

Eight (8) Approved ACL Plan Status Definitions

* **NEW** – New plan that is complete and has been approved by LEPC but has never been reviewed or approved by a KYEM RRM or the KERC; requires submitting a County Title III Plan Checklist.

* **TECHNICAL CHANGE** – A plan that has prior KERC approval but, includes changes that materially affect response operations in the event of a release of an EHS; requires submitting a County Title III Plan Checklist. Complete definition in “Kentucky’s TAB Q-7 Plan Development Guidance Manual”.

** **UNDER DEVELOPMENT** - New plan that is not complete, has not been approved by LEPC, and has never been reviewed or approved by KYEM RRM or KERC. Requires submitting a County Title III Plan Checklist. 106 KAR 1:091 states that the LEPC shall submit a TAB Q-7 to the RRM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ.

ADMINISTRATIVE CHANGE (DATE) - A plan that has prior KERC approval, however; changes that do not materially affect response operations in the event of a release of an EHS have been made during the annual review. Complete definition in “Kentucky’s TAB Q-7 Plan Development Guidance Manual”. Include the date of the administrative change(s) in the FACILITY field.

NO CHANGE - A plan that has prior KERC approval and has not been changed since its last review. Plan is currently on the county SharePoint page with a signed/dated County Title III Plan Checklist and KERC approval letter.

DELETED (DATE) – An obsolete plan that is no longer part of the County EOP. ACL includes date and reason plan was deleted. These plans do not count toward KERC fee account grant distribution formula. Include the date the plan was deleted in the FACILITY field.

RESERVED FOR FUTURE USE – Plan does not exist but space reserved for future plan. These plans do not count towards KERC fee account grant distribution formula.

NO EHS – An optional plan created by the LEPC for a facility that does not house any EHS’s. These plans do not count towards KERC fee account grant distribution formula.

***Require submission to the KERC for approval**

**** Require submission for approval w/in 60 days**

Definitions: Administrative vs. Technical

Administrative Change Definition

Administrative changes are those changes that in themselves do not materially affect response operations in the event of a release of an extremely hazardous substance. These changes include: name change of the facility, changes to telephone numbers, personnel changes, and changes to the names or numbers of affected special facilities listed for a quadrant in the vulnerable zone (unless these changes are due to a change in the radius of the vulnerable zone).

* Technical Change Definition

Technical changes are those changes that materially affect response operations in the event of a release of an extremely hazardous substance (EHS). These include changes to the type or quantity of EHS chemicals that may cause an increase or decrease in the radius of the vulnerable zone, and other changes that affect the size of the vulnerable zone. In the event of a change in the size of the vulnerable zone, corresponding sections of the Title III Plan such as Response Point, Staging Area, and Special Facilities should be reviewed to determine if and how the change has affected these sections. If Special Facilities have been added to or subtracted from quadrants due to the change in radius the drawing of the new radius should include these changes.

***Require submission to the KERC for approval**

Definitions: New vs. Under Development

* NEW – A new plan is one that is complete and has been reviewed and approved by the LEPC but has NOT been reviewed or approved by a KYEM AM or the KERC. New plans require submitting a signed EHS Facility Plan Checklist with the EHS Plan.

** UNDER DEVELOPMENT – A plan that may be complete -or- is NOT yet complete, but has not been reviewed and approved by LEPC. Under development plans have NOT been reviewed and approved by KYEM AM or KERC. 106 KAR 1:091 states that the LEPC shall submit an EHS Facility Plan to the KYEM AM within sixty (60) days of notification that the facility has an EHS in excess of the TPQ. When Under Development Plans are officially reviewed and approved by the LEPC their designation will change to NEW and will accordingly require submitting a signed EHS Facility Plan Checklist with the EHS Plan.

***Require submission to the KERC for approval**

**** Require submission for approval w/in 60 days**

EHS Facility Emergency Response Plan Submission Process:

New EHS Facility plans or existing EHS Facility Plans with technical changes require approval from a quorum of the KERC prior to their inclusion in the County EOP. The following steps are followed in the submission and approval process:

- The Plan must first be reviewed by the LEPC of the county in which the facility is located using the EHS Facility Emergency Response Plan Checklist.
- If the LEPC finds the Plan acceptable, the Checklist shall be signed by the LEPC Chair and the Plan and Checklist forwarded to the KYEM Area Manager (AM) for the county where the facility is located.
- The KYEM AM shall review new EHS Facility Emergency plans and their accompanying checklists for completeness. Plans deemed complete by the KYEM AM shall be forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, within thirty (30) days of receipt from the local emergency planning committee. Plans deemed incomplete shall be returned to the local emergency planning committee with recommendations.

The AM will complete his/her portion of the Checklist and send both it and the Plan to the designated KYEM Planner for final review before presentation to the KERC Planning Committee.

The KYEM AM shall review the ACL and all EHS Facility Emergency Response Plan revisions received from the local emergency planning committee for completeness, note any recommendations and forward them to the Chairman of the Kentucky Emergency Response Commission, or designee, no later than May 1 each year.

- The KYEM Planner will send a receipt notice to the AM and the LEPC stating that the Plan has been recommended for approval and giving the dates of the KERC Planning Committee and full KERC meetings. If the Planner does not approve the Plan it will be returned with comments to the AM for correction by the preparer.
- New SARA Title III Plans and existing Plans with technical changes approved by the Committee shall be presented by the Planning Committee Chair to the full KERC during the next scheduled meeting. The KERC currently meets bi-monthly on odd months. All meeting time and locations are posted in advance at: <http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx>
- If the KERC accepts the EHS Facility Emergency Response Plan an approval letter signed by the Chairperson of the KERC will be sent to the LEPC Chair, KERC Chair, KERC Planning Committee, KYEM Planning Branch Manager, KYEM Planning Staff, KYEM AM & AA, County EM, and the County Judge/Executive.

If the KERC does not accept the Plan as presented a disapproval letter will be sent to the LEPC and KYEM AM.

Posting Approved Plans to SharePoint

The LEPC is the cornerstone of the Emergency Planning and Community Right-To-Know Act (EPCRA). The EHS Facility Emergency Response Plans developed by the LEPC are vital in helping communities improve chemical safety and protect public health and the environment in the unfortunate event of a HAZMAT incident.

In support of EPCRA, Kentucky Revised Statutes (KRS), and Kentucky Administrative Regulations (KAR) it is the KERCS desire to ensure all TAB Q-7 plans are available at the state level via SharePoint. This measure will afford State planners easy access to review and assist county planners and/or facilities should questions arise. More importantly, this will afford State operations, in the unfortunate event of a HAZMAT incident, virtual access to key information required to promptly and efficiently support a local response.

At the July 29th, 2015 meeting, the KERCS voted to approve a policy requiring LEPCs to post all approved EHS Facility Emergency Response Plans to their respective County SharePoint folder. Please note plans that have been officially approved by the KERCS must include:

- County Title III Plans Checklist signed by the:
 - LEPC Chair,
 - KYEM Area Manager, and
 - KERCS Commissioner

- An official approval letter signed by the Chairperson of the KERCS.

If any plan is missing either of these documents it should be considered non-approved and the LEPC should complete the review process and submit the LEPC approved plan, with checklist, to the KYEM Area Manager within 60 days.

Plan Posting Notification

This is a complete list of LEPC Planning items required. Each item is either required to be submitted directly to the KYEM AM or the KERCS Chair (or designee). In all cases the Chair's designee would constitute LEPC Program Staff in Frankfort and documents should be "submitted" in the following manner:

- 1) LEPC representative uploads documentation to County SharePoint Folder
- 2) LEPC representative emails KYEM AM and LEPC Program coordinator

Email must include specifically:

- a. which document was uploaded (xxxx)
- b. where document is located (xxxx)

KERC Approved Plan Storage

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, in the County Emergency Operations Plan (EOP), and stored on the County SharePoint folder for access by state agencies.

Approved Plan Distribution

Every individual and entity named in the EHS Facility plan should have access to the plan.

Every individual and entity the plan dictates will take action should have access to the plan.

This includes, but is not limited to:

- Facility personnel, including the FERC
- Local EM
- Special facilities
- First responders
- Local elected officials
- LEPC Members