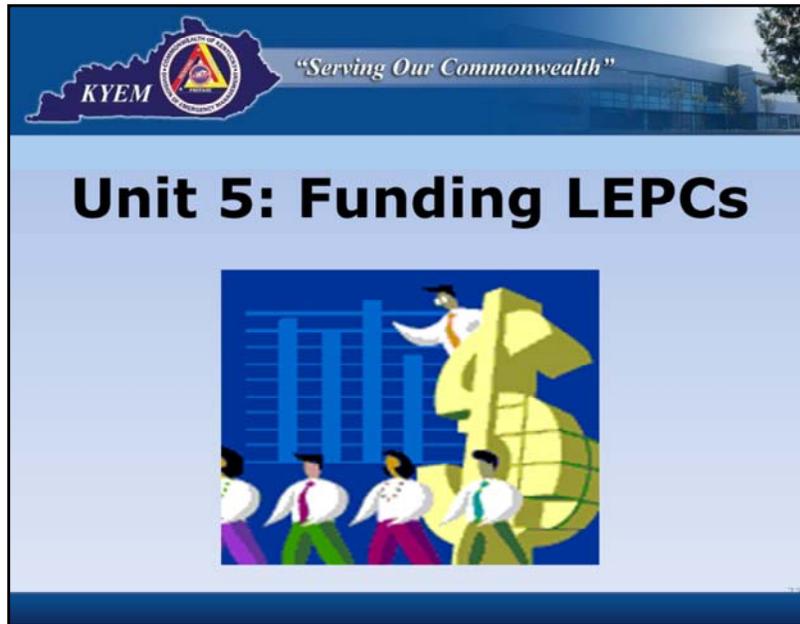


Unit 4: Review Answers Cont.

- LEPCs must include: Elected Local Officials; Law Enforcement; Emergency Management; Fire Service; First Aid; Health Service; Local Environmental; Hospital; Transportation; Broadcast and Print Media; Community Groups; and Owners and Operators of Facilities Subject TO EPCRA.
- EHS facilities identify, within 30 days, a FERC to work with the LEPC developing TAB Q-7 plans.
- TAB Q-7 plans must be included in the local EOP.
- Local governments and school districts must participate in the planning process.
- Emergency response organizations must respond consistent with the TAB Q-7 plan.
- LEPCs may request the local fire chief to inspect any facility which has, or may have, HAZMAT substances.

Unit 4: Review Answers Cont.

- Kentucky LEPCs must include, at a minimum, representatives from each of the following:
 - Elected Local Officials;
 - Law Enforcement;
 - Emergency Management;
 - Fire Service;
 - First Aid;
 - Health Service;
 - Local Environmental;
 - Hospital;
 - Transportation;
 - Broadcast and Print Media;
 - Community Groups; and
 - Owners and Operators of Facilities Subject TO EPCRA.
- LEPCs are responsible for developing TAB Q-7s.
- EHS facilities must identify, within thirty (30) days, the name of a facility representative (FERC) who will work with the LEPC and provide information necessary to develop TAB Q-7 plans.
- LEPCs shall annually review and update, where appropriate, each plan and submit revisions to the SERC.
- TAB Q-7 plans must be included in the local Emergency Operations Plan (EOP).
- Local governments and school districts must participate in the planning process conducted by the LEPC.
- Local emergency response organizations are required to respond in a manner consistent with all KERC approved TAB Q-7 plan.
- No, however, LEPCs may request the local chief of the fire department to make on-site inspections, and to report all findings to the KERC chairman, of any facility which has, or may have, HAZMAT substances.



Unit 5: Funding LEPCs

There are two primary grants in Kentucky that are used to fund LEPCs:

KERC Fee Account Grant:

Kentucky Emergency Response Commission fee account grant requirements for LEPCs.
106 KAR 1:091.

HMEP Grant:

The Hazardous Materials Emergency Preparedness (HMEP) is administered KYEM through the HAZMAT Program Coordinator.

For full grant guidance and questions contact:

Connie Estill
LEPC Program Coordinator
KYEM
EOC - Room 210
110 Minuteman Parkway
Frankfort, KY 40601
Office: 502-607-5732
Fax: 502-607-1622
connie.g.estill.nfg@mail.mil

Danita Farrier
HAZMAT Program Coordinator
KYEM
Suite #113
100 Minuteman Parkway
Frankfort, KY 40601
Office: 502-607-5728
Fax: 502-607-1622
danita.e.farrier.nfg@mail.mil

This Unit will provide information on available funding streams for Kentucky LEPCs, after completing this unit you should be able to identify:

- What are the two main grants used to fund LEPCs
- What documentation must an LEPC submit to be eligible for the KyERC Fee Account Grant
- When are ACL and LEPC membership lists due to the KERC
- How many times each year must an LEPC meet
- What eligible activities can the HMEP grant fund, and what is the in-kind split for the HMEP grant

Legal References: 106 KAR 1:091



KERC Grant Funding Source

- The KERC Fee Account Grant is derived from annual Tier II Hazardous Material Inventory Fees.
- 50% of the total money collected from Tier II fees goes to LEPCs.
- For the reporting year **2014 a total of \$396,247** was collected in Tier2 fees.
- Grant awards are made annually by September 15.

KERC Grant Funding Source

The Kentucky Emergency Response Commission (KERC) Fee Account Grant is derived from annual Tier II fees. 50% of the total money collected from Tier II fees goes to LEPCs. The amount each LEPC may be eligible to receive is based on a formula contained in 106 KAR Chapter 1:121.

The remaining 50% of the Tier2 fees is:

- Awarded according to 106 KAR 1:101. Kentucky Emergency Response Commission fee account grant requirements for state agencies; and/or
- Utilized by the KERC to cover the expenses of KERC meeting, to sponsor training, and reimburse member travel expenses

For reporting year 2015 (Calendar year 2014 Tier2 Reports), a total of \$396,247 was collected in fees.

The KERC shall make the grant awards no later than September 15. Funds provided by the KERC must be deposited in a separate LEPC Fee Account and fiscal accountability shall be prescribed by the state auditor of public accounts. All funds shall be subject to audit by the KERC. The bylaws of each LEPC shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on DES/SARA-303.

Discussion Questions:

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Legal References: 106 KAR 1:091, 106 KAR 1:101, 106 KAR Chapter 1:121



KERC Grant Documentation Requirements

To be eligible for financial assistance LEPCs shall meet the following criteria during the preceding calendar year (January 1 through December 31):

(A) The LEPC shall meet all requirements set forth in KRS 39E.110.

(B) The LEPC shall have an EHS Facility Emergency Response Plan as set out in the "Emergency Response Planning Guide for EHS Facilities" (KERC Document #730-PGSS) for each facility in the planning district that has an EHS in excess of the TPQ that has been approved by the KERC.

(i) The LEPC shall submit a completed EHS Facility Emergency Response Plan Checklist (KERC Document #303-PC) with all EHS Facility Emergency Response plans submitted for KERC approval.

(C) The LEPC which have EHS, in excess of the TPQ present in their community shall meet at least twice during each calendar year to conduct its business and a quorum shall be required. LEPCs which do not have an EHS above TPQ shall meet at least once during each calendar year. A copy of the minutes must be provided to the Chairman of the KERC or designee, within thirty (30) days of the date of the meeting.

(D) No later than January 31st each calendar year the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement" (KERC Document #107-PLN).

(i) No later than February 28th LEPC must provide the Chairman of the KERC or designee, with a photocopy of the legal notice publish as described clearly showing the name of the newspaper and the date of publication.

(E) No later than April 1 each year, the LEPC shall review EHS Facility Emergency Response plans and send current status of each in an Annual Certification Letter (ACL) (KERC Document #302-ACL) to the KYEM AM stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the ACL.

(F) No later than April 1st the LEPC shall submit Grant Application (KERC Document #101-GA) to the KYEM AM

(G) No later than April 1st the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger (KERC Document #105-GL) for the preceding year.

(H) No later than June 1st LEPC shall submit a detailed budget (KERC Document #102-DB) to the Chairman of the KERC or designee, identifying how the funds requested on the Grant Application, KERC Form 101-GA, are to be spent.

(I) No later than December 1 each year, the LEPC shall submit an updated membership list and cover page (KERC Document #104-MCP) to the Chairman of the KERC, or designee.

(J) No later than December 1 each year, the bylaws of each LEPC committee must be provided to the Chairman of the KERC, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included.

(i) The bylaws shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on the grant application.

(K) No later than December 1st LEPC shall submit a Personal Property Inventory Maintenance: (KERC Document #103-PPI) identifying all property items valued in excess of \$500.00 purchased using KERC Grant funds.

Discussion Questions:

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Legal References: 106 KAR 1:091



HMEP Grant Funding Source

The HMEP grant is funded through the Federal Department of Transportation (DOT) and distributed through the Pipeline and Hazardous Materials Safety Administration (PHMSA).

- The grant is an 80/20 in-kind match.
- The total Expended for Planning, Preparedness, and Pre-Planning in 2013 was \$74,677.



HMEP Grant Funding Source

PHMSA's National Goal is to reduce the risk of death or major injury associated with hazmat incidents. Effective response by appropriately trained personnel, operating under an efficient emergency plan and with strong institutional cooperation, can, among other things:

- Effectively isolate and stop a hazardous material release once an accident happens
- Administer appropriate and expedient medical treatment to those injured
- Stop the release of hazardous material
- Prevent a fire or explosion resulting from a hazardous materials release
- Reduce the amount of time in the closure of a major transportation artery
- Avoid unnecessary evacuations

Hazardous Materials Emergency Preparedness Grant (HMEP) is funded through the Federal Department of Transportation (DOT). The funds are distributed through the Pipeline and Hazardous Materials Safety Administration (PHMSA). The Grant period runs from Oct 1 – September 30 annually. 75% of the Grant Funds are distributed for Training, Planning and Exercises. The remaining 25% are used for administration of the grant. Grant funds are divided into two categories: Training and Planning & Exercise.

In 2012, the Total Expended to Kentucky LEPCs through the HMEP Grant for Planning, Preparedness, and Pre-Planning was \$74,677

The Total Amount Expended for Hazardous Materials First Responder Training was \$198,367

Discussion Questions:

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HMEP Grant Eligibility Requirements

- Each year **March 31st** will be the deadline for project proposals to be submitted to KYEM.
- **October 1st** the successful sub-grantees will be notified their projects were approved and they can begin work immediately.
- The Sub-grantee then has from October 1 – September 1 the following year to perform their projects and complete the necessary paperwork.



HMEP Grant Eligibility Requirements

Timeline for Application

- The applications are distributed to LEPCs for project proposals on the first workday of January each year
- March 15th annually is the deadline for project proposals to be submitted to the KYEM HAZMAT Program Coordinator
- March 31st the successful projects will be selected for inclusion in the application to PHMSA for the Federal Grant
- April 14th is the deadline for KYEM to submit the Federal Grant Application to PHMSA for approval
- September 30th PHMSA will notify KYEM of the grant award
- September 1 will be the deadline for completion of the sub-grantee projects from the previous grant cycle and submission of paperwork and invoices to KYEM for reimbursement of funds
- October 1 successful sub-grantees will be notified and they can begin work immediately
- The Sub-grantee has from until September 1st the following year to perform their projects and complete the necessary paperwork

Discussion Questions:

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 "Serving Our Commonwealth"

HMEP Planning & Exercise

Planning funds are expended through the LEPC for planning and exercises to test the community's capability to respond to hazardous materials incidents.

The LEPC can:

- perform tabletop exercises, full scale exercises.
- perform a Commodity Flow Survey if determined necessary.
- use the planning funds for development, improvement, and public awareness campaigns for their committee.



HMEP Planning & Exercise

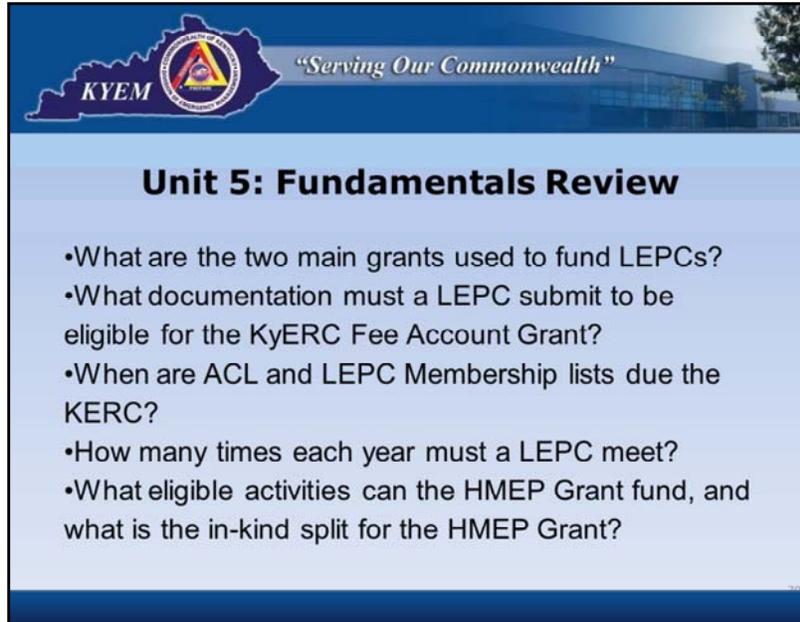
The HMEP Grant funds dedicated to Planning & Exercise are expended through the LEPC for planning and exercises to test the community's capability to respond to hazardous materials incidents.

The LEPC can:

- Perform tabletop exercises, full scale exercises
- Perform a Commodity Flow Survey if determined necessary
- Use the planning funds for development, improvement, and public awareness campaigns for their LEPC

Discussion Questions:

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Unit 5: Fundamentals Review

This Unit provided information on available funding streams for Kentucky LEPCs, you should be able to identify:

- What are the two main grants used to fund LEPCs
- What documentation an LEPC must submit to be eligible for the KERC Fee Account Grant
- When ACL and LEPC Membership lists are due to the KERC
- How many times each year an LEPC must meet
- What eligible activities the HMEP grant may be used to fund and what is the in-kind split for the HMEP grant

Discussion Questions:

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Unit 5: Review Answers

- KyERC Fee Account Grant & Hazardous Materials Emergency Preparedness (HMEP) Grant.
- LEPCs must annually submit the following documentation to the KERC:
 - LEPC Meeting Minutes
 - Public Notice from newspaper
 - Inventory List
 - Updated Membership List – Due Dec. 1st
 - Annual Certification Letter – Due Apr. 1st
 - Bank Statements & expenditures documentation
- LEPCs must meet at least twice during each calendar year, only once if there are no EHS facilities present within the planning district.
- The HMEP Grant allowable expenses include: exercises, Commodity Flow Survey (CFS), and if development, improvement, and public awareness campaigns for their LEPC. The grant is an 80/20 in-kind match.

Unit 5: Review Answers

KERC Fee Account Grant & Hazardous Materials Emergency Preparedness (HMEP) Grant.

LEPCs must annually submit the following documentation to the KERC:

- LEPC Meeting Minutes
- Public Notice from local newspaper
- Updated Membership List – Due December 1st
- Annual Certification Letter – Due April 1st
- Inventory List
- Bank Statements and expenditures documentation

LEPCs must meet at least twice during each calendar year, only once if there are no EHS facilities present within the planning district.

The HMEP Grant allowable expenses include: exercises, Commodity Flow Survey, and if development, improvement, and public awareness campaigns for their LEPC. The grant is an 80/20 in-kind match.

Discussion Questions:

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Noteworthy Resources

Kentucky Emergency Management

<http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx>
<http://kyem.ky.gov/Who%20We%20Are/Pages/LEPC.aspx>
<http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>

The following and other relevant items can be found in at least one of the Document Libraries found on the above websites:

<ul style="list-style-type: none"> •EPCRA: (SARA-TITLE-III) •KRS 39E •106 KAR 1.081 – 1.131 •County Title III Plan Checklist •Sara Title III Sample Certification Letter •List of Lists 	<ul style="list-style-type: none"> •EPCRA How to Comply Packet •Tier2 Reporting Fee Schedule •Battery Lead-Acid KERC Policy Documents •Kentucky LEPC's - It Is Your Right To Know •TAB Q-7 Plan Development Guidance •Tier2 Retail Gas Station Reporting Rule
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Noteworthy Resources

Kentucky Emergency Management

<http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx>

<http://kyem.ky.gov/Who%20We%20Are/Pages/LEPC.aspx>

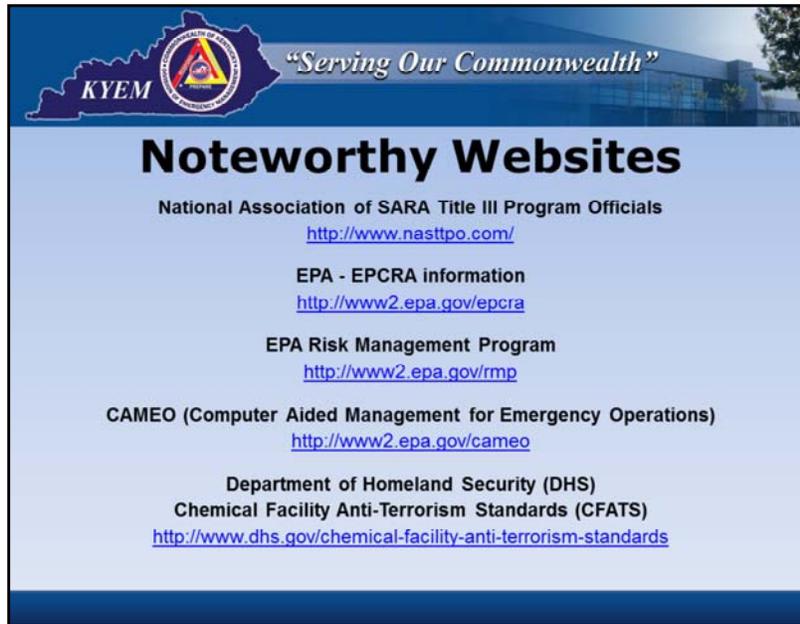
<http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>

The following and other relevant items can be found in at least one of the Document Libraries found on the above websites:

- EPCRA: (SARA-TITLE-III)
- KRS 39E
- 106 KAR 1.081 – 1.131
- County Title III Plan Checklist
- Sara Title III Sample Certification Letter
- List of Lists
- EPCRA How to Comply Packet
- Tier2 Reporting Fee Schedule
- Battery Lead-Acid KERC Policy Documents
- Kentucky LEPC's - It Is Your Right To Know
- TAB Q-7 Plan Development Guidance
- Tier2 Retail Gas Station Reporting Rule

Discussion Questions:

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Noteworthy Websites

National Association of SARA Title III Program Officials

<http://www.nasttpo.com/>

EPA - EPCRA information

<http://www2.epa.gov/epcra>

EPA Risk Management Program

<http://www2.epa.gov/rmp>

CAMEO (Computer Aided Management for Emergency Operations)

<http://www2.epa.gov/cameo>

Department of Homeland Security (DHS)

Chemical Facility Anti-Terrorism Standards (CFATS)

<http://www.dhs.gov/chemical-facility-anti-terrorism-standards>

Discussion Questions:

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The Annual LEPC Calendar

Purpose (KERC LEPC Calendar):

This document is designed to provide LEPC members with a timeline of the grant requirements found in EPCRA, KRS, and KAR. It will also serve as a valuable toll in planning yearly LEPC meetings and Exercises. Tentative dates for the KERC meeting have been included. All LEPC Chairs are welcome to attend and encouraged to contact the KERC Program Manager to schedule agenda time for presentations regarding current LEPC events, issues, requests, and general updates of activities.

Target Audience (KERC LEPC Calendar):

The target audience for this document is any private citizen with an interest in community awareness and emergency preparedness and current members of an LEPC. Specifically, the Chair, the Vice-Chair, the Treasurer, and persons whose role with the LEPC typically includes the responsibility to complete any/all of the following forms and documents:

101-GA	Grant Application
102-DB	Detailed Budget
103-PPI	Personal Property Inventory
103B-PPI	Additional Personal Property Inventory
104-MCP	Membership Cover Page
105-GL	Grant Ledger
107-PLN	Public Legal Notice
302-ACL	Annual Certification Letter

~ January 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1) Tier2 Reporting Period Opens, Facilities must submit to SERC, LEPC, & FD no later than March 1 st 2) No later than January 31 publish public information on committee activities entitled "Public (Legal) Notice Advertisement".						
3	4	5	6	7	8	9
10	11	12		14	15	16
17		19	20	21	22	23
24	25	26	27	28	29	30
Notes: LEPCs must meet at least twice per year (once if no EHSs in district)						

LEPC Calendar January

Tentatively set at least 2 meeting dates for the upcoming calendar year.

- The LEPC shall meet at least twice during each calendar year. LEPCs which do not have any EHS in excess of the TPQ present in their community shall meet at least once during each calendar year. A quorum shall be required. A copy of the minutes must be provided to the Chairman of the KERC, or designee, within 30 days of the date of the meeting.

- No later than **January 31st** each calendar year in accordance with KRS Chapter 424 the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".

O No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the legal notice publish as described clearly showing the name of the newspaper and the date of publication.

~ February 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	1) No later than February 28 submit to the KERC a photocopy of the "Public (Legal) Notice Advertisement" published, clearly showing the name and date of the newspaper.				

LEPC Calendar February

- No later than **January 31st** each calendar year in accordance with KRS Chapter 424 the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".

O No later than **February 28th** LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the legal notice publish as described clearly showing the name of the newspaper and the date of publication.

~ March 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Facilities must submit by March 1 : 1) Tier2 Reports 2) Facility Annual Certification Letter (FACL)		1 Facility Deadline: Tier2 Report and FACL	2	3	4	5
6	7	8	9	10	11	12
13 	14	15	16 	17	18	19
20	21	22	23	24	25 FRIDAY FRIDAY FRIDAY	26
27	28	29	30	31	Notes - FACL must state: 1) there were no changes to EHS Plan; or 2) EHS Plan has been revised and the revisions are included with the FACL	

LEPC Calendar March

- No later than **March 1** facilities must submit Tier2 Inventory Forms to the SERC, LEPCs, & FDs.
- No later than **March 1** any facility that has an EHS in excess of the TPQ shall review the EHS Facility Emergency Response Plan and send a Facility Annual Certification Letter (FACL) to the LEPC stating that there were no changes and therefore the EHS Facility Emergency Response Plan is correct as is; or the EHS Facility Emergency Response Plan has been revised and the revisions are included with the FACL.

~ April 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than April 1st: 1) Review EHS Facility plans and send an ACL to the KYEM AM stating: a. that there were no changes; or b. plan has been revised and the revisions are included with the ACL. 2) Submit Grant Application to the KYEM AM 3) Submit documentation of expenditures, including LEPC Bank Ledger					1	2
					Submit: ACL and EHS Plans, Grant App. & Expenditures	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

LEPC Calendar April

- No later than **April 1st** each year, the LEPC shall review EHS Facility Emergency Response plans and send an ACL to the KYEM AM stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the ACL.
- No later than **April 1st** the LEPC shall submit Grant Application to the KYEM AM
- No later than **April 1st** the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger for the preceding year.

~ June 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than <u>June 1</u> submit detailed budget to the KERC or designee, identifying how the funds requested on the Grant Application are to be spent.			1 Submit Detailed Budget	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	Notes:	

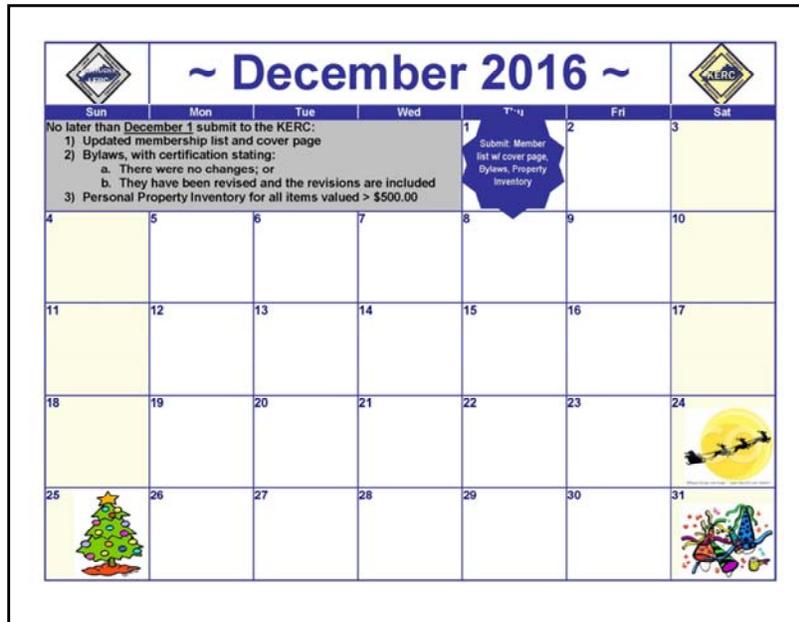
LEPC Calendar June

- No later than **June 1st** LEPCs shall submit a detailed budget to the Chairman of the KERC or designee, identifying how the funds requested on the Grant Application are to be spent.

~ September 2016 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Notes: No later than <u>September 15</u> the KERC will make the grant awards.				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 KERC makes Grant Award Payments	16	17
18	19	20	21 KERC	22	23	24
25	26	27	28	29	30	Notes:

LEPC Calendar September

- No later than September 15th the KERC shall make the grant awards.

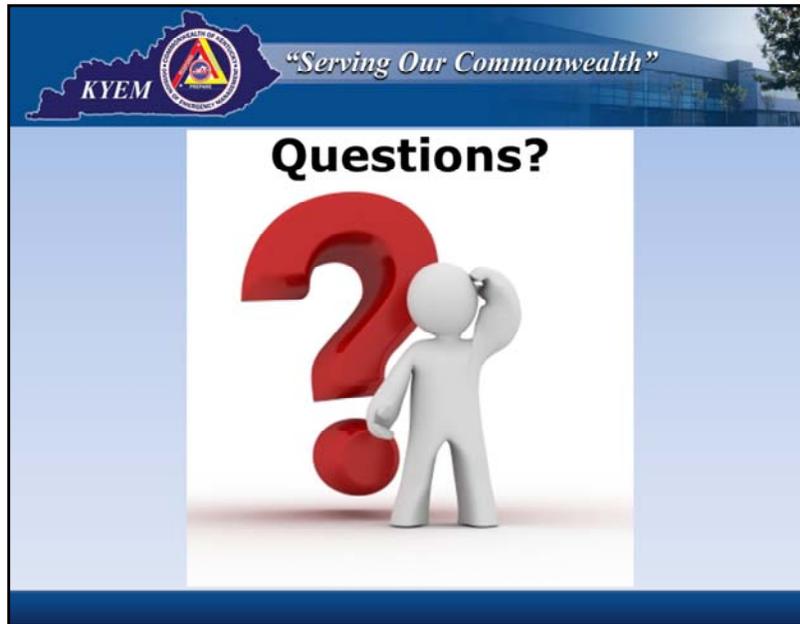


LEPC Calendar December

- No later than **December 1st** each year, the LEPC shall submit an updated membership list and cover page to the Chairman of the KERC, or designee.

- No later than **December 1st** each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating that there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included.
 - The bylaws shall identify the position or person who will be responsible for accountability for the funds and who will be listed as the authorized applicant as shown on the grant application.

- No later than **December 1st** LEPCs shall submit a Personal Property Inventory Maintenance identifying all property items valued in excess of \$500.00 purchased using KERC Grant funds.

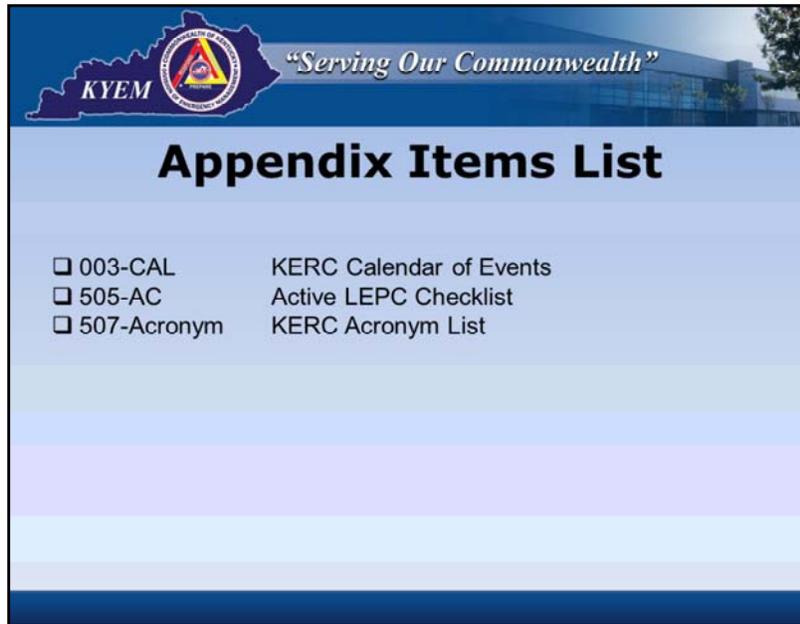


Please do not hesitate to contact any of the KYEM Staff if you have any questions:

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Fax: 502.607.1008
david.m.davis200.nfg@mail.mil
kentuckyserc@gmail.com



Appendix Items List

- | | |
|--------------------------------------|-------------------------|
| <input type="checkbox"/> 003-CAL | KERC Calendar of Events |
| <input type="checkbox"/> 505-AC | Active LEPC Checklist |
| <input type="checkbox"/> 507-Acronym | KERC Acronym List |

Discussion Questions:

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