

To: All Facility Representatives of the La Porte LEPC

Date: November 11, 2010

From: George Bud Melder (2010 La Porte LEPC Chairman)

Subject: Emergency Planning Community Right-to-Know Act (EPCRA) - Information

The Emergency Planning and Community Right-to-Know Act of 1986 (**EPCRA**) establishes requirements for Federal, State and local governments, Indian Tribes, and **industry** regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. EPCRA has four major provisions:

- **Emergency planning** (Sections 301-303) - Local governments are required to prepare chemical emergency response plans, and to review plans at least annually. State governments are required to oversee and coordinate local planning efforts. Facilities that maintain Extremely Hazardous Substances (EHSs) on-site in quantities greater than corresponding Threshold Planning Quantities (TPQs) must cooperate in emergency plan preparation.
 - **What facilities are subject to the EPCRA emergency planning requirements?**
 - Any facility with any Extremely Hazardous Substance (EHS) on-site greater than the relevant Threshold Planning Quantities (TPQs).
 - Any other facility designated as subject to the emergency planning requirements by the Governor of Texas or the Texas Emergency Response Commission (SERC), after a period of public comment.
 - **What are Local Emergency Planning Committees (LEPCs)?**
 - LEPCs such as the La Porte LEPC must develop an emergency response plan, review it annually, and provide information about chemicals in the community to citizens. Plans are developed by the La Porte LEPC with stakeholder participation. There is one LEPC for each of the more than 3,000 designated local emergency planning districts. The La Porte LEPC membership must include: Elected state and local officials; Police, fire, civil defense, and public health professionals; Environment, transportation, and hospital officials; Facility representatives; Representatives from community groups and the media.
- **Emergency release notification** (Section 304) - Facilities must immediately report accidental releases of EHS chemicals and "hazardous substances" in quantities greater than corresponding Reportable Quantities (RQs) defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to state and local officials. Info about accidental chemical releases must be available to the public.
 - **EPCRA Section 304**
 - If an accidental chemical release exceeds the applicable minimal reportable quantity, the facility must notify the Texas State Emergency Response Commission (SERC) and the La Porte LEPC for any area likely to be affected by the release and the National Response Center, and provide a detailed written follow-up as soon as practicable. Information about accidental chemical releases must be made available to the public.
- **Community Right-to-Know Requirements (Hazardous chemical storage reporting requirements)** (Sections 311-312) - Facilities manufacturing, processing, or storing designated hazardous chemicals must make Material Safety Data Sheets (MSDSs) describing the properties and health effects of these chemicals available to state and local officials and local fire departments. Facilities must also report, to state and local officials and local fire departments, inventories of all on-site chemicals for which MSDSs exist. Information about chemical inventories at facilities and MSDSs must be available to the public.
 - **What are facilities required to do?**
 - Under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 311, facilities must submit the same MSDSs they maintain for OSHA to the Texas SERC, La Porte LEPC, and local fire department. Or, facilities may choose to submit a detailed list of the same chemicals instead. This is a one-time submittal; facilities have three months after becoming subject to the OSHA regulations to submit their material.
 - Facilities that need to submit MSDSs or chemical lists under Section 311 also need to submit an annual inventory report for the same chemicals (EPCRA Section 312). This inventory report must be submitted to the Texas SERC, La Porte LEPC and local fire department by March 1 of each year.
- **Toxic chemical release inventory** (Section 313) - Facilities must complete and submit a Toxic Chemical Release Inventory Form annually for each of the more than 600 Toxic Release Inventory (TRI) chemicals that are manufactured or otherwise used above the applicable threshold quantities.

The role of any LEPC, including the La Porte LEPC, is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness. Local governments (e.g., La Porte, Morgan's Point, & Shoreacres) are responsible for the integration of hazmat planning and response within its' jurisdiction. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into its' local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.



La Porte, Morgan's Point, & Shoreacres

La Porte LEPC
 604 W Fairmont Pkwy
 La Porte, TX 77571
www.laportelepc.org

It is necessary for **industry** to be a part of that planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for identifying a facility emergency coordinator { LEPC's shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(d))}; reporting hazmat inventories annually to the LEPC, SERC, and local fire department; providing material safety data sheets (MSDS) or a list of hazardous chemicals { Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described (Section 311(a))}; allowing local fire departments (such as the La Porte FD) to conduct on-site inspection of hazmat facilities; and providing an annual report of toxic chemicals released to EPA and the State of Texas.

Members of the La Porte LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the district. Each LEPC member must realize that he or she represents their organization on the LEPC and that they are responsible for coordinating information and activities from our LEPC to their organization and for providing accurate feedback from their organization back to our LEPC. The La Porte LEPC has many responsibilities, mandates, and deadlines, and communication of information to/from is critical.

The La Porte LEPC is proud to be an extremely active LEPC, with numerous initiatives undertaken over the years that go above and beyond the requirements of EPCRA. Industry involvement in all facets of the La Porte LEPC has made a major difference in the quality and content delivered via the LEPC to the communities of La Porte, Morgan's Point & Shoreacres, as well as back to the industrial community itself. This work could not have been accomplished, and could not continue, without the active participation of its members. The industrial community – in particular – should be proud of the efforts of the individuals they have sent to represent their company at LEPC general and committee meetings. They have done a great service to this area, represented the chemical, petrochemical and refinery industries well, and have contributed greatly to our success.

Please continue to support the fine work of the La Porte LEPC (and other area LEPCs) by ensuring your personnel contribute their time and efforts in LEPC committee meetings, at general meetings of the membership, and at other LEPC-sponsored activities and events. I can attest that it is greatly appreciated by the communities our LEPC serves, that of La Porte, Morgan's Point, and Shoreacres.

Thank You

George Bud Melder

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CONTACT NUMBERS

24-HR PHONE #	LEPC AREA	CITY EOC ADDRESS	24-HR FAX #	EOC FAX #	EOC / OEM E-MAIL ADDRESS
281-471-3810	La Porte, Morgan's Point, Shoreacres	3001 N 23 rd St	281-470-1639	281-470-1590	EMMAN@laportetx.gov lepc@laportetx.gov

You may contact either of the following for additional information:

George Bud Melder
 2010 La Porte LEPC Chairman
 281.474.8710 Wk
 281.474.8736 Fax
george.melder@fmc.com

Jeff Suggs
 La Porte LEPC Information Officer
 281.470.0010 Wk or 281.470.0009 Direct
 281.470.1590 Fax
lepc@laportetx.gov