



Ohio's State Emergency Response Commission,
The Emergency Planning & Community Right-to-Know Program

LEPC Member's Handbook

Understanding your role as a member of the Local Emergency
Planning Committee

NOTICE

This handbook is an official document prepared by the Operations and Issues Committee and published by the State Emergency Response Commission (SERC) for all Local Emergency Planning Committee (LEPC) members as identified in the Ohio Revised Code, Section 3750.03 (B).

LEPCs may reproduce this document to provide copies to LEPC members appointed in excess of the primary positions.

Ohio EPA/Emergency Planning and Community Right-to-Know
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Mike DeWine
Governor

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OHIO ENVIRONMENTAL
PROTECTION AGENCY

October 1, 2021

RE: LEPC Member Handbook

County Local Emergency Planning Committees (LEPCs)

Dear LEPC Partners:

The LEPC Member's Handbook has been updated and is being distributed (digitally) for the use of your LEPC. The objective of the handbook is to provide LEPC leadership and members a ready reference document to guide LEPC functions.

To ensure that all LEPC members are informed and engaged, the LEPC Chairperson is requested to distribute updated LEPC handbook to all LEPC members at the earliest possible opportunity.

This version has been reviewed by the State Emergency Response Commission's (SERC's) Operations and Issues Committee and has been updated to reflect changes brought forth by modifications in the Ohio Administrative & Revised Code, feedback from our LEPC partners, and experience gained since the handbook was last updated. It has undergone a legal review and promulgation by the SERC Executive Committee.

For this edition of the handbook, hardcopies will not be distributed, however, the document is readily available on the SERC section of the Ohio EPA website – which can be found at the following site
<https://epa.ohio.gov/dapc/serc>

Please forward any questions, comments and/or recommendations to the State Emergency Response Commission's Operations and Issues Committee, by contacting Ohio EMA's Regional Operations team. We hope this updated version of the handbook will serve your LEPC well in the years to come.

Sincerely,


Sima Merick, SERC Co-Chair
Executive Director, Ohio EMA

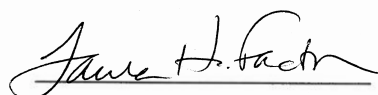

Laura Factor, SERC Co-Chair
Assistant Director, Ohio EPA



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SECTION I

SARA TITLE III (RIGHT-TO-KNOW) PROGRAM

History and Background

The Emergency Planning and Community Right to Know Act (EPCRA) was passed as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) on October 17, 1986. This was almost two years after a chemical accident in Bhopal, India killed thousands, injured thousands more and received world-wide attention. Less catastrophic incidents in Institute, West Virginia and elsewhere reinforced that chemical incidents and potential large-scale incidents could happen in the United States.

Participants

EPCRA provides for comprehensive chemical emergency planning, preparedness, and response. This involves the coordinated efforts of industry, the local fire departments, Local Emergency Planning Committees (LEPC) and the State Emergency Response Commission (SERC).

USEPA has an oversight role of the EPCRA, but mostly handles federal enforcement activities under the federal language under 40 CFR Parts 355 and 370.

Legal Authority & Rules

The Federal EPCRA outlines the composition, jurisdiction and responsibilities of the SERC and LEPCs. It further defines four basic regulatory areas of reporting geared to the regulated community. These are:

- a. Extremely Hazardous Substance (EHS) Notification and Emergency Planning.
- b. Emergency Spill/Release Notification.
- c. Chemical List and Annual Chemical Inventory Reporting.
- d. Toxic Release Inventory (TRI) Reporting.

Ohio Revised Code (ORC) Chapter 3750, Emergency Planning was signed into law effective December 14, 1988 by then Governor Celeste within Substitute Senate Bill 367. That Bill created the State Emergency Response Commission (SERC) and SERC was given the responsibility of administering and developing the program in Ohio.

The following is a summary of Ohio Revised Code 3750 Sections, which parallels EPCRA:

- a. Facilities Subject to the Law/Emergency Coordinators: (ORC Section 3750.05).
A facility must notify the SERC and LEPC if it stores one or more of specifically listed Extremely Hazardous Substances (EHSs. This notice is required when the EHS(s) is/are on-site at the facility on any given day in excess of the chemical specific threshold planning quantity (TPQ). Threshold Planning Quantities range from 1 to 10,000 pounds depending on the specific EHS. Facilities that may be exempt from reporting certain EHS(s) on their annual inventory reporting are not exempt from the EHS notification under the emergency planning provisions. The emergency planning provisions enables local emergency planners and responders to contact and work with appropriate representatives of the EHS reporting facilities for preplanning and information exchange purposes.
- b. Spill/Release Notification/Follow-Up (ORC Section 3750.06). Under ORC 3750.06(C), the owner or operator of a facility, or vessel, must within 30 minutes of having knowledge or discovery of a hazardous chemical, extremely hazardous material (EHS) or oil which exceeds the reportable quantity, notify verbally the Ohio EPA (The Director, or his authorized Representative), the LEPC designated Emergency Coordinator and the jurisdictional fire department where the release occurred.

Under ORC Section 3750.06(D), a written 30-Day follow-up report of this spill or release must be prepared and provided to the SERC and LEPC Emergency Coordinator.

Materials subject to release reporting: (1) Extremely Hazardous Substances as referenced in 40 CFR; Part 355; Appendix A and B; (2) CERCLA Hazardous Substances as referenced in 40 CFR Part 302; Table 302.4; and (3) Oil (definition includes but not limited to, gasoline, diesel fuel oil kerosene, etc....). Each EHS or CERCLA Hazardous Substance has its own designated "Reportable Quantity (RQ)" and the RQ for oil as defined is a visible sheen into or upon navigable waters or 25 gallons or more into the environment. The RQ for a release of crude oil from an oil & gas extraction storage facility into the environment, excluding navigable waters, is 210 gallons.

Note: Effective August 9, 2016, oil and gas regulated sites under ORC Chapter 1509 shall make the verbal notification within 30 minutes of knowledge of the release to the Ohio Department of Natural Resources (ODNR) at 1-844-OHCALL1, LEPC and jurisdictional fire department. In addition, the written 30-Day follow-up report is to be submitted to the Chief of the ODNR Oil & Gas Resources Management and the LEPC Emergency Coordinator.

- c. Submittal of Hazardous Substances Lists/SDS (ORC 3750.07) Under the OSHA Hazard Communication Standard, owners/operators of a facility are required to prepare, or have available, a safety data sheet (SDS) for hazardous chemical(s) they have on-site. The facility must provide the SERC, the local LEPC and the fire department having jurisdiction over the facility, a list of hazardous chemical(s) or EHS(s) that are in excess of the established threshold planning quantity. This is a onetime notification unless the facility brings on site a new chemical or EHS, then the facility shall notify the SERC, LEPC and jurisdictional fire department within 60 days of bringing an EHS onsite or 90 days for a hazardous chemical(s).
- d. Annual Submittal of Chemical Inventory Form (ORC 3750.08). Annually by March 1, a facility that has in excess of the threshold planning quantity for one or more of the listed extremely hazardous substances or meet the 10,000-pound threshold for any hazardous chemicals on-site during the previous calendar year must submit an annual chemical inventory report and filing fee.

To assist the regulated facilities, SERC encourages the use of the Tier 2 Submit application that can be found at <https://www.epa.gov/epcra/tier2-submit-software>. Facilities do have the reporting option of submitting using the hard copy paper submission.

Ohio Revised Code 3750 “Emergency Planning”

ORC Chapter 3750 is the statutory law that drives this emergency planning and preparedness program in Ohio:

- 3750.01 Definitions
- 3750.02 Emergency Response Commission
- 3750.03 Local Emergency Planning Districts/Committees.
- 3750.04 Emergency Plans/Exercises.
- 3750.05 Facilities Subject to the Law/Emergency Coordinators.
- 3750.06 Spill Release Notification/Follow-Up.
- 3750.07 Submittal of Hazardous Substances List/SDS.
- 3750.08 Annual Submittal of Chemical Inventory Form.
- 3750.09 Trade Secrets/Confidential Information.
- 3750.10 Public Access to Information.
- 3750.11 Local Enforcement/Variations.
- 3750.12 Bulk Storage Placards/Labeling.
- 3750.13 Fees.
- 3750.14 Emergency Planning and Community Right-To-Know Fund/Grant.
- 3750.15 Emergency Planning and Community Right-To-Know Reserve Fund/Grants.
- 3745.16 Facility Inspections/Investigations.
- 3750.17 Prohibited Activities.
- 3750.18 Enforcement Orders.
- 3750.19 Appeals to Environmental Review Appeals Commission.

- 3750.20 Prosecution of Violations/Civil Penalties.
- 3750.21 Liability for Disclosure of Trade Secret/Confidential Business Information.
- 3750.99 Penalties.

Ohio Administrative Code - “Rules as Adopted Under Chapter 3750 (ORC)”

The Ohio Administrative Code contains "Rules" adopted to implement the provisions of ORC Chapter 3750. Attachment #2 provides an index of the Right-To-Know Rules as adopted under ORC Chapter 3750.

SECTION II

ORGANIZATION AND ROLE OF THE STATE EMERGENCY RESPONSE COMMISSION

General

The Federal Emergency Planning and Community Right-To-Know Act (EPCRA) requires that the Governor of each State designate a State Emergency Response Commission (SERC). The SERC is responsible for adopting rules and procedures to administer and implement the program statewide. Specific responsibilities include:

1. Creation of statewide planning district(s) and approving Local Emergency Planning Committees (LEPCs) membership and functions
2. Develop planning and exercise guidance and assistance to the LEPCs.
3. Ensure technical assistance to regulatory community for compliance purposes. Handle public information requests for the annual inventory reports and 30-day spill/release reports.
4. Management of annual filing fees including collection, processing, and handling the grant program to the LEPCs and state agencies on the SERC.
5. General program guidance and assistance to LEPCs.
6. Provide written reports on findings regarding the annual LEPC Plans and Exercises.

Specific Organization of Ohio SERC

The Ohio Legislature reconfigured the state emergency response commission membership created under the original executive order. The current nineteen-member body consists of nine (9) State Agency members. They are:

- Environmental Protection Agency
- Department of Public Safety
- Department of Transportation
- Department of Health
- Ohio State Highway Patrol
- Department of Natural Resources
- State Fire Marshal
- Public Utilities Commission of Ohio
- Attorney General of Ohio

In addition, the Chairs of the House and Senate Energy and Environmental Committees serve as ex-officio (non-voting) members of the SERC.

Ten (10) additional representatives are appointed by the Governor. Appointed members serve a two-year term. These members represent:

- Environmental Advocacy (Two (2) Representatives)
- Firefighting Organizations (One (1) Volunteer Firefighter, One (1) Fire Chief and One (1) Professional Firefighter)
- Petroleum, Refiners or Marketers
- Chemical Manufactures
- Local Emergency Management
- County Government
- Municipality

The SERC meets on the second Wednesday in the months of February, April, June, August, October, and December. Meetings start at 1:15 PM and are held at the Ohio EMA. The Directors of Ohio EPA and Ohio EMA Co-Chair the SERC.

The Legislature created an Executive Committee, and it is that committee that handles enforcement under ORC Chapter 3750. SERC has the discretion to form additional committees as desired or needed. Currently, SERC's has four committees, which typically meet on the mornings of the SERC meetings. These committees are:

- Executive
- Training and Education
- Operations and Issues
- Administration and Funding

SERC has no employees per se. It draws upon the staff of the state agencies for administrative and technical support.

- Ohio Emergency Management Agency - Provides planning, exercise, and training guidance and assistance to the statewide LEPCs and handles the federal HMEP Grant.
- Ohio Environmental Protection Agency - Provides technical program guidance and assistance to regulated facilities and to LEPCs, serves as Secretary to the SERC, annual data management of the March 1 inventory reports, processes filing fees, administers grant to LEPCs, spill reporting and
- State Fire Marshal - Provides Hazmat response training as coordinated through the State Fire Academy and its various outreach programs.
- Ohio Attorney General- Provides legal advice to SERC activities and handles enforcement under ORC Chapter 3750.

SECTION III

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

General

ORC 3750.03 provides that the LEPC is the local emergency planning entity within the planning district as established by the SERC. In Ohio, the districts defined as a county. The law allows two or more counties to form a joint emergency planning district. Montgomery and Greene Counties have chosen to form the only joint emergency planning district.

Members of the LEPC represent the various organizations, agencies, departments, facilities and/or other groups within the district. Each member must realize that he or she represents their organization on the LEPC and that they are responsible for coordinating information and activities from the LEPC to their organization and for providing accurate feedback from their organization back to the LEPC.

The LEPC has many responsibilities, mandates, and deadlines. The membership should organize to handle these various tasks by utilizing individual efforts, sub-committees, and/or contracted services. Most county LEPCs contract with their county EMA to provide work and duties of the LEPC for accountability purposes.

All personnel who have accepted membership on the LEPC have an obligation to the LEPC to become familiar with the various laws, rules, and other documents used in the EPCRA program in Ohio. This will enable them to contribute to the LEPC and fully represent their group or organization successfully on the Committee.

Appointment of the LEPC Members

Under ORC Section 3750.03(B), the County Commissioners are responsible for nominating prospective LEPC members to SERC by submitting LEPC Membership Appointment Form, which is available on the SERC website. Membership should include at least one representative from the following categories:

Fire	Health
Law	Environmental
Elected Official	Transportation
Emergency Management	Media
Hospital	Community Group
First Aid	Industry

Upon receipt of the list of persons or official resolution as voted on by the County Commissioners, the SERC will, by formal resolution, appoint the members of the LEPC for a two (2) year term.

Term of Office. LEPC members are appointed for a period of two years, normally August to August of **odd numbered** years. Members may be reappointed for additional term(s). Any vacancies, which occur, must be filled in the same manner as the original appointments. Person(s) appointed to fill a vacancy shall hold the office only for the remainder of the current LEPC term cycle.

Removal from the LEPC. In accordance with ORC Section 3750.03(B), the LEPC, by two-thirds vote, may at any time remove a member for misfeasance, malfeasance, or nonfeasance, or at the request of the LEPC, the SERC may remove a member for any of those reasons.

Authority of the LEPC. In accordance with ORC 3750.03(F) the SERC appointed LEPC shall be considered a **county board** and shall receive the services of the county auditor and county prosecuting attorney.

Immunity for LEPC Members. Members of an LEPC who have been properly appointed by the SERC are entitled to limited immunity from criminal prosecutions, civil suits, and actions for removal from office or employment for violations of ORC Chapter 102, 2921.42 or 2921.43 in circumstances prescribed by ORC Chapter 102.08 (OAG 91-014).

LEPC Responsibilities and Functions

Each LEPC member should understand the following provisions of ORC Section 3750.03(D) and (E) as these statements outline the LEPCs duties, tasks, and responsibilities.

ORC Section 3750.03(D) states that each LEPC shall accomplish certain tasks as stated below:

- Appoint a chairperson, vice-chairperson, and a secretary to keep a record of its proceedings. The positions of chairperson, and vice-chairperson, information coordinator, and community emergency coordinator are selected/elected by the voting members of the LEPC membership. The secretary can be appointed from the membership or be a non-member hired by the committee to perform the LEPC's secretarial functions.
- Adopt by-laws for conducting business.
- Obtain anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, in accordance with the provisions of ORC Sections 307.86 to 307.92 applicable to boards of county commissioners.

- Establish and carry out a program to monitor regulated facilities within the district, and to conduct compliance and enforcement activities to ensure that the facilities have submitted the information required by ORC Sections 3750.05, .07 and .08. Not later than the first day of October of each year, each LEPC shall submit a “LEPC Compliance Report” as adopted by the SERC that summarizes the compliance and enforcement activities of the LEPC during the previous calendar year.

The LEPC **shall** annually prepare and submit to the SERC their local planning district chemical emergency response and preparedness plan no later than October 17th of each year for formal review by Ohio EMA. Under provisions of ORC Section 3750.04(C), each LEPC **shall** conduct an exercise of its plan at least annually either table-top, functional, full scale or actual event with a 4-year cycle that must be adhered to.

ORC Section 3750.03(E) states the LEPC may:

- Receive and accept from any public and private source, which include gifts, grants or contributions of money, services of personnel, and real or personal property for their use.
- Appoint and fix the compensation of employees necessary or appropriate to perform the functions of a committee. This could include paying a secretary or compensating a person for conducting site hazard analysis.
- Request, in writing, that SERC designate an additional facility within the district as being subject to the emergency planning and notification requirements of ORC Sections 3750.04 and .05. This might occur if a facility poses a significant threat due to its location and materials on hand.
 - Note: The SERC has a process in place for such and few LEPCs are using such to make pipelines subject to the plan for exercise purposes only.
- Enter into agreements with the board of health, political subdivision agencies, and others. These agreements shall specify the powers, functions, and services of the LEPC that the board of health, political Subdivision, a countywide emergency management agency, or others is authorized to exercise, perform, or render.
- Enter into contracts with persons for the development or provision of the training programs, seminars, or other forms of educational programs that are required to be included in the plan of each district under ORC Section 3750.04(A) (11).

- Do all things necessary, incidental, or appropriate to perform the duties and exercise the powers of a committee under Chapter 3750 of the Revised Code, the rules adopted under it, and under the Emergency Planning & Community Right-To-Know Act of 1986 100 Stat. 1729, 42 U.S.C.A. 11001 and the regulations adopted under it.

LEPC Meetings and Operations

ORC Section 3750.03 directs that the LEPC meet at least annually. Most LEPCs meet at least quarterly. The SERC does expect the LEPC to produce meeting minutes that documents agenda items and discussions and forward a copy of the minutes to Ohio EPA. Ohio EPA provides 4-5 random LEPC meeting minutes into their SERC meeting packets so that the membership has an idea of what topics are of interest to the county LEPCs. For the LEPC to be successful, it must meet regularly to work on and complete its assigned duties and responsibilities under this Chapter.

Under the “Sunshine Law”, LEPC meetings and any Sub-Committee meetings, and activities are considered “public” and such must be publicly noticed at least 72 hours in advance so that any interested parties may attend if they so desire. Please adhere to your county public meeting notice procedures and protocol.

A member of a public body must be present in person at a meeting in order to be considered present, vote, or be counted as part of a quorum, unless a specific law permits otherwise. In the absence of statutory authority, public bodies may not conduct a meeting via electronic or telephonic conferencing. The Ohio Attorney General publishes a manual on Ohio Sunshine Laws that can be located on their website.

Meetings should follow an organized format and leadership should have an awareness of Robert's Rules, or some other guidelines.

Membership should decide on the time, date, and estimated length of regular meetings. Meeting announcements should be sent to each member at least seven (7) days prior to the meeting. (See Attachment #4, “Guidelines for Better Meetings.”)

Agendas for all meetings are essential in helping the LEPC stay focused on the tasks at hand. Attachment #5, “Sample Agenda”, has been provided for your use. The chairperson (or vice-chairperson) should remember that all members are volunteers, and their time should not be wasted.

Each LEPC Officer and member should be fully prepared for the meeting. The meeting should start on time, follow the agenda, curtail non-subject conversations, and ensure that minutes are taken. Ensure all members have an opportunity to provide input or updates they feel would be of interest to the committee. Guest speakers are always encouraged for information exchange and awareness. At the close, summarize activities, ensure tasks assigned to individuals are understood. Set the date, time and topics for future meetings and close the meeting on time. (See Attachment #6,

“Guidelines for Being a Better Participant.”)

Minutes of the meetings **are required**. Minutes should be mailed/e-mailed to all members soon following each meeting and a file copy maintained by the LEPC. As stated, a copy of the minutes needs to be forwarded to Ohio EPA for part of the SERC tracking of LEPC activities. The record and tracking of meeting(s) conducted is one of the ten elements used in the SERC’s annual evaluation of the LEPC’s performance and recognition.

Officer Information and Duties

Chairperson

- Lead LEPC Meetings
- Assist with creation of the meeting agenda

Vice-Chairperson

- Lead LEPC Meetings in absence of Chairperson
- Assist with creation of the meeting agenda

Secretary

- Over-all production of LEPC documents
- Maintaining all LEPC files including meeting minutes, sign-in sheets, etc.
- Assist with creation of meeting agenda

Information Coordinator

- The person selected for this position must be accessible to the public to provide assistance and/or information during normal business hours.
- Most LEPCs have the County EMA handle the position.
- Coordinate and maintain the LEPC's information obtained under ORC Chapter 3750
- Receiving and fulfilling public information request for the information obtained under ORC Chapter 3750.
- Serves as a point contact for the LEPC with the EPA, facilities, and other organizations.

Community Emergency Coordinator

- Most LEPCs have the County EMA handle this position
- Coordinates the development and implementation of the chemical emergency response and preparedness plan of the district.
- Receiving verbal and 30-day spill/release follow-up written reports of releases of hazardous chemicals and extremely hazardous substances (EHS) provided under ORC Section 3750.06.

Appointment of Sub-Committees

Sub-Committees are very important to the successful operation of the LEPC.

Appointment of sub- committees permits the LEPC leaders to form small groups that focus on specific tasks and gets the committee members involved in the activities of the LEPC.

Sub-Committees can be staffed by all LEPC members or a mix of members and non-members. For instance, the LEPC's media representative could work with various media, agencies, schools, and facility personnel to develop a public information outreach program for hazardous materials, and the exercise design team should involve non- members, who are representatives of organizations to be participants in the exercise, to assist in planning an exercise. A LEPC member should be responsible for maintaining records of the sub-committee's meetings and accomplishments, and for making committee reports to the LEPC.

Common sub-committees may include, but are not limited, to Executive, Financial, Training and Education, Planning and Exercise, Hazards Analysis, Compliance, Site Visits/Audits and Enforcement.

The Chairperson should work and communicate with each sub-committee chairperson to ensure understandable guidance, directions and expectations are given. The assigned tasks and the accomplishments should be recorded and made part of the LEPC's official records.

Progress and/or final reports should be presented at regular LEPC meetings to keep the Committee aware group's progress.

Adoption of By-Laws

ORC Section 3750.03(D) (2) requires all LEPCs to develop By-Laws to formally outline how the LEPC will function and conduct business. The LEPC may design their own format when writing the by-laws. An example bi-law format is available in Attachment #7.

The by-laws should include such items as Purpose, Membership, Sub-Committees, Quorums, Public Notices, Meeting Proceedings (Minutes, records), Planning and exercising, and other subjects as desired.

The by-laws should be reviewed by the County Prosecutor prior to being adopted by the LEPC. Copies of the adopted By-Laws must be provided to the SERC.

It is recommended that the LEPC review/update their LEPC By-Laws every 5 years.

LEPC Compliance and Enforcement Program

ORC Section 3750.03(E)(6) states that the LEPC will have a compliance and enforcement program and that this program will consist of monitoring regulated facilities within the district and conducting compliance and enforcement activities to ensure the

facilities have submitted the information required by ORC Sections 3750.05, .07 and .08.

The SERC has developed and published an LEPC Compliance Report Form. The LEPC Compliance Report is updated each year and can be found on the SERC web page, as well as the Ohio EPA emails such document to LEPC Information Coordinator usually mid-summer with a due date of October 1.

The following type activities can assist the Committees meet their compliance program responsibilities:

1. Meeting with companies. Individual or group meetings with one company or a group of potential reporters; water/wastewater treatment operators, or any group of known or possible reporting concern.
2. Inspecting records. Records should be kept for LEPC and all government activities. Reports, handwritten or follow-up letters concerning visits to see what is in the shop or warehouse serve this purpose.
3. Letters to Industry. The LEPC, a Sub-Committee, volunteer or employee can write letters to a facility. "Generic" letters might be used and copied to the various reporting facilities and/or business associations. For example, letters advising the facilities of the names of the Committee's Chairperson, Information Coordinator and the Community Emergency Coordinator, a courtesy letter advising them of the upcoming annual report date, etc.
4. Outreach Newsletter. A fact sheet or newsletter covering one or many types of reports might be developed (EHS notice, spill reporting, general industry, oil and gas).
5. Newspaper Articles. (For local and/or neighborhood news, cable, and TV) Informative articles for the public and the potential facility reporters regarding the Committee, its purpose, and activities. Subjects could be the intent of the law, annual report notice advisory for facilities, items of interest, i.e., anniversary of Bhopal, enactment date of SARA Title III, annual inventory reports, training and education, safety week, etc.
6. Enforcement Referrals. If the LEPC is having difficulty collecting from a responsible party (RP) (the owner/operator responsible for a spill/release) the County Prosecutor or SERC could be requested to assist in the information and/or enforcement process

Facilities failing to report. Reporting compliance is a year-to-year task or activity at both the state and local planning district level. LEPCs are encouraged to check their district to ensure that all facilities that should send a report are doing so annually. The LEPCs are to review the new incoming inventory reports received against the database of those

received the previous year to at least ensure companies are indeed reporting annually. The LEPC may have to notify any facility failing to report or check in with such facility to see if their reporting status has changed from the previous year, SERC provides extra copies of the SERC Compliance Manual to LEPCs in case they have a facility that is in need of one. LEPC are encouraged to make the first wave of contact and working with the facility and if that goes nowhere, then they can refer facility to the SERC and Ohio EPA for state level follow-up.

“First Time Filer” If a facility reports for the first time it is a ‘first time filer’ and the LEPC can claim 100% of the fee paid by the facility for that reporting year. This is coordinated through Ohio EPA. The LEPC provides a list of potential first-time filers in month of May for review by Ohio EPA. The list is worked on during the month of June and any agreed upon first time filer for a local planning district id credited to that county under the SERC grant awards to the LEPC.

Maintenance of Committee Records and References

The LEPC has a responsibility for maintaining accurate records and files ranging from the incoming March 1 facility inventory reports, 30-day spill/release reports and correspondences from facilities and the state programs such as Ohio EPA and EMA.

Procedures must be established to ensure that materials received are handled in a prompt and timely manner, that the people who need to see the material have the opportunity, that it is safeguarded, actions are taken, reports submitted if required, and finally, filed for future reference.

It is essential for the LEPC to have adequate office space, appropriate filing capabilities, and staff to properly conduct needed business. Many LEPC’s contract with their county EMA office to meet the previously discussed needs.

Public Access to Information

As stated in ORC Section 3750.10 any person who seeks to review or obtain copies of facility information submitted to the LEPC shall submit a written application to either the SERC or the Information Coordinator of the LEPC.

A separate request shall be submitted for each facility (site specific) for which information is being requested. The request shall specify both the facility, for which the information is being requested, and the particular type of documents being requested.

The Information Coordinator shall provide the applicant access to, or copies of, the information requested, or shall perform the requested computer search and provide the applicant with the information obtained in the search, subject to the restrictions submitted as a trade secret.

An applicant shall be informed that there is a cost for copying, mailing, or

conducting a computer search of information on file with the LEPC before such a search or copies or made.

Records Retention

Records retention should be established at the local level in accordance current records retention policies and recommendations from the county prosecutor. If the LEPC has questions or needs examples of records retention the SERC can be contacted.

SERC Grant to LEPCs (The Emergency Planning and Community Right-To-Know Grant Fund)

EPCRA was mandated by the federal government, but it lacked a funding mechanism. When the Ohio General Assembly passed Chapter 3750 into law it made provisions for the collection of annual filing fees from the statewide reporting facilities under this program.

ORC Section 3750.14 established guidelines for funding the LEPCs, state agencies on the SERC and fire department training needs. Funds are distributed annually at the start of each State Fiscal Year based on a funding formula established by the SERC under ORC 3750.14, LEPC are allocated 75%, SERC is allocated 20%, and Fire Department Training is allocated 5% of the total within the Fund at the end of the previous state fiscal year. The Fire Department Training portion is to be coordinated between the LEPC and their fire sector say through County Fire Chief's group or designated hazmat team.

The Ohio EPA on behalf of the SERC annually distributes the Grant Application Packet, usually in mid-November, with the deadline to submit scheduled for February 1st of the following year. Grant applications postmarked later than February 1st, **shall** be reduced by one per cent per day of the calculated award as outlined in OAC 3750-50-10(E). Any applications postmarked more than thirty calendar days after February 1st **will not** be considered for funding for the upcoming state fiscal year.

The SERC grant award to the LEPC and other funds secured by the LEPC shall be placed within a special emergency planning account within the county for the sole use by the LEPC. The County Auditor will establish that 'special emergency planning fund' for the in accordance with the Ohio Revised Code. This fund will be "administered by the Committee **only** for purposes of carrying out the powers and duties of the LEPC under ORC Section 3750.03 and rules adopted and orders issued under it."

The ORC Section 3750.14(D) outlines SERC Grant spending limitations and allowable expenses. Specifically, Section 3750.14(D) (4) allows the LEPC the ability to issue grants to local fire departments to purchase first response equipment, after initial training needs are met by the district.

As with numerous grants all funding allocated to County LEPCs through the SERC

grant are subject to periodic audits by the State Auditor's Office.

Other Grants

PUCO Hazardous Materials Training and Planning Grants Program: This grant is available for training of public safety and emergency services personnel in the proper techniques for the management of hazardous materials spills and releases that occur during transportation. The grants are awarded on a reimbursement basis. Political subdivisions (which include the LEPC) are given priority. PUCO will accept applications throughout the year the grant applications are reviewed quarterly by PUCO Commissioners. There are no set dollar amounts for this grant but there is a significant application requiring the applicants to fully spell out their request(s). All grant recipients must enter into a grant agreement with the PUCO to authorize receipt and expenditure of grant funds for the approved hazardous materials training. LEPCs are provided a copy of the Grant brochure, however, if the LEPC does not have a copy they should contact PUCO at 614-466-0351 for a copy.

Hazardous Materials Emergency Preparedness Grant Program (U.S.DOT/HMEP): The U.S. Department of Transportation (DOT) regulations began providing for emergency planning and training grants in 1993. The grant is called the Hazardous Materials Emergency Preparedness Grant (HMEP Grant). Funding comes from transporters hauling hazardous materials paying fees which are collected by DOT and that are then distributed to the states, tribes, and territories. In Ohio, the funds are awarded to the Ohio SERC and the Ohio EMA serves as the administrator of those funds.

Participating states receives two allocations: one for planning purposes and another for training activities. Federal regulations require:

1. That 75% of the funding for "planning" be provided to the LEPCs to assist in local area planning activities, such as plan development, hazards analysis, commodity flow studies, and exercises.
2. That 75% of the training grant "benefit" be provided the public sector response personnel.

The remaining 25% of the funds received can be kept by the state to administer the program.

The HMEP grant is a "reimbursement grant" that does include a local 20% match. This means that the LEPC must utilize their SERC grant money, or other local funding, to initially fund the planning or training activity.

Annually, the LEPC Application for current funding year HMEP Grants are sent to LEPC Information Coordinators in August or September. The LEPCs are required to submit

their request(s) for local area planning grants to Ohio EMA and the training portion is directed to the State Fire Marshal.

The participating LEPCs are notified that their applications have been accepted and then they must return a signed copy of the HMEP Grant Acceptance Agreement, which is included in the Grant Program Guidelines, to the Ohio EMA Grants Program Manager. This agreement shall ensure that the HMEP funds shall eventually be forwarded to the LEPCs.

Upon completion of a qualifying planning or training activity, the LEPC submits a reimbursement request, which is provided in the Grant Program Guidelines, to Ohio EMA (for Planning) and to the State Fire Marshal (for Training) for review and approval. These agencies forward the approved reimbursement requests to the grant manager at Ohio EMA for an 80% reimbursement.

Please note that by regulation, not more than 5% of the grant funds can be spent for purchase of equipment. Also, as these are federal funds, any unexpended funds **cannot** be “carried over” from one year to another. The grant works on the federal fiscal year (October 1 through September 31).

LEPC Recognition Award

The SERC developed a set of ten criteria to evaluate the LEPC’s overall performance and ensuring that the LEPCs continue to meet the requirements as outlined within ORC Chapter 3750. LEPCs which meet the 10 requirements are given a certificate signed by the SERC Co-Chairs called the LEPC Recognition Award. The intent of this annual award is to recognize the continued efforts of the LEPCs.

The following ten (10) areas are used by the SERC to determine if LEPCs qualify for the annual award:

1. **LEPC MEMBERSHIP**: LEPCs must have a current and active membership roster, with at least the majority of twelve positions filled and on file with the Ohio EPA Right-to-Know Program on behalf of the SERC.
2. **LEPC DESIGNATED OFFICERS**: In accordance with ORC 3750.03(D) (1) the LEPC must identify to SERC the Committee Chairperson, Vice-Chairperson and LEPC Secretary.
3. **HAZARDOUS MATERIALS PLAN**: The LEPC Hazardous Materials Plan must be submitted for review by the Ohio EMA annually by October 17th. The LEPC includes a letter from the LEPC requesting the annual review. Included as well is an official LEPC Resolution stating that the membership agrees to forward said Plan for state review.
4. **LEPC DESIGNATED COMMUNITY EMERGENCY COORDINATOR**: The LEPC

must have designated a Community Emergency Coordinator to the SERC.

5. LEPC DESIGNATED INFORMATION COORDINATOR: The LEPC must have designated the District Information Coordinator to the SERC.
6. LEPC BY-LAWS: The LEPC must have completed and adopted LEPC By-Laws and submitted a copy to the SERC with proof of adoption by the LEPC Resolution.
7. CONDUCT LEPC MEETINGS: The LEPC must conduct regularly scheduled meetings, a minimum of one meeting annually. LEPC is to submit a copy of its meeting minutes to Ohio EPA Right-to-Know Program.
8. HAZARDOUS MATERIALS EXERCISE: The LEPC must have a Concurred with Exercise, or exercise credit for an actual occurrence, annually within the state fiscal year. (Exercise year is July 1 to June 30th annually)
9. LEPC COMPLIANCE PROGRAM: The LEPC must establish, and carry-out, a compliance and enforcement program in accordance with ORC 3750.03(D) (6). The LEPC submits their "LEPC Compliance Report" by October 1 that covers the previous March 1 reports that they received.).
10. FISCAL ACTIVITY STATUS REPORTS: The LEPC must submit to the SERC their "LEPC SFY Grant Financial Report". The LEPC Fiscal Report is due by end of July of each for the previous SFY timeline. Ohio EPA emails out the report to the information coordinators usually around mid-April and shall give periodic email reminders to the LEPCs.

Internet References

This listing is not all-inclusive of the various tools, guidance, and programs available to LEPCs. IT is possible that the site(s) may no longer be supported or are down for maintenance.

EPCRA Links:

- <https://www.epa.gov/epcra>
- https://www.epa.gov/sites/production/files/2017-08/documents/epcra_fact_sheet_overview_8-2-17.pdf
- <https://www.epa.gov/epcra/tier2-submit-software>
- <https://www.epa.gov/epcra/tier2-submit-tutorial>
- <https://www.epa.gov/epcra/consolidated-list-lists-under-epcracerclacaa-ss112r-june-2019-version>

CAMEO SUITE Links:

- <https://www.epa.gov/cameo>
- <https://www.epa.gov/cameo/aloha-software>
- <https://www.epa.gov/cameo/marplot-software>
- <https://www.epa.gov/cameo/cameo-software>

Ohio SERC Links:

- <https://epa.ohio.gov/dapc/serc>
- <https://epa.ohio.gov/dapc/serc/invforms>
- <https://epa.ohio.gov/dapc/serc#122453394-rules>
- https://epa.ohio.gov/Portals/27/serc/SERC_Release_Reporting.pdf
- <https://epa.ohio.gov/dapc/serc#122454999-public-information-request>

Ohio EMA and State Fire Marshal Links:

- <https://ema.ohio.gov/>
- <https://www.com.ohio.gov/fire/>

OSHA Hazcoms Links:

- https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=10099&p_tab le=STANDARDS
- <https://www.osha.gov/dsg/hazcom/HCSFactsheet.html>
- <https://www.osha.gov/dsg/hazcom/ghsguideoct05.pdf>
- https://www.ecfr.gov/cgi-bin/text-idx?SID=415bbcce29ad77f7b1de5fb98161196d&mc=true&node=se29.6.1910_11200&rgn=div8
- www.osha.gov/dsg/hazcom/ghs-final-rule.html
- www.osha.gov/dsg/hazcom/appendix_a.pdf
- www.osha.gov/dsg/hazcom/appendix_b.pdf
- <https://rrt5.org>

SECTION IV

EMERGENCY PLANS AND REVIEWS

ORC Section 3750.04 requires each planning district to develop a chemical emergency response and preparedness plan. The following is a brief description of the emergency planning process and the LEPC member's responsibility in this process.

State Emergency Response Commissions Responsibilities

ORC Section 3750.02 directs that the SERC **shall**:

- Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by LEPCs.
- Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of LEPCs and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans.
- Establish policies and procedures for maintaining information submitted to the SERC and LEPC.
- Ensure that the LEPC's Plan is coordinated with adjoining planning districts.

LEPC Planning Responsibilities

LEPCs **shall**, by October 17 of each year, submit their Chemical Emergency Response and Preparedness Plan for review. Reference Ohio Hazardous Materials Planning and Exercise Guidance Booklet.

Legal Requirements for the Plan

ORC Section 3750.04(A). In accordance with this section, the LEPC shall prepare and submit to the SERC a Chemical Emergency Response and Preparedness Plan for the District. This plan may be a 'standalone plan' or an Annex, or Appendix, to the County's Emergency Operations Plan (EOP). Any document, annex(es), plan(s), form(s) or appendices referenced in the Emergency Response Plan must be submitted for review, along with a completed Ohio Hazardous Materials Plan Development & Evaluation Document (Crosswalk). The Plan **shall** contain all of the following minimum requirements:

1. Identification of each facility within the district that has an extremely hazardous substance (EHS) present at the facility in an amount that exceeds the threshold planning quantity (TPQ) for the substance.

2. An identification of all facilities within the district that are contributing or subjected to additional risk due to their proximity to facilities identified under paragraph one above. This is accomplished by the LEPC completing a hazard analysis for each EHS site. The analysis will help identify which additional sites are at risk or add to the risk.
3. An identification of routes likely to be used for the transportation of EHS to and from each EHS facility identified under number one above.
4. The methods and procedures to be followed by owners and operators of facilities identified under #1 above and by local emergency response and medical personnel to respond to releases of EHS. LEPCs will have to obtain information from the facilities to identify these methods and procedures or obtain facility plans, which outline them. OSHA requires the facilities to have emergency plans under 29 CFR 1910.120.
5. The designation of a **community emergency coordinator** for the district, identification of the **facility emergency coordinator** for each facility identified under number one above, and identification of the **heads of emergency response organizations** for designated areas or political subdivisions within the district. It is recommended that the County EMA Director be designated as the Community Emergency Coordinator.
6. Identification of procedures for reliable, effective, and timely notification and communications among emergency responders within the district and to the public in the event of a release of an EHS from a facility identified under number one above.
7. Development of methods for determining the occurrence of a release of an EHS from each facility identified under number one above and for identifying the geographical area or population likely to be affected by such a release.
8. A composite statement of specialized equipment, facilities, personnel, and emergency response organizations available within the district to respond to releases of EHS.
9. Development of evacuation plans including, but not limited to, provisions for a precautionary evacuation and for alternate traffic routes in the event of a release of an EHS from a facility identified under division (A)(1) of this section.
10. A plan for mutual aid to other emergency planning districts and for the allocation of emergency response facilities, equipment, and personnel for responding to releases of EHS.

11. A plan for the development or provision of training programs, seminars, and other forms of educational programs for the personnel of facilities identified under division (A)(1) of this section, emergency response personnel of political subdivisions within the district, and medical personnel.
12. Development of methods and schedules for exercising the plan.
13. Such other information as the SERC requires by rules adopted under ORC Section 3750.02(B) (2) (a), i.e., that each plan shall have a Table of Contents indicating location of the minimum requirements, that the Ohio Hazardous Materials Planning and Development Document is to use as guidance in the development of the plan, that the plan is coordinated with plans of adjoining districts, and that each LEPC shall annually, or more frequently if needed, review the plan of the district.

ORC Section 3750.04(B). States that the LEPC annually shall submit the plan (or plan updates) to the SERC not later than the seventeenth day of October and that the SERC shall review the Plan to ensure that it complies with ORC Section 3750.04(A) and the Rules adopted under ORC Sections 3750.02(B) (2) (a) and (b).

Ohio Administrative Code (OAC) -Rules as Adopted Under Chapter 3750 (ORC). The following rules have been adopted regarding the Plan:

- **Rule 3750-20-01:** Identifies the type of facilities which must be included in the District's Plan, i.e., (1) A facility which has an EHS present in an amount equal to or exceeding the threshold planning quantity (TPQ), and (2) a facility which has been designated as an 'Additional Facility' in accordance with ORC 3750.05.
- **Rule 3750-20-05:** Sets forth requirements of a subject facility, as identified in Rule 3750-20-01 above, to designate a "Facility Emergency Coordinator", to inform the LEPC of any changes occurring at the facility, and to provide any information requested by the LEPC necessary for the development of emergency plans.
- **Rule 3750-20-72:** States the SERC and the LEPCs shall use, at a minimum, the NRT-1 Document (Hazardous Materials Emergency Planning Guide) and subsequently published documents authorized in Section 303(f) of the "Emergency Planning and Community Right-To-Know Act of 1986" as guidance in preparing the Chemical Emergency Response and Preparedness Plans.
- **Rule 3750-20-74:** Addresses the review of plans and states that: SERC has designated the Ohio EMA to conduct initial and annual reviews required under ORC Section 3750.04. Each plan will have a Table of Contents. The SERC shall provide, through the Ohio EMA, guidance in the development of the plan. The SERC shall require, for a determination and issuance of an order of

concurrence, following the review of an LEPC's chemical emergency response and preparedness plan, that the plans contain all of the minimum plan requirements as identified in ORC Section 3750.04(A) and the SERC shall require, for a determination and issuance of an order refusing to concur following the review of the LEPC's chemical emergency response and preparedness plan, that the plan did not contain all of the minimum requirements as set forth in ORC Section 3750.04(A).

Hazards Analysis of the District

Key to the proper development of your district's hazardous materials plan is the knowledge, understanding and analysis of the various chemical threats to your district and from surrounding districts.

The LEPC must determine which hazards exist in the district and then evaluate them by completing a hazard analysis for each facility and hazard.

Most planning districts will have several areas of concern when considering the threat, for instance: fixed facilities which use, produce or store hazardous or extremely hazardous chemicals; highways, railroads, transmission pipelines; and maybe rivers, harbors, docks and airports.

EHS facilities are **required** to be addressed. Other hazardous substances such as gasoline, natural gas, propane, and other "everyday chemicals" should also be considered as hazards.

Facilities that use, produce or store chemicals must report annually to the SERC, the reports are due on or before March 1. They must also provide copies of their reports to the County's LEPC and the fire Department of jurisdiction which covers their location(s). The LEPC needs to review these reports upon receipt for changes, omissions, upgrades, etc. and change their hazard analysis and/or update the facility information in their plan accordingly.

There are computer software packages available, which can assist the LEPC with the analysis and management of information. *See Attachment #8 for information on the CAMEO Tier II Support computer software.*

Acceptable Plan Formats

The LEPC has the option of how to format its plan:

- a. **Stand Alone Plan.** A complete plan in itself and addresses all requirements of the law and does not rely on, nor is part of, other already established plans such as the County's Emergency Operations Plan (EOP). This format does not include references to other annexes or plans.

- b. **Hazardous Materials Annex/Appendix.** Uses the EOP as a base document. A Hazardous Materials Annex/Appendix is added to fulfill the requirements of ORC Section 3750.04 which are not addressed in the EOP.

Reference Material

There are numerous hazards analysis reference documents published by USEPA, FEMA, DOT, and SERC. These include, but are not limited to:

- a. **Technical Guidance for Hazards Analysis.** This guide, known as the “Green Book,” was designed to help LEPCs conduct site-specific hazard analysis for airborne releases of Extremely Hazardous Substances.
- b. **Handbook of Chemical Hazard Analysis Procedures.** Known as the “Brown Book,” this document, developed by USEPA, FEMA and DOT, expands on NRT-1 and the Technical Guidance for Hazards Analysis by including information for explosive, flammable, reactive and otherwise dangerous chemicals, and transportation hazards.
- c. **NRT-1 Hazardous Materials Emergency Planning Guide.** This document was published by the National Response Team to provide national guidance for the development of state and local districts hazardous materials emergency response and preparedness plans.

Chapter 3 of NRT-1 provides the tasks of the planning team and identifies review of existing plans, hazards analysis, assessment of preparedness, prevention and response capabilities, and the development of an ongoing program for plan implementation as the major tasks of the LEPC's planning team.

- d. **Ohio Hazardous Materials Development and Evaluation Document.** This document, commonly known as the “Crosswalk” or “Cross Reference”, provides planning guidance to be used by all LEPC members to insure that the plan addresses all legal planning requirements.

The document will also be used by the Ohio EMA Emergency Management Specialist, assigned to the county, who will use the document to evaluate the LEPC's plan for the SERC.

The LEPC should complete this document as they develop or review their plan to insure that all areas have been considered, discussed and proper entries made in the plan. A completed copy of the Ohio Hazardous Materials Development and Evaluation Document should be forwarded with the plan, or appropriate changes to the plan, in accordance with the thirteenth planning requirement of ORC Section 3750.04(A).

- e. **Ohio Hazardous Materials Planning and Exercise Guidance Booklet.** This booklet was developed to provide the LEPCs guidance on Planning and Exercising the Plan. The booklet contains two chapters. These chapters spell out in clear language LEPCs responsibilities and provides you, the LEPC member, an easy to understand presentation of planning and exercise activities and requirements.

Plan Reviews and Evaluation Process

The SERC is required to establish criteria and procedures for reviewing the chemical emergency response and preparedness plans.

The SERC designated the Ohio Emergency Management Agency as SERC's Plan Review Team, to conduct initial and annual plan reviews. The Ohio EMA's Emergency Management Specialist, designated to your planning district, will be responsible for conducting the official annual review and evaluation of the plan.

The appropriate Emergency Management Specialist will review the plan utilizing the submitted Ohio Hazardous Materials Plan Development and Evaluation Document (Crosswalk) and will make a recommendation to the SERC for concurrence or non-concurrence of the plan.

If the SERC issues an Order of Concurrence, the evaluated plan, meets all of the minimum requirements, and does not require any further actions.

If the SERC issues an Order Refusing to Concur with the plan the LEPC will be directed to submit a modified plan **within a period not exceeding sixty (60) days** after issuance of the order.

Informal Review and Planning Assistance

Informal reviews are conducted on the LEPCs request, by the appropriate Ohio EMA Emergency Management Specialist. The request may be for the evaluation of an entire plan or a portion of a plan.

Section VI, of Chapter One, Ohio Hazardous Materials Planning and Exercise Booklet, provides the LEPC information on how informal reviews of the plan may be requested and are conducted. These reviews can be requested at any time by the LEPC regardless of the status of the plan. There is no limit on the number of requests for informal reviews allowed.

If the results of the informal review indicate that the plan has met all thirteen minimum plan requirements the planner may, with the LEPCs concurrence and request, change the evaluation to a formal review and forward a recommendation to SERC for issuance of an Order of Concurrence.

Standard of Care

In general, Standard of Care is the level of professional competency anticipated or mandated, and demonstrated in the performance of a service or of a duty. This Standard of Care is not found in any one document. The “competency” the definition talks about is derived from all applicable laws, regulations, standards, and guidance documents. This is true for any profession, such as doctors, lawyers, and architects, as well as for emergency planners and emergency responders.

The Standard of Care that LEPCs must consider includes the requirements and guidance of ORC Chapter 3750, the various Rules adopted under 3750, Ohio's Hazardous Materials Plan Development and Evaluation Document, and the guidance contained in the Hazardous Materials Emergency Planning Guide (NRT-1)

SECTION V

EXERCISING THE PLAN

General

In accordance with ORC Section 3750.04(C) each LEPC **shall** conduct an exercise of its plan at least annually. ORC Section 3750.02(B) (2) (b) states that each exercise **must** involve local emergency response and medical personnel. The exercise **must** also involve either a facility subject to the plan or a transporter of hazardous materials. ORC Section 3750.04(B) (12) states that the LEPC's plan **shall** contain the method by which the LEPC will complete its annual exercise requirement and provide a schedule on how often exercises will be completed.

Therefore, each LEPC must develop and conduct an exercise to test and validate the defined procedures which the local agencies, departments, and organizations use to respond to chemical spills within the district. The exercise **must** also address and adhere to the criteria and procedures created by SERC that govern how the LEPCs exercise those plans.

Established OAC rules dictate that SERC is required to observe and review each LEPC exercise. By rule, the SERC has designated Ohio EMA as the state agency who will manage the exercise process. Ohio EMA Emergency Management Specialist personnel will serve as Facilitators during the exercises and will utilize the exercise Evaluators comments to develop the official report to the SERC. Ohio EMA will also provide and maintain the guidance used by LEPCs to develop and conduct their exercises.

It is also desirable to consider using an *all hazards* approach with the hazardous materials exercise where other elements such as natural hazards (tornado, earthquake, severe storms, etc.), man-made hazards (terrorism, civil unrest, etc.) and technological hazards (radiological) are included in the same exercise. This approach would allow the County EMA Director to test various other portions of the County's Emergency Operations Plan (EOP) and involve more agencies, departments and organizations. This would also be especially helpful for those counties where the Hazmat plan is part of the County EOP. The County EMA must exercise their EOP annually as per ORC 5502.26-271.

Legal Requirements for Annual Exercise of the Plan

Under ORC Section 3750.02(B) (2) (b), the SERC was responsible to establish the criteria and procedures That LEPCs use to complete their annual exercises. These criteria are defined in the Ohio Administrative Code (OAC), Chapter 3750 – State Emergency Response Commission. Section 20 addresses the plan and exercise rules. Below is a synopsis of each rule and how it impacts the LEPC exercise program.

OAC Chapter 3750, Section 20

- **Rule 3750-20-70 - Exercise definitions.** This section clarifies certain terms as they apply to exercises. In particular, this rule defines what type of facility qualifies as an Emergency Operations Center (EOC).
- **Rule 3750-20-76 - Types of exercises.** Describes the three types of exercises (Tabletop, Functional and Full Scale) which may be used by the LEPC. It identifies how many Objectives must be evaluated for each exercise type. It also defines how a response to an actual incident can be used in lieu of completing an exercise.
- **Rule 3750-20-78 - Execution of exercises.** Establishes the criteria that must be completed by the SERC and LEPC as they conduct an exercise. It denotes a recurring four-year exercise cycle in which certain requirements must be accomplished. This includes completing at least one Full-Scale exercise in the cycle; physically activating an EOC, and evaluating each exercise Objective. It clarifies that a fixed facility exercise must be held at an EHS Facility and will include any one of its reporting chemicals. If the exercise involves a transportation source, the chemical must be the actual cargo and not just the vehicle's fuel tank. Finally, the rule notes that the LEPC use and follow the guidance outlined in the Ohio Hazardous Materials Exercise and Evaluation Manual (OHM-EEM). The EEM includes the requirement to submit a thirty-day exercise notice and defines how to test each Objective.
- **Rule 3750-20-80 - Review of exercises.** States that Ohio EMA will conduct reviews of annual exercises and submit a report to SERC. If the report indicates that a majority of the points of review for any objective selected were not met, the LEPC will develop and submit in sixty days a Corrective Action Plan.
- **Rule 3750-20-82 - Issuance of exercise orders by SERC.** States that the SERC will eventually Concur or Refuse to Concur with the conduct of the exercise based on the Facilitator's report.
- **Rule 3750-20-84 - Public Review of Plan Exercises.** States that the LEPC shall discuss the conduct and review of each Full Scale exercise at a meeting open to the public in accordance with OAC 121.22 (Sunshine Law). This may be at a regular meeting or at a special meeting to discuss issues concerning the exercise.

Exercise Guidance and Evaluation Documents

There are numerous guidance documents available to assist the LEPC with their exercise program. The following are maintained by the Ohio EMA:

- **Ohio Hazardous Materials Exercise Evaluation Manual (OHM-EEM).** This is the principle document that a LEPC uses to develop, conduct, and evaluate its annual exercise. It outlines the SERC/LEPC responsibilities, it elaborates on the types of exercises, and it defines the exercise Objectives, and contains the LEPC Exercise Notice. It explains how to use an actual incident to achieve annual exercise credit. It also provides basic exercise guidance on how to develop the exercise, use of exercise control personnel, and activities to consider before, during and after the exercise. Again, this is the manual the LEPC must use to ensure they complete the exercise requirements created by SERC
- **Ohio Hazardous Materials Planning and Exercise Guidance.** This document is a combined guide that not only addresses exercise requirements but also discusses LEPC plan requirements. The guidance contained is a brief synopsis of what is provided in the EEM. The guide should be used when trying to educate local personnel (i.e. chief elected officials, response chiefs, support agency personnel) on the LEPC exercise requirements.
- **NRT-2, “Developing a Hazardous Materials Exercise Program”** This is a federal document. It was developed by the National Response Team (NRT) and provides basic guidance regarding exercise development, conduct of play, and post exercise activities. It includes some basic exercise techniques and steps used to develop and conduct an exercise. This guide should be used to help train personnel who will serve on the Exercise Design Team or act as an Exercise Controller.

LEPC Responsibilities

As noted, ORC Section 3750.04(C) requires that each LEPC must conduct an exercise of the plan at least annually. In this process, the LEPC must decide what objectives to test, select the type of exercise, develop the basic scenario, identify the participants, choose its evaluators, and determine when to conduct the exercise.

In order to achieve exercise credit, the LEPC must provide Ohio EMA the “LEPC Exercise Notice” forms. The forms are an attachment contained in OHM-EEM. The forms must be delivered not later than sixty and thirty-days prior to the actual date of the exercise. This time allowance gives the Ohio EMA adequate time to adjust its schedule and provide a Facilitator to attend the exercise. Upon notification, the Facilitator will work with the Exercise Design Team to review the exercise layout and more importantly to meet and train the LEPC’s Evaluators.

The LEPC is responsible for selecting and providing sufficient evaluators for the exercise. SERC Resolution #96-159, dated August 14, 1996, states that “**each Committee is to select evaluators who are knowledgeable in the areas they are to evaluate**”. Further it states that the LEPC shall provide each evaluator “**the portion(s) of the plan and or SOPs as related to the exercise objectives that they are to evaluate**”. This will ensure the Evaluator understands what functions they are to observe. This is most critical when Evaluators are brought in from outside the district, such as personnel from a neighboring county’s Hazmat Team or other emergency response organizations.

Exercise Development Suggestions

To conduct a quality exercise, the LEPC needs to utilize the training and experience of all representatives of the LEPC and of other in the community in the planning of the exercise. The LEPC should start planning many months prior to the expected date of the exercise to determine the type, scale and Objectives of the exercise.

To accomplish this task, it is recommended that the LEPC appoint an Exercise Design Team. The Team will then be responsible to actually develop the exercise, to include writing the scenario and event messages, choosing the incident site, selecting the players and controlling the actual exercise play. The Team should consist of individuals experienced with the functions of the organizations, agencies and facilities involved in the exercise, in addition to the designated Ohio EMA Emergency Management Specialist and contractor (if utilized). One member should be designated as the Exercise Director and be responsible for submitting appropriate progress reports to the LEPC and SERC. The Team needs to follow the guidance and information in accordance with the duties and responsibilities shown in OHM-EEM.

It is recommended that the Exercise Design Team initially meet with and utilize the designated Ohio EMA representative (aka. SERC Facilitator) who will observe the exercise. This Facilitator will most likely be the Ohio EMA Emergency Management Specialist who works with the county in preparing for all hazards. The Facilitator can help ensure that exercise directives and procedures are understood and being met. The Team should meet with this representative well in advance of the actual exercise and before submitting its thirty-day notice.

Appoint an Exercise Design Team and provide them guidance on what type exercise the LEPC wishes them to develop. Have the Team Chief/Leader provide the LEPC periodic briefings and identify any needs or requirements the LEPC should know. It must be noted that the Exercise Design Team members cannot participate in the exercise as active players. Instead, they are to serve as the Exercise Controllers to ensure the exercise remains focused on the planned exercise scenario and the selected exercise Objectives.

Ensure that all participating departments and organizations are aware of the exercise, invited to participate, receive general information on the exercise, and know what will be expected of them during the exercise. They should understand what will be simulated versus what tasks must be actually completed. The LEPC may wish to schedule pre-exercise training and/or drills to assist individuals/organizations prepare for the exercise.

Choose Evaluators that are objective and knowledgeable in the areas they are to evaluate. Ensure there are enough Evaluators so that each response function is properly observed and evaluated. This may require having more than one Evaluator observing the same objective when the field-play is widely dispersed. Also, coordinate the date and time for the required evaluator's training with the Ohio EMA Facilitator.

Exercise Design Course

The LEPC can request Ohio EMA deliver a certified exercise design course. Additionally, Ohio Emergency Management Specialists can conduct a workshop on the design, conduct, and evaluation of exercises. This workshop is generic in concept and does not address the unique requirements of LEPC exercises. However, it is an excellent means to teach the exercise basics. Individuals who will likely serve on an Exercise Design Team should take this course. To attend, interested individuals need to contact their County EMA Director for course information, dates, and formal application.

One or more LEPCs can even work together to host this course in their local area. This would allow more personnel to be trained locally rather than having only one or two attend a statewide course. To request this, the LEPCs need to work with their respective EMA offices to request that such a course be scheduled locally. LEPCs should understand that they may be required to fund portions of a course when it is held locally. More information is available on this via Ohio EMA's Training Section.

SERC Review of Exercises

The Ohio EMA was designated by OAC Rule 3750-20-80 to review the annual LEPC exercises for the SERC. Upon receipt of the LEPC's Exercise Notice, the Ohio EMA Emergency Management Specialist for that area will contact the LEPC to schedule a meeting to review the Notice. The Liaison will act as the "SERC Facilitator" and will provide any assistance required before, during, and after the exercise.

A SERC Facilitator will observe each evaluated exercise. This person is responsible to train the Evaluators prior to the exercise, to ensure the LEPC provides appropriate plan portions to them prior to the exercise. The Facilitator will also coordinate and participate in the exercise critique. The Facilitator will then write the official exercise report highlighting things done well and making recommendations for areas that need improvement.

The report will be based on the observations made by each Evaluator and the issues raised during the exercise critique. If an Objective is not adequately tested, the Facilitator will direct the LEPC to develop and submit a Corrective Action Plan (CAP) that outlines how the missed Points of Review will be corrected. The CAP is due within 60 days of the receipt of the official exercise report.

Ultimately, the SERC will review the findings and recommendations made in the Facilitator's report and vote to Concur or Refuse to Concur with the conduct of the exercise.

Exercise Credit for Actual Incidents

LEPCs may request exercise credit for an actual incident which occurred in or affected the district. This request must be submitted to the Ohio EMA within thirty days of the incident. This credit, if granted, may be used to satisfy the annual exercise requirement. Section (II) (G) of the OHM-EEM gives detailed guidance for the LEPC's use to request exercise credit for an actual incident. As per OAC rule 3750-20-78, the LEPC may only use this process twice in the four-cycle to claim exercise credit.

The SERC Facilitator will evaluate the request and within thirty days, schedule a meeting with the LEPC to review the records and completed evaluation forms of the actual response. This meeting needs to include the key personnel who managed the response. The LEPC should prepare and have available all various records from the incident as listed in the EEM. If individual response members cannot meet at one time, the Facilitator will discuss the response with all participants versus the chosen Objectives to make an informed decision on the request. The official report, and the SERC recommendation, will be in a format similar to that of a normal exercise report.

Exercise Critiques and Updates

Critiques and debriefings are as important, if not more so, to the participants than was the original exercise. A debriefing should be conducted by each participating agency and is usually a quick informal discussion amongst themselves on how they did. Debriefings should be conducted immediately following every exercise, usually at the site while all participants are still present. The participants should be given 15-30 minutes immediately following the drill to discuss their group's accomplishments prior to attending the formal exercise critique.

The Exercise Design Team Leader or the Exercise Controller will orchestrate the formal critique. They will assemble the participating agencies and request the heads of these groups to discuss how the exercise actions met or conflicted with their planned procedures.

The formal critique is a review of the events for all players in the exercise. Often this is the first time some players actually learn of the full extent of the exercise. The critique is not used to place blame, rather its purpose is to discuss what was observed

throughout the exercise by the Evaluators, controllers and participants with the goal of identifying what went right, and according to plans/SOPS, and what may need to be changed or revised.

When the LEPC conducts a Full-Scale exercise, SERC rules state the LEPC must also complete a publicly announced critique. This critique will discuss the scope of the exercise, the results of the exercise and allow the general public to comment on the outcomes. This critique can be done as part of the formal exercise critique, or it may be done separately in conjunction with an LEPC meeting, or it may be a separately scheduled meeting. In either case, it must be open to the public as per ORC 121.22 (Open Meetings Law)

Standard of Care

An exercise is not complete once the critique is done. Following the exercise, the Exercise Design Team and/or Controllers will need to meet and review the results of the exercise. They will need to identify what changes are needed to the local program and present those changes to the LEPC. They may identify that changes are needed in the plan or local procedures, that response resources are needed, that training must be updated, or that additional personnel are required. The LEPC in turn will need to review and determine how the program will be changes. These changes should be briefed to local elected officials as well.

SECTION VI

LEPC TRAINING AND EDUCATION PROGRAMS

General

ORC Section 3740.04 (A) (11) states the District's Chemical Emergency Preparedness and Response Plan **shall contain** “a plan for the development or provision of training programs, seminars, and other forms of educational programs.” These programs should be made available for all emergency response, management, and facility personnel.

Additionally, the LEPC should work with the county EMA to train LEPC members, emergency operations center staff, county officials, and other partner agencies regarding the hazardous materials plan, exercises, and other activities

Program Considerations

The LEPC must determine what the training needs of the district are, identify personnel to be trained, obtain funding, identify training facilities, and locate available instructors to best meet and accomplish the training requirements for its district.

The LEPC should consider the implementation of a training and education program for the district which includes training already scheduled and conducted by County EMA, the various first response agencies and organizations as well as other training activities relating to hazardous materials preparedness and response.

The LEPC should coordinate with the various county associations (Fire, EMS, Law, medical), to combine training efforts. Combining training sessions have many benefits, such as attracting more participants, cost savings, and the students become acquainted with other individuals and their organization's roles and responsibilities.

Organization for Training

Each LEPC will have to determine how the district can best organize, set -up, and conduct a productive training and education program. Each district is different and each LEPC must develop a program which benefits its people in accordance with the training standards found in Section C of the LEPC Procedures Manual.

The Chairperson should appoint a Training and Education Sub-Committee. This group should contain, at a minimum, representatives from the fire, law enforcement, regulated facility, EMA, and EMS organizations. The subcommittee should be chaired by both a chairperson and vice chair. Their task is to work with emergency response organizations and others to identify what the district's training needs are, what the training goals of the various agencies and organizations are, what training is currently available, and present their recommendations to the entire LEPC.

The following is one way a LEPC might approach the establishment of the Committee's Training and Education program. This concept is offered to help LEPCs design a program to fit their situation.

The LEPC should consider its direct and indirect roles in training and education within the District.

Direct Role

- The LEPC Chairperson should provide appropriate orientation and training of committee members to explain their duties and responsibilities and ensure that all members understand their Committee's mission.
- Identify the **training goals** of the various organizations, agencies, departments, and groups within the district, i.e., does the fire community wish to be at operations level overall or have a certain percentage trained to technician level?
- Survey the District to identify the current **training levels** of the various agencies, departments, organizations and groups within the district to accurately estimate the type, cost, and availability of training needed.
- Based on the training goals, identify and document training requirements of the various agencies, emergency response and other organizations and groups within the district that they represent so they can then discuss and consider how to meet these needs.
- Identify training programs available to support these requirements, including training to be provided by the local instructors, state and federal agencies, and the private sector.
- Provide training and/or orientation for public officials, first response type organizations, places of worship, schools, service organizations and others.
- Provide an outline of plans and goals for the following year and a schedule of planned training activities.
- Provide funding support for training using LEPC and/or HMEP training funds and by obtaining additional funds from grants, private or industrial sources.
- Provide a reference library containing publications, audio-visual material, and other items for training use. It should be at a location available during normal business hours. A current listing of reference and training

documents available should be provided to the various emergency response organizations, agencies and departments.

Indirect Role

- The LEPC can assist the leadership of the various emergency response and support organizations within the District to meet training goals and standards they have set for their personnel. Ensure that the leadership and training officers are aware of training requirements and standards, to include refresher training requirements. Also recommend that they as a committee maintain appropriate training records for their countywide personnel.
- Assist these organizations by obtaining training funds for their use by applying for various grants under programs such as the PUCO, HMEP, and SERC grants. (*See Section III*)
- To accomplish this role the Training and Education Sub-Committee should:
 - Establish liaison, through the appropriate LEPC members, with the various agencies, departments, organizations and other groups (amateur radio, community groups, ARC and others) within the district to determine their training interests, to discuss training requirements, and determine needs and goals for the groups.
 - The LEPC Training and Education Sub-Committee should keep the LEPC's membership advised of their activities and findings. Regularly discuss training needed, planned courses, and requests from the groups.
 - The LEPC could create and make available a consolidated training schedule of the district on a quarterly or biannual basis. They may be able to assist agencies with training records for the individuals in an agency.
 - Assist all emergency response organizations to obtain training information through the County Fire Association(s), County EMA the SERC, Fire and Police Academies, and other State, Federal and/or private sources.
 - The LEPC might decide to utilize its own funds to purchase training materials, aids, and/or equipment for various organizations, agencies, departments or groups. In many cases LEPC and EMA jointly fund a facility to be used as the County EOC but which also serves as a Training Facility.

Hazardous Materials Training

- Various levels of hazardous materials training are required by law for personnel in certain occupations. *Reference Section C, LEPC Procedures Manual for OSHA and NFPA training standards.*

Continual Training and Education Programs

The various training and education programs scheduled and conducted for EMA, LEPC staff, and county officials should be considered as on-going programs based on the turnover of personnel within the district.

The Training and Education Sub-Committee should carefully review training already provided, assess current and future needs and develop their programs accordingly. Refresher training needs also must be addressed.

The Training Sub-Committee should be familiar with 29 CFR 1910.120(e) which requires initial, management and supervisor, emergency response, and refresher training as well as NFPA 472 and 473 and other pertinent standards.

Scheduling of Training

The LEPC should develop, maintain, and distribute a schedule of all Sub-Committee meetings and training sessions hosted or conducted by the LEPC or others. (All training which would be of interest to Committee members, or other individuals, groups, departments, organizations, or agencies affected by hazardous materials matters should be included).

The LEPC should also coordinate with other departments, organizations, and agencies within the district to provide training opportunities. This procedure would keep the LEPC informed of on-going training programs and would help the LEPC recognize how the organizations are training and who may need attention and/or assistance from the LEPC.

Public Education and Awareness Program

The public needs to be aware of the dangers of hazardous substances and the procedures they need to follow in the event of orders for in-place sheltering or evacuation. Special facilities such as nursing homes, schools, hospitals, public buildings, senior citizen housing and others need to be thought of as well not only in the planning but information exchange.

If not already in place, the LEPC should develop a program to provide for public education in regard to hazardous substances within their planning district. The program should include provisions for orientation and/or training for private citizens, special facilities, and for the identification and education of special populations such as hearing impaired, blind, and home-bound.

The program should include presentations, audio-visual programs, written notices, pamphlets, and other means to ensure the district's population is aware of planning and preparedness actions that are in place which may be required at any time in the event of a hazardous materials incident.

The LEPC is encouraged to make available speakers for schools, organizations and clubs and provide written or audio-visual programs, assist the district's response organizations with their public information programs, and coordinate other activities to take advantage of ongoing special events in the district.

Facility personnel could be requested to provide a public awareness presentation concerning their facility or their industry in general, plant safety systems, and government's requirements, regulations, and oversight.

The SERC's Training and Education Committee, Ohio EMA Regional Operations personnel, the State Fire Marshal or Ohio EPA could may assist the LEPCs upon request.

Summary

Training and education of all personnel is important, but the training of individuals that must respond to a hazmat incident is critical. This is not only because of concern for the individual responder's health and safety but for the welfare of the communities as well. All emergency responders must be properly trained and equipped if they are to successfully handle chemical accidents.

Look at public education to introduce your LEPC and what you are doing with planning and preparedness activities on behalf of the citizens and facilities within your local planning district.

The LEPC has a responsibility to coordinate, support, and assist the various agencies, departments, and organizations with their training programs.

SECTION VII

STATE AGENCIES

State Agency Response

The State of Ohio Emergency Operations Plan (EOP) Emergency Support Function (ESF) #10 Oil, Gas, and Hazardous Materials, describes the organization, responsibilities, and resources that will be employed to provide coordinated state-level assistance in response to an actual or potential release of hazardous materials.

LEPC members are encouraged to review ESF 10 of the State Emergency Response Plan, along with any other section which pertains to the member's field.

Section III Concept of Operations addresses how the State will be configured to respond to hazmat emergencies.

Section IV Organizations and Assignment Responsibilities addresses the roles and responsibilities of state agencies in the State Emergency Operations Center and in the field.

Information contained in the plan will help you understand the various state agencies roles during a hazardous materials response and can assist the LEPC when writing and/or updating the county plan.

The State of Ohio EOP, is available for review on the Ohio EMA website, www.ema.ohio.gov, under the State Plans heading.

The State EOP is written and maintained by Ohio EMA, PT&E Section. If you have any questions regarding the plan, contact Ohio EMA at 614-799-3679.

Training and Assistance

There are three primary state agencies that offer training courses, workshops, and assistance for hazardous materials. These agencies and their telephone numbers are listed below:

- State Fire Marshal's Office (Ohio Fire Academy) 888-589-2728 or 614-752-7196
- Ohio EPA (Right-to-Know Office) 888-644-2260 or 614-644-2260
- Ohio EMA (Training Branch) 614-889-7168

The SERC has a Training and Education Committee that meets regularly to address various training and education issues. This Committee's mission is to provide the LEPC's training information and guidance to assist them with their training and education programs. This Committee also is responsible for planning and conducting the Annual LEPC Conference which is normally held in October of each year.

Grants Available to Assist with Training Funds

In the past Committees have utilized grant funds to provide training classes, instructors, training programs, aids, and equipment within their districts. Section III of this Handbook provides information on the various grants that can provide funding for training, which is conducted and/or supported by the LEPC for emergency responders, support agencies, and organizations within the district.

Attachment #1

Acronyms & Glossary

CAMEO	Computer Aided Management of Emergency Operations is a software program that helps emergency managers and responders plan for and respond to chemical accidents, and manage information provided under EPCRA about the presence of chemicals in the community.
CFR	The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.
CHEMICAL	Means any element, chemical compound or mixture of elements and/or compounds.
COMMISSION	The State of Ohio Emergency Response Commission
EHS	“Extremely Hazardous Substance” means a substance listed by USEPA in paragraph (A) of Rule 3750-20-30 of the Administrative Code and a substance listed by the Commission in paragraph (B) of Rule 3750-20-30 of the Administrative Code.

EMA	An office of Emergency Management Agency (EMA) is an agency at the local, state, or national level that holds responsibility for comprehensively planning for and responding to and recovering from all manner of disasters, whether man-made or natural. An EMA may also be requested to provide consequence management or contract with LEPC's to provide services required on ORC 3750.04.
EMERGENCY DISTRICT	Means an emergency planning district or joint emergency planning district designated under Section 3750.03 of the Revised Code or a joint interstate emergency planning district established by agreement under that section.
EOC	An Emergency Operations Center (EOC) is a central command and control facility responsible for carrying out the principles of emergency preparedness and emergency management, or disaster management functions at a strategic level during an emergency, and ensuring the continuity of operation of a political subdivision or other organization. An EOC is responsible for strategic direction and operational decisions and does not normally directly control field assets, instead leaving tactical decisions to lower commands. The common functions of EOCs is to collect, gather and analyze data; make decisions that protect life and property, maintain continuity of the organization, within the scope of applicable laws; and disseminate those decisions to all concerned agencies and individuals.

EOP	Emergency Operations Plan is the principal all hazard emergency plan of a facility, community, county or state developed in conjunction with emergency responders, agencies, departments and organizations.
EMS	Emergency Medical Services, more commonly known as EMS, is a system that provides emergency medical care. Once it is activated by an incident that causes serious illness or injury, the focus of EMS is emergency medical care of the patient(s).
EPA	Ohio EPA establishes and enforces standards for air, water, waste management and cleanup of sites contaminated with hazardous substances.
EPCRA	The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in 1986 in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. EPCRA requires emergency planning, and "Community Right-to-Know" reporting on hazardous and toxic chemicals. 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, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

FACILITY	Facility - refers to a location where hazardous materials are held, stored, or produced in the normal course of operations for the facilities. These facilities are subject to Community Right-to-Know laws and include loading docks, buildings, parking areas and other similar areas where hazardous material exists.
FACILITY EMERGENCY COORDINATOR	An individual designated by a facility, in accordance with ORC 3750.05(B) to participate in the district's emergency planning process. A Facility Emergency Coordinator must be identified to the LEPC by the Facility at all times.
FEMA	The Federal Emergency Management Agency (FEMA) is the federal agency responsible for leading the Nation's efforts to prepare for, protect and mitigate against, respond to, and recover from the impacts of natural disasters and man-made incidents or terrorist events.
HC	"Hazardous Chemical" has the meanings given to that term in 29 C.F.R. 1910-120(c). The term also includes chemicals identified or listed pursuant to Rule 3750-20-60 of the Administrative Code. (See OAC Rule 3750-1-01 for a complete definition)
HM	"Hazardous Material" any particular quantity or form of material that "may pose an unreasonable risk to health and safety or property." It is a term adopted by the Hazardous Material Transportation Act of 1975

HMEP	The HMEP Grant Program is intended to provide financial and technical assistance as well as national direction and guidance to enhance state, and local hazardous materials emergency planning and training. The program distributes fees collected from shippers and carriers of hazardous materials to emergency responders for Hazardous Material (Hazmat) training and to Local Emergency Planning Committees (LEPCs) for Hazmat planning and training.
HS	“Hazardous Substances” means a substance listed by USEPA in paragraph (A) of Rule 3750-20-50 of the Administrative Code and a substance listed by the Commission in paragraph (B) of Rule 3750-20-50 of the Administrative Code.
ICS	The Incident Command System (ICS) is a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.
LEPC	Local Emergency Planning Committee is the County Board responsible for the development and distribution of the chemical emergency preparedness and response plan, for conducting annual exercises to validate and test the plan, to provide training and assist emergency responders, other agencies and organizations with their training programs, for development of a public education program, and to develop and implement a compliance and enforcement program for the district.

NFPA	NFPA is widely known as a codes and standards for organizations to perform their job duties safely. These codes are designed to minimize the risk and effects of responding to fires and Haz Mat scenes by establishing safety criteria's for operations.
NRT 1	The NRT issued Hazardous Materials Emergency Planning Guide (NRT 1) in 1987, as required by Emergency Planning and Community Right-to- Know Act, to provide planning guidance for state and local governments in the development of local emergency response plans.
OIL	“Oil” includes oil of any kind or in any form including, without limitation, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged soil.
OAC	The Ohio Administrative Code (OAC) is the principal means whereby the law embodied in rules is communicated. The OAC is issued annually and contains the full text of, or reference to, every rule that has been adopted by the agencies of Ohio.
OAG	Ohio Attorney General's Office - provide legal counsel and opinions to state offices and agencies, and enforce certain laws.
OHM-EEM	The OHM-EEM provides LEPCs guidance for the planning, execution and evaluation of the required annual hazardous materials exercises. As per Ohio law, the SERC must re-evaluate its rules every five years.

ORC	ORC - The general laws of the state of Ohio. The Revised Code is organized into 31 general titles broken into chapters dealing with individual topics of law. The chapters are divided into sections which contain the text of individual statutes.
OSHA	Occupational Safety and Health Administration, created by the Occupational Safety and Health Act of 1970, 29 U.S.C.A. 651 et seq.
PUCO	The Public Utilities Commission of Ohio (PUCO) regulates providers of all kinds of utility services, including electric and natural gas companies, local and long distance telephone companies, water and wastewater companies, rail and trucking companies.
RQ	“Reportable Quantity” is the amount of product, in pounds, that triggers the emergency notification of OEPA, LEPC and the Fire Department if released into the environment. This is established in Rule 3750-20-50 of the Administrative Code.
SARA	The Superfund Amendments and Reauthorization Act (SARA), mandates that every facility using, storing, or manufacturing hazardous chemicals make public its inventory and report every release of a hazardous chemical to public officials and health personnel.
SDS	A Safety Data Sheet (SDS) (formerly called Material Safety Data Sheet) is a detailed informational document prepared by the manufacturer or importer of a hazardous chemical. It describes the physical and chemical properties of the product.

SERC	State Emergency Response Commission is responsible for implementing the Emergency Planning and Community Right-to-Know Act (EPCRA) provisions within its state. The SERC's duties include: Establishing procedures for receiving and processing public requests for information collected under EPCRA, Reviewing local emergency response plans, Designating local emergency planning districts, Appointing a Local Emergency Planning Committees (LEPC) for each district. Supervising the activities of the LEPC
SFM	State Fire Marshal's Office - duties include fire code enforcement, fire investigating, enforcing laws concerning flammable materials and providing training to first responders.
SOP	A Standard Operating Procedure is a document containing step-by-step instructions to guide individuals on how to perform a technical, repetitive process within an organization. SOPs are written for a set of people who will perform the task.
TPQ	“Threshold Planning Quantity” is the amount of an extremely hazardous substance, in pounds, that requires a facility to have a Facility Emergency Coordinator and participate in the plan process. TPQs are listed in 40 C.F.R. Part 355, Appendix A and B, in Rule 3750-20-30 of the Administrative Code, the quantity as listed in the columns (threshold planning quantity) for that substance.

TQ	<p>“Threshold Quantity” is the amount of a hazardous chemical above which a facility must annually report the presence of that substance to SERC, LEPC and Fire. This is discuss in Rules 3750-30-15 and 3750-30-20 of the Administrative Code.</p>
TRI	<p>Toxic Release Inventory (TRI) - is a resource for learning about toxic chemical releases and pollution prevention activities reported by industrial and federal facilities. TRI data support informed decision-making by communities, government agencies, companies, and others. Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created the TRI.</p>
USEPA	<p>United State Environment Protection Agency is responsible for the protection of human health and the environment. USEPA provides technical assistance to support recovery planning of public health and infrastructure, such as large hazardous material spills and waste water treatment plants.</p>
USDOT	<p>United States Department of Transportation (USDOT) - is responsible for planning and coordinating federal transportation projects. It also sets safety regulations for all major modes of transportation.</p>

Attachment #2

Ohio Administrative Code (OAC)

Rules as adopted under Ohio Revised Code Chapter 3750

In 2001, the SERC published an updated copy of the Rules for Chapter 3750 of the ORC. Copies were distributed to each LEPC. A copy may also be downloaded from the following web page: <https://www.epa.state.oh.us/dapc/serc#122453394-rules>

CHAPTER 3750 - HAZARDOUS CHEMICAL INVENTORY REPORTING

DEFINITIONS
PURPOSE

CHAPTER 3750-10 - COMMISSION MANAGEMENT RULES

- 3750-10-01 ESTABLISHMENT OF STATE EMERGENCY RESPONSE COMMISSION & COMMITTEES
- 3750-10-03 GENERAL MANAGEMENT RULES
- 3750-10-05 INTERNAL OPERATING RULES
- 3750-10-07 EXECUTIVE COMMITTEE: ISSUANCE OF ORDERS, PERSONS WHO MAY REQUEST ENFORCEMENT ORDER PROCEDURE
- 3750-10-08 ISSUANCE OF ORDERS TO FACILITIES
- 3750-10-09 PUBLIC TESTIMONY

CHAPTER 3750-15 - PROCEDURAL RULES

- 3750-15-01 APPLICABILITY
- 3750-15-02 CONSTRUCTION OF RULES
- 3750-15-05 PUBLIC NOTICE OF PROPOSED RULES
- 3750-15-10 SEVERABILITY

CHAPTER 3750-20 - EMERGENCY PLANNING

- 3750-20-01 FACILITIES SUBJECT TO EMERGENCY PLANNING REQUIREMENTS
- 3750-20-05 EMERGENCY PLANNING REQUIREMENTS OF SUBJECT FACILITIES
- 3750-20-10 CALCULATIONS OF QUANTITIES FOR COMPARISON WITH THRESHOLD PLANNING QUANTITIES FOR SOLIDS AND MIXTURES
- 3750-20-30 LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

- 3750-20-50 LIST OF HAZARDOUS SUBSTANCES AND THEIR APPLICABLE REPORTABLE QUANTITIES
- 3750-20-60 ADDITION OF HAZARDOUS CHEMICALS, EXTREMELY HAZARDOUS SUBSTANCES AND HAZARDOUS SUBSTANCES
- 3750-20-70 EXERCISE DEFINITIONS
- 3750-20-72 CHEMICAL EMERGENCY RESPONSE PLANS
- 3750-20-74 REVIEW OF PLANS
- 3750-20-76 TYPES OF EXERCISES
- 3750-20-78 EXECUTION OF EXERCISES
- 3750-20-80 REVIEW OF EXERCISES
- 3750-20-82 ISSUANCE OF EXERCISE ORDER BY COMMISSION
- 3750-20-84 PUBLIC REVIEW OF PLAN EXERCISES

CHAPTER 3750-25 - EMERGENCY RELEASE INFORMATION

- 3750-25-01 FACILITIES SUBJECT TO EMERGENCY RELEASE NOTIFICATION REQUIREMENTS
- 3750-25-05 DESIGNATION OF HAZARDOUS SUBSTANCES
- 3750-25-10 DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES
DETERMINING NOTIFICATION REQUIREMENTS OF MIXTURES OR SOLUTIONS
RELEASE NOTIFICATION REQUIREMENTS FOR RADIONUCLIDES & SOLID PARTICLES
- 3750-25-15 CALCULATIONS FOR REPORTABLE QUANTITIES OF CONTINUOUS RELEASES
- 3750-25-20 REPORTABLE QUANTITIES FOR OIL INCLUDING CRUDE OIL
- 3750-25-25 RELEASE NOTIFICATION REQUIREMENTS

CHAPTER 3750-30 – HAZARDOUS CHEMICAL REPORTING

- 3750-30-01 FACILITIES SUBJECT TO HAZARDOUS CHEMICAL REPORTING REQUIREMENTS
- 3750-30-15 LIST OF MATERIAL SAFETY DATA SHEETS (SDS) REPORTING REQUIREMENTS FOR SUBJECT FACILITIES
- 3750-30-20 EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORM
- 3750-30-25 IDENTIFICATION OF HAZARDOUS CHEMICALS
- 3750-30-27 THRESHOLD QUANTITIES FOR HAZARDOUS CHEMICAL REPORTING

CHAPTER 3750-50 - FEES, FUNDING AND GRANTS

- 3750-50-01 ANNUAL INVENTORY FILING FEES AND FORM
- 3750-50-03 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW FUND
- 3750-50-05 SPECIAL EMERGENCY PLANNING FUND

- FIRST-TIME FILER GRANT AWARDS
- COMMITTEE RESPONSIBILITIES FOR FIRST TIME FILER GRANT APPLICATION
- COMMISSION RESPONSIBILITIES FOR FIRST TIME FILER GRANT AWARDS
- GRANT APPLICATION FOR FUNDS IN THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW FUNDS
- 3750-50-15 REIMBURSEMENT FOR COSTS INCURRED UNDER CHAPTER 3750 OF THE ORC
- 3750-50-20 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW RESERVE FUND
- 3750-50-25 GRANT APPLICATION AND FUNDS IN THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW RESERVE FUND

CHAPTER 3750-60 - TRADE SECRETS

- 3750-60-01 DEFINITIONS
- 3750-60-03 SCOPE
- 3750-60-05 ASSERTIONS OF CLAIMS OF TRADE SECRECY WHERE A CLAIM IS PENDING BEFORE THE ADMINISTER
- 3650-60-07 ASSERTION OF CLAIMS FOR TRADE SECRECY FOR THE SPECIFIC CHEMICAL IDENTITY OF THOSE ADDITIONAL CHEMICALS LISTED OR IDENTIFIED BY THE COMMISSION
- METHODS OF ASSERTING TRADE SECRECY CLAIMS
- METHODS OF SELECTING A GENERIC CLASS OR CATEGORY
- 3750-60-20 SUBSTANTIATING CLAIMS OF TRADE SECRECY
- 3750-60-23 SUBSTANTIATING FORM TO ACCOMPANY CLAIMS OF TRADE SECRECY, INSTRUCTIONS TO SUBSTANTIATION FORM
- 3750-60-25 CLAIMS OF CONFIDENTIALITY IN THE SUBSTANTIATION
- 3750-60-30 INITIAL ACTION BY THE COMMISSION
- 3750-60-40 REVIEW OF TRADE SECRECY CLAIM
- 3750-60-43 ADDITIONAL MATERIAL SUBMITTED FOR GOOD CAUSE
- 3750-60-50 SUFFICIENCY OF ASSERTIONS
- 3750-60-52 STANDARDS FOR SUFFICIENCY OF SUBMISSION OF A TRADE SECRET CLAIM
- 3750-60-60 PUBLIC PETITIONS REQUESTING DISCLOSURE OF CHEMICAL IDENTITY CLAIMED AS TRADE SECRET
- 3750-60-80 ORDERS ISSUED BY THE COMMISSION
- 3750-60-83 APPEAL FROM COMMISSION'S DETERMINATION OF THE SUFFICIENCY OF TRADE SECRECY CLAIM
- 3750-60-85 APPEAL FROM COMMISSION'S DETERMINATION THE VALIDITY OF TRADE SECRECY CLAIM
- 3750-60-90 RELEASE OF CHEMICAL IDENTITY DETERMINED TO BE A NON-TRADE SECRET; NOTICE OF INTENT TO RELEASE

CHEMICAL IDENTITY
DISCLOSURE OF TRADE SECRET INFORMATION
ADVERSE HEALTH EFFECTS
ADDRESS TO SEND TRADE SECRET CLAIMS AND
PETITIONS REQUESTING DISCLOSURE

CHAPTER 3750-75 – EMERGENCY RESPONSE LOCK BOX UNITS

- 3750-75-02 FACILITIES SUBJECT TO THE EMERGENCY RESPONSE
LOCK BOX UNIT REQUIREMENTS
- 3750-75-03 CRITERIA FOR THE CONSTRUCTION OF AN EMERGENCY
RESPONSE LOCK BOX UNIT
- 3750-75-04 EMERGENCY RESPONSE LOCK BOX UNIT CONTENTS AND
MAINTENANCE
- 3750-75-05 CONDITIONS FOR THE PLACEMENT OF, AND ACCESS TO,
AN EMERGENCY RESPONSE LOCK BOX UNIT
- 3750-75-07 APPLICATION FOR ISSUANCE OF A LOCK BOX ORDER BY A FIRE
DEPARTMENT
- 3750-75-08 APPLICATION FOR ISSUANCE OF LOCK BOX ORDER BY A
LOCAL EMERGENCY PLANNING COMMITTEE
- 3750-75-09 DECISION BY EMERGENCY RESPONSE COMMISSION
REGARDING A LOCK BOX APPLICATION FROM A LOCAL
EMERGENCY PLANNING COMMITTEE
- 3750-75-10.1 CRITERIA FOR ISSUING AN ORDER REQUIRING THE PLACEMENT
OF A LOCK BOX UPON A REQUEST BY A POLITICAL
SUBDIVISION

CHAPTER 3750-80 – VARIANCES TO LOCAL EMERGENCY PLANNING COMMITTEES

- 3750-80-01 APPLICATION FOR VARIANCE BY LOCAL EMERGENCY PLANNING
COMMITTEE
- 3750-80-02 CRITERIA FOR GRANTING A VARIANCE TO A LOCAL
EMERGENCY PLANNING COMMITTEE
- 3750-80-03 DECISION BY EMERGENCY RESPONSE COMMISSION

CHAPTER 3750-85 – VARIANCES TO POLITICAL SUBDIVISION

- 3750-85-01 APPLICATION FOR VARIANCE BY POLITICAL SUBDIVISION
- 3750-85-02 CRITERIA FOR GRANTING A VARIANCE TO A POLITICAL
SUBDIVISION
- 3750-85-03 DECISION BY LOCAL EMERGENCY PLANNING COMMITTEE

Attachment #3

List of Legislation, Regulations & Reference Materials

Legislation and Regulations

This section provides a brief listing of federal and state laws that have formed the foundation of the Local Emergency Planning Committees. The intent is to provide context to the requirements of this program. While this list is not exhaustive, it is valuable.

Federal

1. Superfund Amendments and Reauthorization Act of 1986 Titles I and III
2. Comprehensive Environmental Response Compensation Liability Act of 1980 (Superfund), as amended in 1986
3. Occupational Safety and Health Administration Standards. 29 CFR 1910.120 covers Emergency Response.
4. Clean Water Act of 1972, as amended in 2018
5. Hazardous Materials Transportation Act of 1975
6. Oil Pollution Act of 1990
7. Clean Air Act of 1970, as amended in 1990.
8. Toxic Substance Control Act of 1976
9. Resource Conservation and Recovery Act of 1976

State

1. Ohio Revised Code, 3750.01 - 3750.22 and 3750.99 (Authority of SERC/LEPC).
2. Ohio Revised Code 5502.38 (Effects of SARA on EMA).
3. Ohio Revised Code 3745.13 (Cost Recovery).
4. Ohio Revised Code 3737.80 (Senior Fire Official is in Charge).
5. Ohio Administrative Code, Chapter 3750 (State Emergency Response Commission).
6. Ohio Revised Memorandum of Understanding for Response to Hazardous Materials Incidents, May 12, 2002.

Regional and/or Local

Ohio is a home rule state allowing cities and villages to adopt and enforce local laws. Local and regional laws and ordinances pertaining to hazardous material response and/or planning passed by the City or Village are available through the municipality's law advisor.

Risk Management Plan (RMP)

The RMP program is a section of the Clean Air Act Amendment, Section 112(r), requiring U.S. EPA to publish regulations and guidance for chemical accident prevention at facilities. This program is geared to improve chemical process safety and implementation of management program elements, assess their potential release impacts, and assist local emergency authorities in planning for and responding to accidents.

Facilities document their risk management program within their risk management plan submitted to U.S. EPA. The RMP submission is once every five years or sooner if modification(s) are made to the process, there is a change in their program type, or the facility has an RMP-reportable accidental incident. Local emergency responders and planning agencies can access such information through the U.S. EPA Central Data Exchange Reporting System after being vetted and approved by U.S. EPA.

RMP facilities subject to the emergency response program requirements shall conduct field and tabletop exercises with the frequency to be decided upon between the facility and local emergency response officials. Exercise shall involve the RMP chemical and process. Facility must do the field exercise seven years after Dec. 19, 2019 and then are to coordinate a schedule and frequency for future field exercises with local emergency responders. Tabletop exercises are set at a minimum of every three years. Locals have the discretion to participate or not.

Facility may satisfy the exercise requirements through exercises conducted to meet other Federal, state, or local exercise requirements provided such exercises meet the RMP exercise requirements. The exercises shall result in an evaluation report within 90 days of each field and tabletop exercise.

See epa.gov/rmp for more information.

Reference Materials and Supporting Documents

The below references and resources are provided to offer guidance and context to the LEPC program. Related documents, forms and reports are available on the SERC website at <https://epa.ohio.gov/dapc/serc#122453393-documents>

STATE	
ORC 3750	Chap 3750, ORC - Emergency Planning
OAC 3750	Ohio Administrative Code (3750 Rules)
	Ohio Hazardous Materials Planning and Exercise Guidance Booklet
	OH Hazardous Materials Plan Development & Evaluation Guidance Document

State of Ohio EOP (ESF 10)	Oil, Gas and Hazardous Materials Emergency Management Plan
	Ohio Hazardous Materials Exercise and Evaluation Manual
Reporting	Annual Reporting Booklets
	1 - For Gasoline Service Stations
	2 - All Others
	3 - Instructions for Oil/Gas Extraction Sites
Grant	SERC Grant Instructions/Applications
EAS	State Emergency Alert System Plan 1997
	CAMEO (Current)
FEDERAL	
	Handbook of Chemical Hazard Analysis Procedures
"Green Book"	Technical Guidance for Hazards Analysis- Emergency Planning for Extremely Hazardous Substances
EPA 230	Risk Communication About Chemicals in Your Community (For Local Officials) Objectives for Local Emergency Management
CPG 101	Guide for All-Hazards Emergency Planning
NRT-1	Hazardous Materials Emergency Planning Guide
NRT-2	Developing a Hazardous Materials Exercise Program
EPCRA 311 & 312	Preparedness for Hazardous Materials Emergencies in Railyards
FHWA-HOP-10-013	Traffic Incident Management Handbook
SLG 101	Guide for All-Hazard Emergency Operations Planning
NFPA 472	Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents
NFPA 473	Standard for Competencies for EMS Personnel Responding to Hazardous Materials/Weapons of Mass Destruction Incidents

Other Reference Materials

SERC memorandums, resolutions and Ohio Attorney General opinions revolving around LEPC operations exist. Contact Ohio EPA for assistance in obtaining these materials.

Attachment #4

Guidelines for Better Meetings

The LEPC has many tasks it must perform, the members are volunteers, their time is valuable and to be successful the LEPC must operate in a businesslike manner. To strengthen the value of LEPC meetings, consider offering guest speakers and/or training as a standing agenda item. Examples of said items include but are not limited to:

- LEPC 101
- Review of a Response
- National Weather Service presentation
- Review of various EOP Annex(es)
- Industry presentations
- EOC Partner brief(s)
- OEPA On-Scene Coordinators
- ODNR Emergency Responders

The following guidelines are presented for your information and consideration.

******* BEFORE THE MEETING *******

- Have a specific purpose/objective for each meeting
- Identify topics and material to be covered
- Invite key people, guest speakers/presenters
- Prepare an agenda; consider adding “requires vote” to appropriate items
- Notify membership of meeting, and distribute agenda and previous meeting minutes (early)
- Make logistical arrangements - space, seating, audio/video etc.
- Publically announce the meeting minimally 72 hour in advance

******* AT THE BEGINNING OF THE MEETING *******

- Start on time
- Ensure members and guest use sign-in sheet(s)
- Clarify the purpose/objective of the meeting
- Introduce guests or new personnel
- Clarify ground rules, i.e. one topic/speaker at a time, etc.
- Establish time objective

******* DURING THE MEETING *******

- Follow Robert’s Rules of Order

- Make an opening statement, review minutes of last meeting
- Focus on one agenda item at a time, keep the meeting on track
- Maintain control over time and discussions
- Record ideas and action items
- Reach agreement on specified decisions and actions

***** *AT THE END OF THE MEETING* *****

- Review action items and responsibilities (who will do what, when)
- Summarize and set follow-up date(s)
- Establish date and time of next meeting

***** *AFTER THE MEETING* *****

- Prepare minutes and/or follow-up correspondence if necessary,
- Follow-up on action items
- Ask yourself, “What went well?” “What could be improved?”

Attachment #5
Sample Agenda
Buckeye County
Local Emergency Planning Committee (LEPC)

Date
Time
Location and/or Address

AGENDA

- | | | | |
|-------|--------------------------------|------------------|---------------|
| I. | Welcome & Roll Call | | |
| II. | Minutes from June 17, 2021 | All | VOTE REQUIRED |
| III. | Financial Report | EMA | VOTE REQUIRED |
| IV. | SERC Report | OEMA | |
| V. | Emergency Coordinator's Report | EMA | |
| VI. | Committee Reports: | | |
| | <i>Public Health</i> | <i>Fischer</i> | |
| | <i>Information Coordinator</i> | <i>Berger</i> | |
| | <i>Law Enforcement</i> | <i>Mohler</i> | |
| | <i>Community Resources</i> | <i>Metzger</i> | |
| | <i>Risks & Hazards</i> | <i>Hartman</i> | |
| | <i>Training</i> | <i>Truesdale</i> | |
| | <i>Evacuee Shelters</i> | <i>Reed</i> | |
| | <i>Transportation</i> | <i>Coleman</i> | |
| | <i>Citizen Corps</i> | <i>Skilliter</i> | |
| | <i>Enforcement</i> | <i>Berger</i> | |
| VII. | For the good of the order | All | |
| VIII. | Adjournment | All | VOTE REQUIRED |

Next Meeting: Date, Time and Location/Address

Attachment #6

Guidelines for Being a Better Participant

Members appointed to the LEPC by Ohio SERC must realize their responsibilities to be a successful member of the committee. These individuals must actively represent their constituents during LEPC activities, and in return provide timely information back to them about the LEPC.

The LEPC's leadership and secretary are responsible for the development of the agenda and organization of the LEPC's meetings and for providing the membership with timely announcements of meetings and for ensuring each member receives a copy of the minutes of the last meeting. The agenda for the next meeting, along with the minutes of the last meeting, should be provided each member of the LEPC a minimum of 7-10 days before the meeting. This will give the member an opportunity to know what will be addressed and to prepare for the meeting.

Each individual member should consider the following items in order to be better informed and to become a productive member of the committee.

***** BEFORE THE MEETING *****

- Review the agenda items and minutes provided,
- Consider your input in regards to agenda items.
- Gather/prepare any materials/information you may need for the meeting.
- Talk to the people you represent about the agenda items, get their comments.
- Arrange the material you want to address in a clear and concise manner.
- Take paper and pencil, be prepared to take notes during the meeting.

***** DURING THE MEETING *****

- Arrive on time, be seated and ready to go at the announced start time.
- Participate in discussions and activities.
- Listen to what is being said and consider your comments if needed.
- *Stay on the subject being presented.*
- Be prepared to present your information and ideas

clearly/concisely.

- Avoid side conversations, pay attention and be polite.
- Take your own notes, don't rely strictly on the minutes.

***** *AT THE END OF THE MEETING* *****

- Get the date of the next meeting.
- Clarify and items which you need to follow-up on before the next meeting.
- *Ask yourself, "How did I represent my constituents?"*

Remember all LEPC members are equal and have a responsibility to represent their peers.

Attachment #7

Sample By-Laws

Buckeye County's Local Emergency Planning Committee (LEPC)

CONSTITUTION AND BY-LAWS

ARTICLE I: NAME

The name of this Committee is the Buckeye County Local Emergency Planning Committee, (hereinafter referred to as the LEPC). The LEPC is authorized by federal law, state law and by appointments duly issued by the State Emergency Response Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Buckeye County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

ARTICLE II: STATE AND FEDERAL LAWS

State and Federal laws applicable to LEPCs. Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001(c); and Ohio Revised Code 3750, as revised and as supplemented by the Ohio Administrative Code (OAC).

ARTICLE III: PURPOSE AND OBJECTIVES

SECTION 1 - The purpose of the LEPC:

As stated in ORC 3750.04 (A), the LEPC shall develop a chemical emergency response and preparedness plan for the planning district (Buckeye County); establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public of all LEPC activities and meetings; print and distribute the emergency plan and make it publicly available; receive reports and information as specified in ORC Chapter 3750.

With the information and reports received from facilities operating within the district, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis, establish and maintain a data base of hazardous chemical locations and quantities in the district and establish and maintain a computer system for data management. Detailed information on all facilities with Extremely Hazardous Substances (EHS) will be included in the emergency plan. (ORC Section 3750.04)

The LEPC is instrumental in fulfilling the purpose of the Community Right-To-Know law to increase the protection of the community from chemicals produced, used, stored, and/or transported within the Planning District. Transportation hazards analysis will include those risks to the district from commercial transportation of chemicals on the Ohio River.

All meetings, including sub-committee and ad hoc committee meetings, are open to the public.

SECTION 2 - The Objectives of the LEPC are:

- a) To prepare and maintain a comprehensive and coordinated chemical emergency preparedness and response plan for Buckeye County.
- b) To receive and process the public information requests in accordance with ORC Section 3750.03 and SERC resolutions.
- c) To implement the LEPC rules and requirements as outlined in ORC Section 3750.03 with special emphasis on ORC Section 3750.03(D).
- d) To carry out the powers and duties set forth in rules and resolutions of the SERC.
- e) To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities as listed in ORC Section 3750.03 and ORC 3750.04; for example, preparation and maintenance of the County's Chemical Emergency Response and Preparedness Plan, annual review and testing of the Plan, training and education, compliance, and enforcement.

ARTICLE IV: LEPC REPRESENTATION

SECTION 1 - Composition of the LEPC.

ORC Section 3750.03 requires that the LEPC be comprised of an equal number of representatives of the following entities: Elected State and local officials; law enforcement; emergency management personnel, fire-fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel; transportation personnel; broadcast and print media personnel; community groups and owners and operators of facilities.

SECTION 2 - Appointment of the LEPC, Election of Officers. *

In August of the odd numbered year, a new LEPC will be appointed by the SERC based upon a list of persons the County Commissioners has recommended to the SERC. SERC will request, in writing, that the County Commissioners provide them their recommendations by a certain date.

To assist the County Commissioners develop their recommendations for SERC, the LEPC Secretary will provide the County Commissioners, not later than the first day of June of the odd numbered year, a listing of current LEPC members indicating which members are willing to serve another two year term.

In July of the odd numbered years, the LEPC Chairperson shall appoint a Nominating Committee, consisting of four members, to nominate a LEPC Chairperson and Vice Chairperson from names off of the list the County Commissioners forwarded to the SERC.

At the first meeting of the newly appointed LEPC, an election of LEPC officers, the Chairperson and Vice Chairperson, will be conducted by an officer of the previous LEPC. The election will include the individuals recommended by the Nominating Committee and nominations from the floor. All person(s) to be nominated shall be contacted prior to the election and have indicated willingness to serve if elected.

The LEPC Secretary will provide the names of the new Officers to the County Commissioners and the SERC immediately following the meeting. The names of the individuals appointed to fill the LEPC positions of Information Coordinator, Community Emergency Coordinator and Secretary will also be included in this notice.

SECTION 3 - Filling of Vacancies. *

Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)). The vacancies shall be filled in the following manner: The LEPC shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the remaining term, to the County Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

The County Commissioners should then pass a Resolution requesting SERC appoint this person to the County LEPC to fill the remainder of the remaining term and forward the request to SERC.

** Note: Sections 2 and 3 above are addressed in ORC Section 3750.03(B) and need not be repeated here, however the Sections as written should assist the membership to better understand the law. By-Laws cannot be inconsistent with statute or rule.*

ARTICLE V: JURISDICTIONAL BOUNDARY

SECTION 1 - The LEPC's Jurisdictional Boundary:

The Buckeye County's LEPC's jurisdictional boundary is all of Buckeye County, Ohio.

ARTICLE VI: POWERS AND DUTIES

SECTION 1 - Powers.

ORC Section 3750.03(D) states the LEPC shall have the authority to: appoint a chairperson, vice- chairperson and a secretary; to adopt bylaws; to appoint an information coordinator and community emergency coordinator; to purchase goods or services, enter into lease or contact agreements and accept gifts on behalf of the LEPC; and to establish and carry out compliance and enforcement activities.

ORC Section 3750.03(E) provides the LEPC authority and guidance that it may: Receive or accept from any public or private source, gifts, grants, contributions of money, services of personnel, and real or personal property, or their use; appoint, and fix compensation of employees; designate additional facilities within the district to be subject to the plan; enter into agreements; adopt rules for dealing with facilities within the planning district; and enter into contracts.

SECTION 2 - LEPC Meetings.

The LEPC shall meet a minimum of XX (XX) time each calendar year.
The LEPC will set the time and date of its regular bi-monthly meeting.

To be excused from a scheduled meeting the member in question shall contact, prior to the conduct of the meeting, one of the following: Chairman, Vice-Chairman or Secretary

The Chairperson shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that it is essential for such meeting.

A. Regular Meetings.

A minimum of seventy-two (72) hours notice will be given to all members of the LEPC, and a public announcement* of the meeting date, time and location will be made, in advance of a LEPC meeting. (* Local newspaper or best for your community)

Such notice, or announcement, will be in writing by mail. If it is likely a

mailed notice would not reach the members, or media, in sufficient advance time of the meeting, such notice will be given in person or by telephone.

B. Special Meetings.

The LEPC Chair shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that is essential for such a meeting.

Minutes of the meetings will be taken and maintained with the official LEPC records.

SECTION 3 - Quorum.

A majority of members of the LEPC present shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings.

SECTION 4 - Removal of a Member.

The LEPC, by a two-thirds vote of all its members, may, at any time, remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the LEPC, the SERC may remove a member of the LEPC for any of those reasons. (ORC 3750.03(B))

Any member with two (2) consecutive unexcused absences, or with a total of four (4) unexcused absences within the two (2) year term, shall be considered to have resigned.

ARTICLE VII: EXECUTIVE BOARD

SECTION 1 - Composition and Term of the Executive Board.

There shall be an Executive Board composed of the LEPC Chairperson, Vice Chairperson, County EMA Director, a facility representative, and one (1) additional members-at-large. The members-at-large will be members of the LEPC and selected by nominations from the floor and two-thirds vote.

This election shall be conducted immediately following the election of Officers.

The Executive Board may meet to discuss subject(s) pertinent to the LEPC in order to save time during presentation at regular LEPC meetings. However, only the

whole LEPC can conduct LEPC business so the subjects must be presented to the LEPC for final disposition.

ARTICLE VIII: FUNDING

SECTION 1 - Handling of funds.

All funds, including grants and gifts, received on behalf of the LEPC, shall be credited to a "special emergency planning fund" in the treasury of the county as directed by ORC Section 3750.03(F).

The LEPC shall receive the services of the County Auditor as directed under ORC Section 3750.03(F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC's account.

SECTION 2 - Grant Applications.

The LEPC shall be responsible for making applications to the SERC and others for grants that are available to the LEPC. Example include: SERC Grant, PUCO Grant, HMEP Grant.

SECTION 3 - Expenditure of Funds.

The LEPC will not, under any circumstances, obligate funds in excess of the amount of dollars in its account with the County Auditor.

The Chairperson, Vice Chairperson and the Secretary of the LEPC may make purchases for goods [costing up to two hundred dollars (\$200.00)].

The LEPC will review all requests and either approve or disapprove entering into contracts for services.

All bills or invoices paid will be identified at the next LEPC meeting. If final receipt of the bills or invoices has not occurred an estimated cost will be given.

Expenditures for such items as contacted services (telephone, service agreements, secretarial services, etc.) and any other expenditure over two (2) hundred dollars will require pre-approval by a two-thirds vote of the LEPC.

Requests for financial assistance, such as for paying instructors, providing training materials or purchasing items of training equipment for first response organizations shall be submitted in writing to the LEPC for their consideration. Only written requests, with clear justification and all costs indicated, will be considered.

Purchase orders (PO) are authorized to be issued only after approval of the expenditure by a two-thirds majority of the LEPC and will be handled in accordance

with standard fiscal procedures set forth by the County Auditor.

Purchase Orders (PO) must be signed by the Chairperson or Vice Chairperson. In no case can purchases be made until after a PO is issued by proper authority. The PO must contain the name and address of the vendor, the name of the item(s) to be purchased and the amount.

NOTE: The LEPC must adhere to their County's fiscal accounting and operating procedures. This section will need to be coordinated with the County Auditor.

SECTION 4 - Purchase and Accountability of Durable Items.

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Buckeye County's Auditor Office and applicable federal and state grant regulations.

All such items purchased, or donated to the LEPC, will be accounted for and properly marked as County Property in accordance with established County procedures and applicable federal and state grant regulations.

A listing of all these durable items will be maintained and provided to the membership at the first scheduled meeting following the LEPC's appointment by the SERC. Items, which have lost their usefulness due to age, usage, breakage or disrepair, will be identified to the LEPC for their recommendation on salvage or disposal.

ARTICLE IX: MEMBERSHIP CHANGES

SECTION 1 - LEPC Membership Changes.

At the end of its two year term, the LEPC shall, after reconciling the LEPC records, prepare a financial accounting for its two year term of office. This accounting shall include fund balance, funds received, funds expended, durable items purchased and the ending balance.

ARTICLE XI: PARLIAMENTARY AUTHORITY

SECTION 1 - Rules of Order.

The rules contained in Roberts Rules of Order shall govern the LEPC and all standing and Ad Hoc Committees.

ARTICLE XII: AMENDMENTS

SECTION 1 - Amendment of By-Laws.

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his or her request in writing to the LEPC Secretary, a minimum of seventy-two (72) hours prior to the meeting, stating the portion(s) of the document which he or she wishes to discuss.

The LEPC shall have the power to amend the By-Laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least thirty (30) days in advance of the date set for voting on the amendment(s).

Ballots will be provided to each member of the LEPC who shall return their ballot either by mail or in person to the Chairperson, Vice Chairperson or Secretary on or before the date set in the written notice. To be approved, Amendments must receive a two-thirds (2/3) majority vote of the ballots received.

This document, and all proposed amendments to this document, shall be provided to the County Prosecutor for review and comments a minimum of thirty (30) days prior to the date set for LEPC vote.

THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE BUCKEYE COUNTY LOCAL EMERGENCY PLANNING LEPC, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS _____ DAY OF _____, 20 ____.

LEPC CHAIRPERSON

PRESIDENT,
COUNTY COMMISSIONERS

DATE SIGNED

DATE SIGNED

Approved as to form:

County Prosecuting Attorney

Date Signed

Attachment #8

Computer Software Support

General There are many software programs that can be used for creating the chemical hazard analysis. These programs vary in complexity and cost. Programs that were developed to support the SARA Title III Program are listed below. This is not an exhaustive list.

CAMEO, MARPLOT, AND ALOHA

CAMEO stands for Computer-Aided Management of Emergency Operations. It allows planners, emergency responders, and facilities to manage chemical data in preparation for an incident. CAMEO is simply a large database that stores information on chemicals, facility data, local resources, population centers, transportation routes, release scenarios, and incidents. This program was developed by USEPA to support the SARA Title III Program.

The software comes pre-programmed with detailed information on over 6000 chemicals. This information is similar to data found on a SDS but also contains information on how a chemical would react with other chemicals. Also, the program includes an airborne model to estimate how far a given concentration of gas could travel downwind whether the chemical is present at a given facility or is transported along a local route. The dispersion model is the same as used in the handbook titled the "Technical Guidance for Hazard Analysis" (aka "the Green Book").

MARPLOT stands for Mapping operations for Response, Planning and Local Operational Tasks. This software is a general purpose mapping application much like a Geographic Information System (GIS). The program allows individuals to view, create, and modify map data (such as roads, rivers, facilities, schools, floor plans, etc.). The data is displayed on a two-dimensional map. The program can show an individual or multiple county maps.

The maps are generated from data gathered in "Tiger Files" which are generated by the U.S. Census Bureau. The Census Bureau routinely updates the map data, but the program allows the user to manipulate and maintain the data themselves. The program can also import picture objects such as floor plans or aerial photos that can be scaled and displayed onto the local maps. The LEPC can export its map data between users or modify it to share with GIS users. Conversely, the LEPC can utilize a support program to import data from a separate GIS software program.

ALOHA stands for Areal Locations of Hazardous Atmospheres. This program is an air dispersion model used to estimate the rates at which chemical vapors may escape and move downwind. Personnel can use this for both hazard analysis pre-

planning and response operations. Its chemical library contains over 900 hazardous chemicals. It can estimate and show downwind distances vapors may travel, identify the likely concentrations at various distances, both indoors and outdoors, and identify dose rates at those distances. The program is also designed to receive and use real-time weather conditions from a portable meteorological monitoring station.

The USEPA and NOAA originally developed these three programs. The programs can be used independently or in conjunction with each other. CAMEO was revised and made available to the public in the spring of 2002. MARPLOT and ALOHA received minor updates at the same time to talk with the new CAMEO program. Each program works on either a Window-based or Macintosh type computer. Current information, technical assistance, and routine updates on all three are available on the USEPA's homepage, www.epa.gov/ceppo/cameo/index.htm, or call the Ohio EMA at (614) 889-7180.

DOT ERG

The United States Department of Transportation's (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) maintains the Emergency Response Guidebook (ERG), a resource that provides first responders with a go-to manual to help deal with hazmat transportation accidents during the critical first 30 minutes. The free resource is available as a mobile application and at <https://www.phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg>

WISER

Wireless Information System for Emergency Responders (WISER) is a system designed to assist emergency responders in hazardous material incidents. WISER provides a wide range of information on hazardous substances, including substance identification support, physical characteristics, human health information, and containment and suppression advice. WISER is available as a mobile application and at <https://wiser.nlm.nih.gov/index.html>