

**EPA Successful Practices in
Title III Implementation**

Chemical Emergency
Preparedness and Prevention
Technical Assistance Bulletin

**New York, New York
El Paso County, Colorado
Alexandria, Virginia
State of Maine**

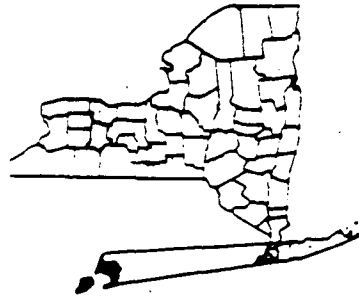
ABOUT THIS BULLETIN

This is another in a series of bulletins EPA is issuing to provide examples of implementation programs and strategies of the Emergency Planning and Community Right-to-Know Act of 1986, known as Title III, that are innovative or have proven effective. The purpose of these bulletins is to share information on successful practices with Local Emergency Planning Committees (LEPCs), State Emergency Response Commissions (SERCs), fire departments, and other Title III implementing agencies throughout the country in the hope that such information will prove useful to other SERCs and LEPCs as their programs develop and evolve.

Elements from the programs featured here may be transferable to other programs in similar communities or with similar situations. The bulletins provide information on a variety of practices — for example, planning, compliance, information management, hazard analysis, and outreach. The particular topics covered in each LEPC or SERC profile are listed at the upper right hand corner of the first page of the profile for easy reference.

The descriptions of the innovative and effective implementation programs and strategies are not exhaustive. They are meant to provide readers with enough information to determine if a particular approach is applicable to their own situation. Each profile includes a contact person who can provide more detailed information.

If you know of Title III implementation efforts that you feel would be of interest to others, please contact your EPA Regional Chemical Emergency Preparedness and Prevention coordinator (see list on the last page) or the Emergency Planning and Community Right-to-Know Information Hotline at 1-800-535-0202, or, in Washington, DC, 479-2449.



Information Management
Planning
Compliance
Outreach

NEW YORK, NEW YORK

- LEPC:** 25 members, including city law enforcement, fire, transit, environmental, general services, health, and education officials, and representatives from the mayor's office, State assembly, Red Cross, community groups, business and industry, media, and State agencies. The chairman is a representative of the mayor's office.
- Population:** 7,500,000
- Facilities:** Over 9,000, ranging from large manufacturing operations to gas stations and metal fabrication shops

The New York City LEPC is faced with one of the largest and most complex emergency planning assignments of any LEPC in the country. The jurisdiction's enormous population and area combined with thousands of potentially regulated facilities presents an extraordinary challenge to the effective management of the Title III mandate.

The LEPC is chaired by a representative from the Mayor's Office, and has an Emergency Coordinator (from the Police Department's Office of Emergency Management) and an Information Coordinator (the Deputy Commissioner of the New York City Department of Environmental Protection (DEP)). The New York City Community Right-to-Know (CRTK) Law (Local Law #26 of 1988) provides the DEP with supplementary information on approximately 3000 hazardous materials used, stored, manufactured, or processed by facilities. In addition, the CRTK law expands DEP's enforcement and inspection authority, effectively making DEP the lead agency for New York City Title III efforts.

LEPC ACTIVITIES

Information Management. Facilities provided the LEPC with either a facility inventory (Tier II) form, or a "Statement of Retraction" indicating their exemption from Title III reporting requirements. The LEPC reviews the reporting forms for accuracy, completeness, and trade secret claims, and then requests supplemental information in the event of incomplete submissions.

For facilities with extremely hazardous substances (EHSs) present on-site above specified threshold planning quantities, DEP requires facilities to provide specific chemical and storage information. The information obtained is entered into CAMEO, a computer software package, for DEP's risk assessment and inspection programs. CAMEO (Computer-Aided Management of Emergency Operations) is a MacIntosh-based software package designed by NOAA in collaboration with EPA to assist emergency planners and first responders with Title III activities and is used for planning, response, and enforcement purposes.

Three IBM-compatible personal computers are used to enter the information into the city facility-inventory database, which is designed for both emergency response and CRTK activities. Because the DEP system is otherwise an IBM-compatible system, a Macintosh-IBM converter is necessary to transfer information.

A Right-to-Know software minisystem, which will simplify the database structure and improve the speed and efficiency of information exchange with other agencies, is being developed. A system of portable laptop computers will expand the availability of the minisystem and assist response personnel at accident sites in accessing emergency information through modems and cellular phone hook-ups.

The LEPC uses chemical information for the whole range of Title III purposes. Citizen requests for Title III information must be met within ten business days, although the average turn-around on requests is three business days. The information can be delivered in various formats (photocopies, computer printout, etc.). Facility-inventory information and MSDSs are currently downloaded monthly onto the fire and police department computers from the city facility-inventory database. This practice, which updates these departments' existing files, will be unnecessary after the Title III minisystem is put into operation.

In addition, the LEPC uses facility submissions under Title III sections 302-3, 304, and 311-12 to coordinate compliance inspections and emergency incident response by identifying facilities not in compliance. Upon request, the LEPC has also provided a local hospital with information on neighboring facilities and their chemical inventories to assist in patient treatment.

Planning. The chemical accident planning required under Title III has been incorporated into an existing generic emergency planning system established by New York City for large-scale emergencies such as severe weather, utility failures, fires, civil disorder, and epidemics. Rather than addressing specific operations for individual incidents, the emergency plan defines the specific roles of the various city, State, Federal, and private organizations involved in emergency response, and the procedures for activation of the established levels of response operations. The emergency plan stresses the importance of flexibility and adaptability in meeting the mobilization and communication needs of incident response in New York City.

The city emergency plan places preparedness responsibility for large-scale incidents with the Emergency Control Board (ECB) consisting of representatives of municipal agencies and various organizations. ECB activities are administered by the Police Department's Office of Emergency Management (OEM), which develops incident response procedures in addition to providing guidance and training for response personnel. A computerized city resource directory and a comprehensive directory of city officials are updated regularly to assist in the coordination of response activity.

An emergency management center staffed by senior city officials controls response operations for major emergencies, and is supported by the Emergency Coordinating Section (ECS) of middle managers who directly supervise the response. In addition, a Press Information Unit accumulates information and prepares press releases, and a Public Inquiry Unit may also be activated to respond to telephone requests on a hotline number. At the close of an incident, the ECS prepares an evaluation report to assist in any revision of the emergency plan.

As part of the city's hazardous materials planning, facility inspections are conducted to identify and plan for chemical hazards. The priorities for facility inspections are based on the hazards analysis results from the use of CAMEO's vulnerability/risk screening function. Facilities reporting EHSs are contacted for additional information, which is then entered into CAMEO to calculate the potentially affected geographic areas.

Over 100 facilities with high-risk, large vulnerability zones situated in densely populated residential areas have been inspected. The inspectors' findings and recommendations focus on improving the facilities' safety practices, including its management practices, spill and leak prevention, release containment, labeling, detection devices, safety and emergency equipment, employee training, and emergency contingency plans were issued to the facility. The follow-up activities to these inspections include referrals to other regulatory agencies for possible violations, including improper waste disposal, permits, and registration. Eventually, DEP plans to work with these facilities in reducing potential accident risks involving EHSs and other hazardous substances.

Compliance. The LEPC has received permission from the SERC to allow facilities to report information for both the city and Federal laws on the New York City Facility Information Form. They have received over 800 facility inventory forms, over 7,000 MSDSs, and approximately 150 site plans from 3,000 total facilities along with an estimated 3,500 Statements of Retraction this year. In addition, the fire department provides data to the LEPC on the presence of fossil fuels, petroleum products, and combustible or flammable chemicals or materials at almost 10,000 additional facilities. These facilities have been issued permits for the use of hazardous chemicals under the city fire code.

A list of the reportable hazardous chemicals under the city's CRTK law, adopted from New Jersey Community and Worker Right-to-Know Act, is alphabetized by common name and synonyms, and includes Chemical Abstract Service (CAS) numbers in an effort to simplify chemical identification. It remains difficult to judge actual overall facility compliance as a result of the considerable ownership turn-over and bankruptcy among smaller facilities.

Outreach. The LEPC has identified facilities subject to CRTK reporting requirements from a number of different sources, including the DEP Bureau of Wastewater Treatment's facility discharge permit database; the section 302 facility database developed and maintained by the SERC to track facilities with EHSs; universities, libraries, and schools; other municipal agencies; trade associations; and communications with community groups and individual citizens. The LEPC also used facility information from the New York City Office of Business Development and Department of Finance, as well as other agencies such as the NY State Department of Labor database in outreach and compliance efforts.

To reinforce these existing outreach efforts, the LEPC has identified more than one hundred trade associations whose members may be subject to CRTK regulations. The LEPC has worked with two of these trade associations (the New York Sanitary Suppliers and the Association of Graphic Arts) to develop mailings and presentations on CRTK issues and has also offered compliance workshops for numerous municipal agencies. The LEPC has found that these presentations and workshops have resulted in significant numbers of facility submissions.

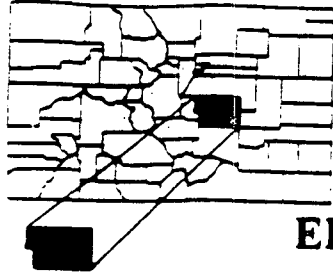
A citizen outreach bulletin on the city and Federal CRTK laws has been developed and will be distributed to neighborhood groups including community boards and public libraries. Similar information will also be distributed in pamphlets accompanying utility and water bills. A business outreach brochure on city CRTK reporting requirements has been mailed to 8,000 facilities identified by the SERC, and approximately 3,000 more were mailed to facilities complying under Title III. Outreach materials (the business brochure, and compliance forms and instructions) are also available from facility inspection personnel.

LESSONS LEARNED

Size Should Not Be an Impediment to Success. While it might appear that the task facing the New York City LEPC was extraordinary, the city's greatest challenge involves coordinating, rather than developing, the necessary resources. City officials believe the emergency plan for New York City serves as a flexible document that provides a comprehensive response strategy for the thousands of potentially serious incidents that could occur. The plan establishes an integrated structure of responsibilities and communication. The consolidation of facility identification information from various municipal agencies in the targeting of outreach efforts also strengthens this integrated approach.

Data Management is a Key to Large-Scale Efforts. Continual upgrading of the New York City LEPC data management system is essential to the success of the city's Title III efforts. The availability of CAMEO both simplifies and supports emergency planning, response, and inspection activities. The complexity of the facility inventory database — which has separate sections for general facility information, CRTK requests, Material Safety Data Sheets, outreach efforts, toxicological data, fire department permits, and Statements of Retraction — has convinced the LEPC to integrate these parts directly into a Title III minisystem easily available to local responders.

Contact: Mira Barer, Deputy Commissioner
NYC/LEPC Information Coordinator
NYC Department of Environmental Protection
2420 Municipal Building
New York, New York 10007
(212) 669-7698



Planning
Information Management
Training
Outreach
Use of Section 313 Data

EL PASO COUNTY, COLORADO

LEPC:	23 members, including elected officials and representatives of the county attorney's office, emergency management agency, fire departments, police, hospitals, American Red Cross, League of Women Voters, and the Sierra Club.
Population:	90,000 (excluding the population of the City of Colorado Springs)
Facilities:	40-50, including aerospace and electronics manufacturers and metal fabricators.

El Paso County is located along the Front Range of the Rocky Mountains, south of Denver. The county's terrain varies from semiarid to alpine mountain forests. The city of Colorado Springs, which is the largest urban area in the county, has formed its own LEPC. The county LEPC handles Title III planning within the other parts of the county and coordinates closely with the Colorado Springs LEPC.

LEPC ACTIVITIES

Planning. The LEPC developed its Title III emergency plan as a hazardous materials annex to the county's multi-hazard disaster response plan. To maintain consistency, the multi-hazard county emergency response plan was used as a broad framework to develop the Title III plan. The sheriff's office was designated as the community emergency coordinator for the Title III plan to be consistent with its role as the designated emergency response agency as mandated by county resolution.

As a way of focusing their planning efforts, the LEPC surveyed each potential reporting facility. If a facility was determined to be subject to the Title III planning requirements, a standardized facility profile was completed. The profile includes facility information such as contacts, types of chemicals handled, on-site safety equipment, and other internal resources for responding to chemical emergencies. The fire department and LEPC assisted facilities in completing their profiles.

The LEPC used these profiles and information from other sources, including the regional Council of Governments and the State Highway Department (for transportation data), to develop a county-wide hazards analysis. Based on this analysis, the county was able to develop a draft plan, receive State comments, make revisions, and complete the final plan well before the October 1988 deadline.

To aid future Title III planning, the LEPC developed a questionnaire for facilities, especially new businesses, to determine if they may be covered under Title III. Based on the questionnaire results, if a facility appears likely to be covered by Title III, a more detailed survey and the facility profile form is sent to the facility for the owner or operator to complete. If appropriate, LEPC representatives will meet with the owner or operator of the newly identified facility to review the facility profile, identify the facility coordinator, and explain the facility's responsibilities and requirements in the planning process.

Information Management. The LEPC recognized that computer capability was vital to effective managing of their planning process and all the Title III information. Specifically, the LEPC wanted to develop a computerized information management system that was affordable for the emergency response agencies in the county.

The Computer Aided Management of Emergency Operations (CAMEO), a planning and response management program, and dBASE IV software, an information management program, were chosen as appropriate tools to be used by the LEPC as a start. CAMEO, which runs on a MacIntosh computer, is used by the county for response and planning purposes. CAMEO is used by itself to provide quick information on chemical hazards and help formulate response decisions by providing hazards analyses for the chemicals.

The dBASE IV program allows the LEPC to store all the Title III information, including the facility profiles. The database also can cross-reference MSDSs to obtain supplementary information — for example, if a coordinator for a facility where a response action is occurring is unavailable, the emergency responders can access the database by modem to identify other facilities that use the same chemical and attempt to contact those facility coordinators for more information. Additional software was acquired that allows emergency responders at an incident to access Title III information through a cellular phone modem.

The LEPC also developed procedures to relay Title III information via computer to response sites using "packet" radio. A relatively new concept in communications, packet radio allows a computer to be connected to a high frequency radio (e.g., police radio) via a device called a radio modem that relays data to a receiving computer that also has a radio modem. The term "packet" is used because the information is transmitted via the radio modem in small packets of data (seven to eight words or figures) to a receiving computer, which must return a message that the information was received correctly before the next packet is sent. Because the information is transmitted in these small "packets" and there is down-time between each packet, one frequency can be used by five or six computer stations at one time. This is important in an emergency when many frequencies are in use.

The LEPC believes this communications system is an invaluable tool in response actions, especially at very remote sites. It allows the LEPC to transmit Title III information or other emergency information to response sites where conventional communication systems are non-existent, malfunctioning, or destroyed. In addition, the costs of establishing such a system are very small when compared with other, more elaborate communication systems. It relies mostly on existing hardware — police and fire radios, personal computers and existing short wave radios, run by a network of HAM radio operators more than willing to volunteer in any emergency situation.

Training. The LEPC acts as a coordinating body for all hazardous materials training for responders in the county. The LEPC believes it should be a focal point for information on the training requirements under section 126 of SARA for local emergency responders. Section 126 establishes minimum levels of training for any private or public employee involved in hazardous materials response actions or hazardous waste clean-up operations. The LEPC disseminates information on these requirements and identifies how to obtain the proper training. Moreover, the LEPC will provide this information service to industries that may be covered by the requirements as well.

Local industry, especially the railroads, has provided the LEPC with access to hazardous materials training. With a major transportation corridor cutting across the county, transportation incidents are a major concern. Every year, the railroad brings a special hazardous materials training team to help train first responders, especially those from the rural fire districts. The training is free and includes classroom and "in the field" sessions focusing on transportation-related response situations.

Outreach. The LEPC uses various means to achieve public awareness of Title III requirements and information. Flyers were disseminated through trade associations; library displays were developed; inserts accompanied utility bills and fire permit applications; and the education channel on the local cable television system was used to broadcast information concerning Title III requirements.

The LEPC believes reaching its community's youth can be an effective way to inform parents and the children, themselves, of the presence of chemical hazards and how to be prepared as citizens if an accident were to occur. To reach the primary school level with information on chemical hazards and Title III planning efforts, the LEPC developed library displays for the school library system. All school faculties were provided with a package of information on Title III and surveyed to determine if any classes or extracurricular groups would be interested in receiving a "Chemicals in Your Community" presentation, which is based on the EPA informational brochure on Title III. The LEPC is expanding this presentation beyond Title III to capture the interest of students in grades 1-6. Flyers, contest materials, and award programs are being designed to address topics of environmental safety and pollution and to attract the interest of these younger students.

Use of Section 313 Data. In addition to helping provide workshops on the section 313 requirements for reporting annual releases of toxic chemicals to facilities in the county, the LEPC has been active in evaluating the accessibility of the section 313 data. In June and July 1989, the LEPC was one of a handful of LEPCs in the country to participate in the testing of the national computer database containing information on releases and other data reported under section 313 prior to its release to the public.

The LEPC role in this study was to test the accessibility of the database and evaluate the user-friendliness of the menus. Problems were identified in the time taken to conduct information runs. Because the database users are charged for the time they are on the database, the LEPC believed EPA should institute program changes to reduce that time. The LEPC found the menus designed to help citizens use the database to be good tools in educating the public on the section 313 data benefits and limitations. EPA and the National Library of Medicine, which maintains the database for EPA, also received input from the LEPC on the types of information that the public would want from the database.

LESSONS LEARNED

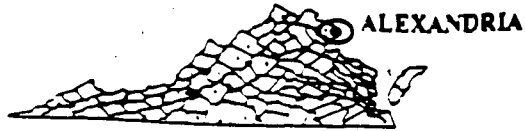
Public Education is an Ongoing Challenge. The LEPC believes its role in educating the public, especially small businesses, is a continuous one. There are new businesses starting all the time and they are probably unaware of Title III and its requirements. Because of this situation, the LEPC must continually provide the basic Title III information while providing more detailed information on Title III and reducing chemical hazards in the community to the other, more informed facilities.

Another public education challenge concerns reaching facilities which are aware of Title III but are still not complying with the law's requirements. With the cost of doing business always increasing, many of these facilities are looking to keep expenses down and perceive Title III as a economic burden. It takes considerable motivation and energy to persuade these facilities to comply and, if appropriate, be involved in the planning process.

Motivated LEPC Members Are Critical To Success. Because the lack of funding is common among most LEPCs, the quality and commitment of LEPC members is crucial. Having LEPC members dedicated and possessing the proper background and credentials is the essential difference between a LEPC that fulfills the spirit of Title III and a LEPC that follows only the letter of the law. Integral to the success of a LEPC is keeping its members, virtually all of whom are volunteers, motivated. This is a continuous process, including regularly scheduling and holding monthly meetings, continual plan review and revision, and, if necessary, broadening the role of LEPC to meet the capabilities and commitment of its membership.

One-on-One Relationships Foster Better Cooperation. LEPC members believe they have established a successful planning process because of the personal relationships developed with the facility coordinators in their community. By conducting interviews with each reporting facility's coordinator, the El Paso County LEPC has been able to establish these one-on-one relationships. Each facility coordinator is able to better understand the facility's requirements and responsibilities under Title III, and the LEPC is able to obtain better cooperation from the facility's owner or operator in obtaining detailed planning information.

Contact: Frank Luciani, Manager
El Paso County Disaster Services
P.O. Box 1575
Colorado Springs, CO 80901
(719) 632-1180



Planning
Inter-County Coordination
Compliance
Training

ALEXANDRIA, VIRGINIA

LEPC:	10 members, including city councilmen and representatives of the police and fire departments, citizens, the media, industry, and railroads
Population:	108,000
Facilities:	7 reported for section 302, including public utilities, a waste to energy facility, a dairy operation, and the Coca-Cola Bottling Company.

Alexandria, a primarily residential community, is located just south of Washington, DC. It does not have any heavy industry but does have several major transportation corridors, including the Potomac Yard, a 540-acre railroad classification and marshalling yard operated by five major railroad systems.

The first true test of the LEPC's Title III emergency response plan, however, occurred not because of the railroads but because of a release of 1,425 pounds of chlorine from the Alexandria Sanitation Authority's water treatment plant. The incident occurred on August 24, 1989, when a six-inch section of 1.5" plastic pipe ruptured and a mechanical safety pressure valve simultaneously malfunctioned at the facility. The police closed down two major highways and evacuated three blocks of an adjacent residential area. The quick decision to evacuate was based on the LEPC's use of information obtained through a hazards analysis of the facility completed earlier during the Title III planning process. The Title III planning process helped to ensure a coordinated, timely response to this incident.

LEPC ACTIVITIES

Planning. The chlorine release demonstrated to the LEPC that its planning process was necessary and effective. A vital ingredient of that process was the identification and documentation of hazards within the community, including a special emphasis on transportation hazards. The fire department is required to develop a hazards analysis and a "Title III Facility Data Sheet" for each extremely hazardous substance (EHS) present at a facility that reported under section 302.

The hazards analysis identifies the hazards of the EHS and the probability and type of release that could occur at the facility. A description of the worst case scenario is also included in the hazards analysis. For

example, the hazards analysis for the Alexandria Sanitation Authority facility identified a worst-case scenario of a total release of 28,000 pounds of chlorine from a rupture of all cylinders present at the facility, but also acknowledged that a more likely release would involve only one cylinder. A release quantity that would pose a high level of concern was identified and a vulnerability zone determined using the Technical Guidance for Hazards Analysis developed by EPA, the Federal Emergency Management Agency (FEMA), and the Department of Transportation (DOT).

The fire department prepares a "Title III Facility Data Sheet" to furnish the LEPC with basic information on reporting facilities' uses of an EHS. The form provides information on the likely transportation routes the EHSs would use within the city. Other required information includes identifying additional facilities at risk (e.g., hospitals, nursing homes, and hotels), methods of detecting releases, employee training programs, evacuation procedures, and a list of emergency response equipment and personnel available from each facility.

As part of the LEPC's emphasis on transportation, many of Alexandria's planning efforts have focused on the Potomac Yard. This railroad facility has been very cooperative and has developed a computerized tracking system that allows them to identify which hazardous substances are in each rail car. This system has proved useful in response situations, enabling emergency responders to identify, in advance, the hazards they are responding to as well as identifying potential hazards in other nearby rail cars. This tracking system has been tested by local responders in exercises conducted at the railroad yard.

Although Potomac Yard is in the process of downsizing railroad operations, Alexandria's other major transportation corridors, specifically highway routes, pose additional concerns to the LEPC. To address these concerns, LEPC representatives serve on a multi-jurisdictional task force on hazardous materials transportation. This task force is exploring means of reducing the transportation of hazardous materials and the likelihood of hazardous materials accidents. The task force is also developing incident response procedures for multi-jurisdictional responses.

Inter-County Coordination. As a suburban community sharing many transportation corridors with other cities and counties, Alexandria has recognized the need for multi-jurisdictional cooperation in developing its emergency plan. The city has developed mutual aid agreements with Fairfax and Arlington counties. Personnel and equipment of one jurisdiction may be dispatched into another jurisdiction as needed and requested by that jurisdiction; for instance, the Virginia State Police responded to the chlorine release at the Sanitation Authority to assist in closing a nearby major interstate highway.

The city's dispatcher, who also serves as the city's emergency notification recipient, has a listing of equipment and personnel from other jurisdictions that can be made available for a response in the city. The city, as a member of the Metropolitan Washington Council of Governments, has also entered into a regional emergency response planning effort to further coordinate multi-jurisdictional response within the Washington, DC area.

The Alexandria LEPC appreciates the value of maintaining liaison with adjacent LEPCs as well as awareness of its facilities and other related activities. The chairman and other LEPC members have attended meetings of LEPCs in both the District of Columbia and Fairfax County.

Compliance. The LEPC has actively pursued obtaining compliance from potential reporting facilities. A comprehensive document, What Alexandria Businesses Should Know About SARA Title III, was developed to explain Title III requirements and the role of the LEPC. This document was distributed to businesses that have been issued a hazardous materials use permit (see next paragraph). The Alexandria Chamber of Commerce also helped the LEPC create an exhibit to use at local business conventions.

A city ordinance requires all commercial businesses that store, use, or handle hazardous substances to obtain a hazardous materials use permit from the fire department. As part of the review and approval process, the fire department conducts a facility inspection. This fire prevention inspection verifies the types and quantities of the hazardous chemicals stored, used, or handled at the facility. The inspectors also verify that pressure valves and other safety equipment are laboratory-rated and calibrated and that personnel operating such equipment are properly certified. Underground storage tanks are checked to ensure they are located at the proper depth and meet specific Federal tank standards. In addition, facilities that file for a hazardous materials use permit are sent a Title III information package.

The LEPC assigned the fire department the responsibility of conducting inspections to identify those facilities subject to Title III that have not yet reported. The fire department targets businesses that have not reported under Title III but, based on fire department personnel's knowledge and experience, are thought to handle hazardous chemicals. Failure to comply with Title III may prevent a facility from receiving a hazardous materials use permit and, therefore, from operating. Using this permitting process, the city believes it has achieved almost total compliance with Title III.

Training. To increase the level of hazardous material awareness and planning expertise of LEPC members, LEPC members have been encouraged to take the week-long Hazardous Materials Contingency Planning course developed by EPA, FEMA, and DOT. This course provides guidance on developing an effective planning process and contains Title III-specific modules.

A three-day training course, underwritten by EPA Region III, has been offered for first responders as well as LEPC members. The course was held over a weekend to allow volunteers to attend more readily. The first two days of the course were classroom instruction on Title III requirements and first responders' duties and responsibilities. The third day was devoted to a field exercise to test their skills in a simulated situation. A truck was used in simulating a transportation accident. In addition to police, sheriffs, fire department personnel, and LEPC members attending this training, facility representatives were invited. Five out of the seven facility representatives attended this course along with their emergency response personnel.

The facilities in the city conduct or coordinate their training exercises with the LEPC. The Alexandria Sanitation Authority had, for example, exercised its plans with the city and neighboring Fairfax County prior to the accident. Joint training with Potomac Yard is conducted regularly.

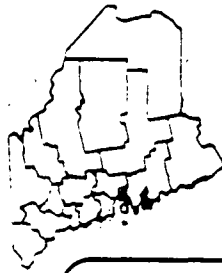
To gain a better understanding of its mission within the city, the LEPC has held its meetings, from time to time, at facilities subject to Title III reporting, including Potomac Yard, Ogden Martin Systems, and Potomac Electric Power Company. The LEPC was given a briefing of the facility's operation and a tour of the facility by each of its hosts. This liaison keeps LEPC members abreast of activities, capabilities, and areas for improvement at each of these facilities. Recently, an LEPC meeting was held in the offices of the Chemical Transportation Emergency Center (CHEMTREC), operated by the Chemical Manufacturers Association in Washington, DC.

LESSON LEARNED

Training and Preparedness are the Keys to Response. The incident at the Alexandria Sanitation Authority demonstrated the value of the joint hazardous materials training that the LEPC and the Sanitation Authority personnel have received. It also helped ensure that all responders knew how to approach the incident and work together effectively. Regular exercises of emergency procedures, such as have been conducted at the Sanitation Authority facility and the Potomac Yard, are vital to the effectiveness of the LEPC's planning process.

The city was prepared for this incident through the comprehensive planning process established under Title III. Critical time was saved by accessing the hazards analysis and data sheet prepared for this facility to determine what response action to undertake. By having this information available, informed decisions could be made rapidly and knowledgeably. By being prepared and trained, the LEPC was able to effectively identify the hazard, secure the site, and mitigate the release.

**Contact: Chief Jack Beam, LEPC Chairman
Alexandria Fire Department
900 Second Street
Alexandria, VA 22314
(703) 838-4600**



STATE OF MAINE

State Characteristics:	16 LEPCs, designated by county
SERC Membership:	14 members, including the Commissioners of Environmental Protection, Human Services, and Labor, the directors of Emergency Medical Services and Emergency Management Agency (who serves as the chair); the Chief of the State Police; and representatives of the Maine Fire Chiefs' Association, municipal government, a professional firefighters' union, volunteer firefighters, organized labor, and an environmental organization.

The State of Maine provides an excellent example of states that are incorporating the Title III provisions into state law and strengthening the requirements to fulfill the spirit of the Federal law. In addition, Maine has considered the funding issue and has established an elaborate fee system to fund the program and designated a state agency to provide administrative support directly to the State Emergency Response Commission.

SERC ACTIVITIES

State Right-to-Know Law Strengthens Title III Requirements. On June 26, 1989, the Governor of Maine signed into law legislation, "An Act to Implement, Administer, and Enforce the United States Emergency Planning and Community Right-to-Know Act of 1986." This law (PL 464) formalized the establishment of the SERC and LEPC structure. While containing the basic reporting elements of Title III, this State legislation expands the planning requirements well beyond the scope of the Federal provisions.

Under the new state statute, the Maine SERC has the added responsibilities of monitoring, participating, and reviewing LEPC exercises; coordinating Title III activities with the Maine Emergency Operations Center; and reviewing hazardous materials training courses offered throughout the State. PL 464 also directed the LEPCs to identify facilities that reported under section 313 for additional planning; annually review and exercise their emergency plan; and incorporate facility plans into their planning efforts. Membership in the SERC and LEPCs was mandated to include broad-based participation of public- and private-sector groups and citizens.

The scope of the Title III planning requirements for facilities with an extremely hazardous substance (EHS) exceeding the threshold planning quantity was greatly expanded by PL 464. Primarily, PL 464 requires these facilities to develop a comprehensive emergency plan by December 26, 1989, that must be annually exercised and reviewed. Each facility plan must identify and describe the facility's warning systems; identify transportation means and routes for EHSs; describe their employee training and testing programs; list companies that provide emergency response equipment and personnel to the facility in case of an accident; and list all mutual aid agreements between the facility and emergency responders or public safety agencies.

By October 1, 1989, these facilities must also have made primary response equipment available for use by emergency responders for containment of EHS releases. If not already available, this equipment must be purchased by the facility or made readily available through agreements with nearby facilities. In addition, any facility that provides personnel or equipment through mutual aid agreements with State or local entities is now immune from civil liability under Maine law for the use of its equipment and personnel except for cases of gross negligence.

On March 1, 1990, state legislation was enacted (PL 638) that expanded the definition of facility to specifically include transit facilities such as railroad and marine terminals. Any materials stored for more than 12 hours at these facilities would be subject to all applicable regulations under PL 464. In addition, PL 638 provided the state with the authority to conduct inspections of facilities to insure compliance. In the event of an accident, the state may investigate and inspect facilities to determine the cause and circumstances of the incident. The state can order a facility to undertake any appropriate reporting, facility response mitigation and corrective actions as deemed necessary.

The state is also considering developing a Hazardous Materials Administrative Inspection Team, composed of representatives of state environmental, emergency management, and transportation agencies. This inspection team would focus on facilities subject to PL 464. PL 638 requires the development of a checklist to facilitate the inspection which will be primarily a compliance audit.

Funding. Another provision of Maine's law is the establishment of a system for assessing and collecting fees from facilities reporting under sections 312 and 313 of Title III. In addition, the SERC collects an annual facility registration fee from all facilities that have submitted any information under sections 311 and 312 to the SERC or have filed a Form R under section 313 with the State and EPA.

The fees assessed for facilities reporting under section 312 are determined based on the average daily amount in pounds of each EHS and hazardous chemical present on-site, while the fees assessed for reporting under section 313 are based the total releases of each toxic chemical. All fees are due annually.

The following fee schedules have been established by the SERC:

- Annual facility registration fee, \$50, due October 1st;
- Annual inventory fees (section 312), due March 1st:

Extremely Hazardous Substance Fees

<u>Total average daily amounts of:</u>	<u>Fee:</u>
less than 99 lbs.	\$ 20
100 - 999 lbs.	\$ 50
1,000 - 9,999 lbs.	\$ 70
10,000 - 99,999 lbs.	\$100
100,000 - 999,999 lbs.	\$150
greater than 1,000,000 lbs.	\$200

Hazardous Chemical Fees

<u>Total average daily amounts of:</u>	<u>Fee:</u>
less than 10,000 lbs.	\$ 0
10,000 - 99,999 lbs.	\$ 50
100,000 - 999,999 lbs.	\$ 75
greater than 1,000,000 lbs.	\$100

- Annual toxic release inventory fees (section 313), due July 1st:

Toxic Release Fees

<u>Total release of:</u>	<u>Fee:</u>
0 lbs.	\$ 0
1 - 499 lbs.	\$ 20
500 - 999 lbs.	\$ 50
1,000 - 9,999 lbs.	\$ 70
10,000 - 99,999 lbs.	\$100
100,000 - 999,999 lbs.	\$150
greater than 1,000,000 lbs.	\$200

A \$5,000 fee cap per facility has been established. Retail marketers of petroleum products with a storage capacity of 75,000 pounds or less per product (e.g., gas stations) and commercial agricultural operations (e.g., farmers) are exempt from paying reporting fees.

All fees collected will be placed in the Emergency Response Commission Fund. Because fees have been collected for the first year, the SERC would like to provide the LEPCs these funds based on a priority basis (i.e., identified needs or hazards) rather than dividing them evenly among Maine's 16 LEPCs. This prioritization process will direct funds to LEPCs based on a number of factors, including the number of facilities, the amount of EHSs, and the potentially affected populations within each county.

The remaining funds collected in the Emergency Response Commission Fund will be disbursed to: employ additional staff at the Maine Emergency Management Agency (MEMA), which provides administrative support to the SERC; fund county training programs; and provide training grants to State and local emergency response personnel. The SERC has hired a full-time hazardous materials planner whose time will be dedicated to assisting LEPCs in their planning efforts and to integrate the LEPC plans with the overall State emergency plan.

International Coordination. Maine meets annually with representatives from five Canadian provinces to discuss issues of common concern. For more than a year, this International Emergency Management Group has been focusing on hazardous materials issues. A steering committee, which meets every six months, identified six cities on the border that have industries handling hazardous materials. One town has a paper company with facilities on both sides of the border.

Two committees were recently formed to address the hazardous materials issues for these six towns. The committees will focus on planning and implementation and are composed of representatives of provincial and Federal Canadian emergency management ministries, MEMA, and local Canadian and American emergency management officials.

Training. With section 305(a) training grant funds, the SERC has hired trainers to teach a four-hour hazards recognition course. Using a "train-the-trainer" technique instructing people on how to train others, the SERC has now trained more than 9,000 emergency responders. In addition, the SERC, through the local Chambers of Commerce, has provided its LEPCs and industry a short two-hour course on the Title III requirements.

At present, the SERC is preparing to hold five workshops on the training requirements of section 126 of Superfund Amendments and Reauthorization Act for local emergency responders. Section 126 establishes minimum levels of training for any private- or public-sector employee involved in hazardous materials response actions or hazardous waste clean-up operations. As part of the workshop, the SERC will identify participants' individual training needs and the level of training required to meet their needs.

LESSONS LEARNED

Consensus is the Key to Developing Legislation. The passage of Maine's emergency planning and community right-to-know law was accomplished through the development of a consensus among the various groups interested in increasing public awareness of, and planning for, chemical hazards. The various interest groups involved in this cooperative effort included State agencies, industry, environmental and labor groups, and the State Legislature.

While it was a long process with many compromises from all interested parties, a law, which greatly strengthens the planning elements of Title III, was passed with the approval of all interested parties. The SERC believes that, through this consensus, the regulated community has a better understanding of the law's purpose and its responsibilities. Also, a more comprehensive planning process has been established that formally incorporates the expertise and resources of the facilities into the planning effort of each county in the State.

Conduct Thorough Research Before Establishing Fees. The Maine SERC believes its fee system established fees that may be conservative and which may lead to the underfunding of its SERC and LEPC activities. Because many facilities subject to reporting in Maine do not handle large quantities of hazardous chemicals, most facilities are not paying anywhere near the \$5,000 fee cap. The SERC realizes the fee assessed per chemical needs to be raised to reflect the fact that most facilities subject to the state law do not handle large quantities of hazardous chemicals.

The Maine SERC believes it is essential that any SERC considering a fee system should research the number of facilities subject to reporting, the number of hazardous chemicals handled at each facility, the maximum quantities of hazardous chemicals present at one time. This should be compared with the needs of the SERC to administer its Title III program along with the needs of its LEPCs. Hence, a SERC should balance its needs with the scope of the subject facilities to establish a fee system that is reasonable for the facilities while assuring adequate funds to meet the needs of the SERC and its LEPCs.

Contact: David D. Brown, Director
Maine Emergency Management Agency
State Office Building
State House Station 72
Augusta, ME 04333

REGIONAL CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION COORDINATORS

Ray DiNardo
EPA - Region 1
New England Regional Lab
60 Westview Street
Lexington, MA 02173
(617) 860-4300

John Ulshoefer
EPA - Region 2
Woodbridge Avenue
Edison, NJ 08837
(201) 321-6620

Karen Brown
EPA - Region 3
841 Chestnut Street
Philadelphia, PA 19107
(215) 597-1399

Henry Hudson
EPA - Region 4
345 Courtland Street, NE
Atlanta, GA 30365
(404) 347-3931

Mark Horwitz
EPA - Region 5
230 South Dearborn
Chicago, IL 60604
(312) 886-1964

Jim Staves
EPA - Region 6
Allied Bank Tower
1445 Ross Avenue
Dallas, TX 75202-2733
(214) 655-2270

Ron Rizer
EPA - Region 7
726 Minnesota Avenue
Kansas City, KS 66101
(913) 236-2806

Cheryl Chusler
EPA - Region 8
One Denver Place
999 18th Street, Suite 1300
Denver, CO 80202-2413
(303) 293-1723

Kathleen Shumun
EPA - Region 9
1235 Mission Street
San Francisco, CA 94103
(415) 744-1450

Walt Jaspers
EPA - Region 10
1200 6th Avenue
Seattle, WA 98101
(206) 442-4349

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