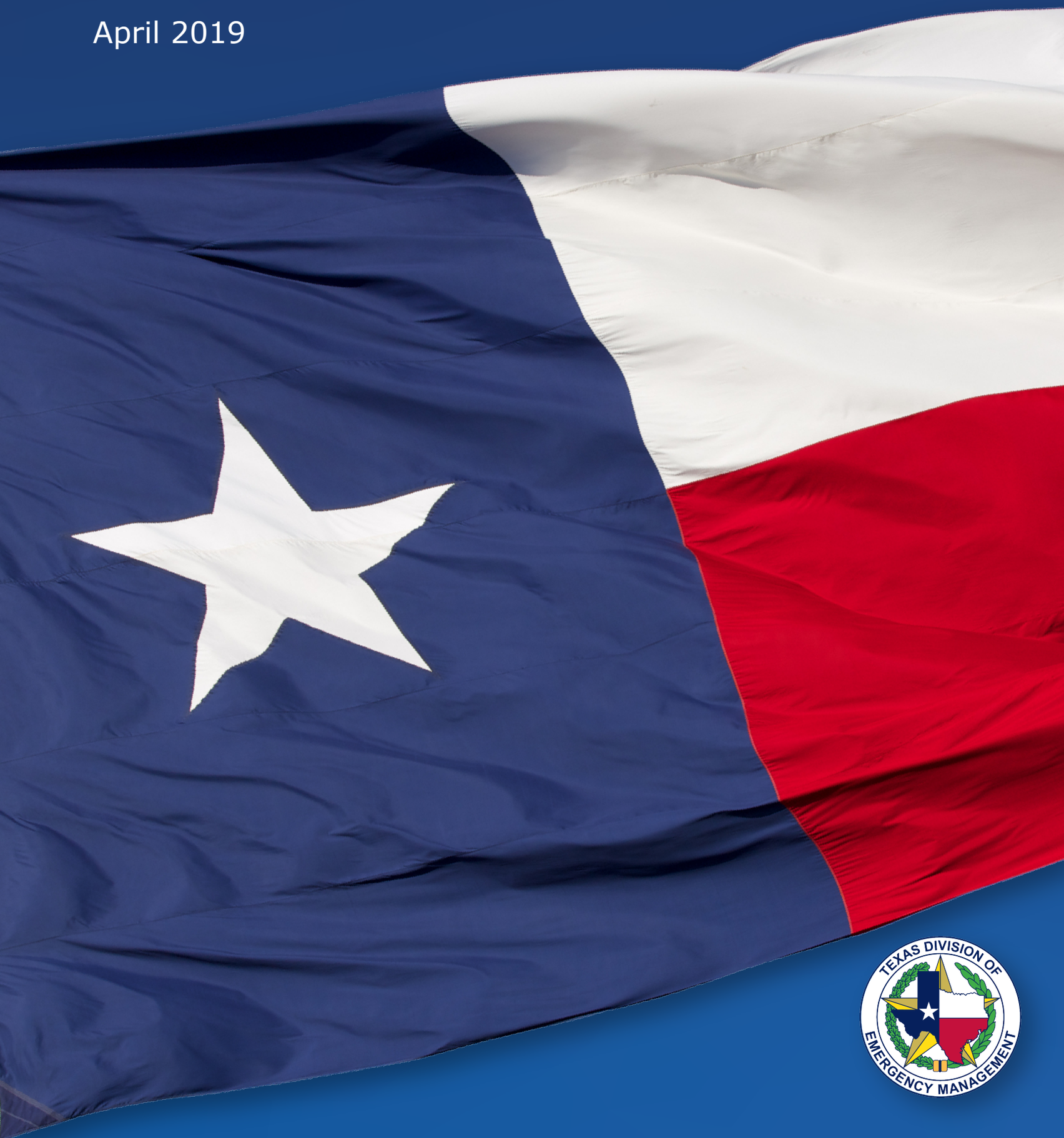
Texas Local Emergency Planning Committee Handbook

Executive Primer

April 2019



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About this Document

The authors listed below developed this document in 2018 and 2019 for the Texas Division of Emergency Management (TDEM) using new content, material from the 2006 edition of the Texas LEPC handbook, and other sources as indicated.

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The principal investigator was Dr. David Bierling, Research Scientist, Texas A&M Transportation Institute and Associate Director for Transportation and Environmental Hazards, Hazard Reduction & Recovery Center, Texas A&M University.

Representatives from the following LEPCs participated in an expert panel that provided input for development of this primer:

- Galveston County LEPC
- Gillespie County LEPC
- Grimes County LEPC
- Jasper−Newton−Sabine Counties LEPC
- Jefferson County LEPC
- Kaufman County LEPC
- Matagorda County LEPC
- Tyler County LEPC
- Wichita County LEPC

TDEM's Director was Chief W. Nim Kidd, TDEM Preparedness State Coordinator was Chuck Phinney, Preparedness Section Administrator was Bryan Becknel, and Hazards Unit Supervisor was Dan Borgeson.

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Record of Changes

Number	Date	Description	Initials

List of Acronyms

AAR	After-Action Review
CAMEO	Computer−Aided Management of Emergency Operations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DOT	Department of Transportation
DPS	Department of Public Safety
DSHS	Department of State Health Services
EMC	Emergency Management Coordinator
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency operations plan
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right−to−Know Act
EPD	Emergency Planning District
FEMA	Federal Emergency Management Agency
HMEP	Hazardous Materials Emergency Preparedness (grant program)
ICS	Incident Command System
IP	Improvement Plan
LEPC	Local Emergency Planning Committee
NIMS	National Incident Management System
NRF	National Response Framework
NRT	National Response Team
PHMSA	Pipeline and Hazardous Materials Safety Administration
RMP	Risk Management Plan
RTK	Right To Know
SARA	Superfund Amendments and Reauthorization Act
SDS	Safety data sheet
SERC	State Emergency Response Commission
SOP	Standard Operating Procedure
TCEQ	Texas Commission on Environmental Quality
TGC	Texas Government Code
THIRA	Threat and Hazard Identification and Risk Assessment
TIFMAS	Texas Intrastate Fire Mutual Aid System
TOMA	Texas Open Meetings Act
TRI	Toxics Release Inventory
TTI	Texas A&M Transportation Institute

Introduction

The 2018 *Texas Local Emergency Management Planning Committee (LEPC) Guide* is an updated comprehensive guide for Texas LEPCs. It serves as an in-depth reference for those who want to understand more about policies, programs, and procedures that LEPCs can use to enhance their effectiveness and community resilience, from the small, rural LEPC revitalizing after many years of inactivity to the large, active LEPCs along the Texas Gulf Coast. Topics covered in the guide are listed in the table below.

Texas LEPC Guide Structure and Contents

Module	What It Covers
1	Introduction to EPCRA; guide to the guide
2	How LEPCs relate to the broader national emergency preparedness system
3	The basics behind how LEPCs are structured, how they operate and their legal requirements
4	Major reporting requirements (Tier II, TRI, RMP Plans)
5	Emergency Planning, Preparedness, Threat & Hazard Identification and Risk Assessment for communities and regulated facilities
6	Training, Exercises, After−Action Reviews, and Improvement Planning
7	How incident response can affect LEPC decisions and planning reviews
8	Funding a LEPC
9	Building a More Effective LEPC
10	Non−EPCRA Hazardous Materials, regulatory agencies and how they relate to LEPC functions
Appendices	Federal and state regulation, regulated facilities and hazardous materials, LEPC structure and membership, and other information of interest to LEPCs

This *Executive Primer* distills the guide down to essentials, providing an executive level summary of key topics and issues with general applicability. A panel of Texas LEPC experts helped select the topics for this primer. *It does not replace or serve as a substitute for the guide*, rather, it serves a different purpose as a basic introduction to LEPCs. This primer is intended primarily for the person who is new to LEPCs-maybe they were just elected or appointed to a position and have never heard of a LEPC before. It is also intended for LEPCs that are new to being active—maybe the LEPC has not met for a while and the community is trying to restart it.

The good news is, you are probably not starting from scratch. If you are new to an LEPC that has been active, it already has bylaws and processes under which it has been operating, and community members have been participating in it who probably have some expertise in hazmat safety and are preparedness subject matter experts.

If your LEPC has been inactive, your jurisdiction probably has an emergency operations plan (EOP) that already addresses some of the key responsibilities of LEPCs, even if the EOP needs to be updated. You probably have at least one neighboring jurisdiction that does have an active LEPC that you can reach out to. Plus, you probably have at least some people in your community who are willing to help get your LEPC going again.

Note: Some content in this document, especially in sections covering LEPC responsibilities and structure, comes from the 2006 version of the Texas LEPC handbook with little or no modification[1]. For readability, original and new materials are presented in the same font appearance and without quote designation.

What are LEPCs?

Very simply, LEPCs are groups that help protect their communities from hazardous materials (hazmat) incidents, emergencies, and disasters. They do this by leading emergency planning about what to do when something bad happens involving hazmat, and making sure the public has a right to know about hazmat exposure. The Emergency Planning and Community Right to Know Act (EPCRA) requires that every community have a LEPC. In 1986, Congress passed EPCRA following the Union Carbide chemical disaster in Bhopal, India,[2] and the near-miss of a similar disaster in Institute, West Virginia. The two primary purposes of EPCRA were to:

By law, every community is supposed to have a LEPC. In Texas, most LEPCs are county level, although some cover multiple counties, while others cover individual or multiple cities. LEPCs should include representatives from elected offices, agencies, industry, the media, and community groups and the public.

- Encourage and support emergency planning for responding to chemical accidents (emergency planning — the "EP" in EPCRA), and
- Provide local governments and the public with information about possible chemical hazards present in their communities (community right to know — the "CRA" in EPCRA).

EPCRA created Local Emergency Planning Committees (LEPCs) and State Emergency Response Commissions (SERCs) to coordinate LEPC activity. EPCRA charged LEPCs and SERCs with four primary responsibilities[3]:

1) Prepare emergency plans to protect the public from chemical accidents.
2) Establish warning and evacuation procedures for the public.
3) Collect information used in the preparation of annual reports about the release of toxic chemicals.
4) Provide local governments and the public with information about hazardous chemicals and accidental releases in their communities.

Chemical safety legislation, LEPCs, and the way EPCRA works in Texas changed significantly after the West, Texas disaster. Several critical changes involved legislation and regulations. The *Texas LEPC Guide* discusses these many changes in detail. LEPCs need to know that EPCRA is not the only law dealing with hazmat and related emergency planning, reporting, and response. Hazmat incident reporting and response in Texas can vary depending on what spills, who spilled it, and where it spills. Multiple federal and state laws and regulations specify reporting and coordination requirements to specific agencies, LEPCs, fire departments, or the community or local government. Appendix A and Appendix B of the *Texas LEPC Guide* provide a more detailed explanation and a guide to many of the laws, regulations and other policy documents related to LEPCs, emergency management and hazardous materials.

Other important changes after the West disaster were a renewed focus and attention on LEPCs. Many county judges, city mayors, and emergency managers were contacted by investigative reporters following the West incident about whether their LEPC was active, and whether they could provide a copy of their LEPC meeting schedules and minutes. Those who were already active in fulfilling their responsibilities for chemical hazards planning and local right-to-know fared much better than those who were not active in the way that they were treated by the media and the court of public opinion. The information in this primer and the *Texas LEPC Guide* can help LEPCs and lead officials avoid that pain.

What are LEPCs Responsible For?

EPCRA establishes the LEPC as a local forum to discuss hazmat and chemical safety and emergency planning. LEPCs also provide local governments and the public with information about chemical hazards in their communities.

The major legal responsibilities of LEPCs are as follows. The citations are from EPCRA, Public Law 99-499. Each LEPC shall:

- Review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303[a]).
- Make available each Safety Data Sheet (SDS), chemical list described in Section 311(a)(2) or Texas Tier II report, inventory form, toxic chemical release form, and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC (Section 324[a]).
- Establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312; such procedures shall include the designation of an official to serve as coordinator for information (Section 301[c]).
- Receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency

coordinator (Section 303[d]).
- Receive from subject facilities information that has been requested by the LEPC and that is necessary for developing and implementing local chemical emergency plans. (Section 303[d]).
- Be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304 [b][1][a]).
- Be given follow-up emergency notice information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304[c]).
- Receive from the owner or operator of any facility an SDS for each hazardous chemical (upon request of the LEPC or fire department) or a list of hazardous chemicals as described in paragraph (2) (Section 311[a]).
- Upon request by any person, make available an SDS to the person in accordance with Section 324 (Section 311[a]).
- Receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312[a]).
- Respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312[e]).

How are LEPCs Structured?

No two LEPCs are the same. They vary widely in funding, participation and the role they play in emergency preparedness. Consequently, their organizational structures also vary widely. Module 3 of the complete guide offers a complete examination. The following minimal requirements for LEPC structures are adaptable to many situations.

Bylaws

If your community has not had an LEPC meeting in a while, the community may need to begin again by establishing bylaws and rules or by reviewing the old ones. Rules or bylaws for the LEPC come from EPCRA, Section 301. Minimally, the bylaws should include provisions that address:

- Public notification of committee activities.
- Public meetings to discuss the emergency plan.
- Public comment and response to these comments.
- Distribution of the emergency plan.
- Election of officers.

Sample LEPC bylaws are in Appendix C of the complete guide.

Membership

EPCRA requires that LEPC membership shall include representation from the following groups or organizations:

- Elected state and local officials.
- Local law enforcement, civil defense/emergency management, firefighting, first aid, health, local environmental, hospital and transportation personnel.
- Broadcast and print media.
- Community groups.
- Owners and operators of regulated facilities.

A single member may represent more than one group or come from groups or organizations not listed. Likewise, organizations and groups may have more than one member in an LEPC. The only requirement for members is a willingness to volunteer by participating in the LEPC. In the case of local governmental organizations, local ordinance or agency policy could make participation mandatory from covered officials.

LEPC members do not have to have a hazmat background. Members can attend a hazmat awareness course or take online courses in emergency management to help prepare them for LEPC membership (Module 6 in the complete guide provides additional information).

LEPC membership is up to the local jurisdiction, though it must include representation from the groups defined in EPCRA. Many communities that struggle to maintain an effective LEPC complain of a lack of participation. The more emphasis local leaders and organizations put on LEPCs, the more facilities, groups, and public officials tend to participate. Active and growing LEPCs often have the public support and participation of local leaders and community representatives[4]. Growing or resurrected LEPCs find the participation of elected officials and departmental heads of key local agencies is vital to achieving success. *LEPCs look like grassroots organizations, but their success depends on interest and vocal support from the top down.*

Appointments

LEPCs must appoint (or elect from within the LEPC):

- A chairperson
- An information coordinator

Positions not required by law but still useful include:

- A vice chairperson
- A secretary−treasurer
- Chairpersons of standing committees

Module 3 and Appendix C of the complete guide provide sample position descriptions for all of these and other positions. Bylaws should specify the term of office. Bylaws should also specify if the position is by appointment or elected from within the LEPC and the corresponding process.

The *chairperson* can be any LEPC member. Although LEPCs frequently place their local emergency management coordinator (EMC) in this position, many of the most successful LEPCs do not have emergency management officials in this role since

one role of the LEPC is to advise the EMC.

EPCRA also requires the LEPC to appoint an *information coordinator*. The information coordinator's job is to process requests from the public for information under Section 324, including Tier II information under Section 312.

Involving individuals with expertise in LEPC-related fields as *at-large members* is also highly effective. A great place to begin is by examining the functional roles in the Emergency Operations Center (EOC) and EOP and identify the organizations and individuals associated with them. These individuals do not have to be on official LEPC membership rosters.

In Texas, most LEPC jurisdictions correspond with that of an Emergency Planning District (EPD), usually a county or municipality. According to TDEM and the Texas Commission on Environmental Quality (TCEQ), the county judge, as the supervisor of the county/EPD, must concur with the LEPC membership selection and submit these nominations for final approval to the SERC.[5]

TDEM maintains LEPC membership data, and the state may provide this information to the public, industry, and federal agencies. LEPCs must keep their membership current and notify TDEM of changes. Module 3 and Appendix D of the *Texas LEPC Guide* describe the process for updating LEPC membership lists.[6]

Subcommittees

Subcommittees allow members to specialize and facilitate LEPC efficiency, allowing LEPCs to work on several projects at once. The appointment of a subcommittee chairperson assigns specific project responsibility, while project deadlines set by the whole committee keep everyone on task. The number and type of subcommittees depend on the needs of the LEPC. Subcommittees form and disband as occasions arise, though standing subcommittees are useful for many functions, like membership or emergency plan reviews.

Subcommittee membership can include outside assistance or specially-created working groups. Subcommittees should use the expertise and resources available in both the community and industry. Larger LEPC subcommittee chairpersons may sit on an executive committee with the LEPC chairperson. That committee may meet separately from the whole LEPC. Reasons for subcommittees include:

- Gathering and reviewing existing community and facility emergency plans.
- Coordinating emergency response capabilities of LEPC member organizations.
- Checking existing response equipment in the community.
- Identifying financial resources.
- Coordinating with other LEPCs and the SERC.
- Conducting a hazard analysis.
- Managing information and providing information to citizens.
- Providing information to facilities.
- Promoting public awareness of EPCRA, community chemical hazards and emergency response expected from the public.

For additional ideas and projects regarding subcommittees, see Module 3 of the complete guide and *Texas Hazardous Materials Preparedness Projects* for LEPCs.

Meetings

While EPCRA does not mandate LEPC meeting frequency, nor LEPC procedures, regularly scheduled meetings are essential. Circumstances frequently change, along with contact information and regular meetings keep everyone up to date. An orderly system like Robert's Rules or another established local procedure works well for LEPC meetings and avoids having to spell out such procedures in LEPC bylaws, which can instead reference such rules.[7] Regular meetings offer the opportunity for the LEPC to broaden its role in the community, while a system of operations allows meetings to operate efficiently.

A LEPC meeting must comply with the requirements of the Texas Open Meetings Act (TOMA), and LEPCs should confer with their county or city attorney on the requirements of TOMA. Additional information about public information is available from the Texas Attorney General's Office in the Texas Public Information Act Handbook.[8] LEPCs should post public notice of their meetings on public bulletin boards or by other means at least 72 hours prior to any meeting.

A well-planned agenda is a valuable tool for conducting effective meetings. The agenda should identify specific issues for discussion at the meeting. If time constraints are a factor, assign each agenda item a time limit. Adhere to the time limit assigned for each issue. Send each committee member a copy of the agenda one to two weeks prior to the scheduled meeting.

Other ideas for energizing and improving LEPC meetings are in Module 9 of the *Texas LEPC Guide*, *Hazardous Materials Emergency Preparedness Projects for LEPCs*, and the 2009 EPA publication, Energize Your Local Emergency Planning Committee.[9]

How are LEPCs Funded?

Funding is the most frequently cited obstacle to maintaining an active and effective LEPC.[10] Most LEPCs are self-funded. The majority of LEPCs (nearly 60 percent) have no operating budget and even fewer receive any form of direct funding.[11] Despite this, only 5.3 percent of respondents to the EPA's 2008 LEPC survey cited funding as a major factor for the success and effectiveness of their LEPC.[12]

Consequently, funding is beneficial but not a prerequisite for success. Rather, success often produces funding. When a LEPC has dedicated membership that includes both elected officials and government officials from supporting agencies, the effectiveness and outreach of a LEPC increases. The more effective the LEPC becomes, the more likely it is to garner direct and indirect funding and support. Module 8 of the complete *Texas LEPC Guide* examines several funding models and provides suggestions related to grant programs and fundraising activities to assist

LEPCs in obtaining funds to pursue specific projects and meet preparedness goals.

What are LEPC Roles in Emergency Planning?

The LEPC is well-suited for implementing the whole community approach of the National Preparedness System and National Response Framework (NRF).[13] The national system provides the general framework for local, state, and federal emergency planning and response structures. The functions outlined in the National Preparedness System and NRF go beyond the narrower focus of chemical safety in the original Emergency Planning and Community Right to Know Act (EPCRA) legislation and focus on a whole community, all-hazards approach to emergency management and planning.

Studies by the EPA found many active LEPCs include homeland security in their emergency planning, in accordance with EPA directives after 9/11, but also use an all-hazards approach to planning, in line with FEMA guidelines. LEPCs still have their regulatory requirements under the original EPCRA legislation but are also representative of the whole community approach to emergency management. Using LEPCs in this role is an option for communities looking to implement the whole community, all hazards approach, especially communities with few EPCRA-regulated facilities.

Communities with a sizeable number of EPCRA-regulated facilities may decide to keep the LEPC's focus on chemical hazards and safety. LEPCs serve as a coordinating whole community platform for local responders and emergency management and assist EPCRA facilities with their all-hazards risks and ways they can mitigate those risks. LEPCs should focus their efforts according to the needs of their community, *as long as the LEPC continues to meet their legal requirements under EPCRA and state law.*

The Texas Disaster Act (4 TGC § 418) governs emergency management planning in Texas. In Texas, the chief executive of a municipality and the county judge are responsible for emergency management within their respective jurisdictions. TDEM develops the planning standards for local and interjurisdictional emergency management plans under its authority granted by the Disaster Act and related regulation.

The Disaster Act requires every political subdivision in Texas to prepare local or interjurisdictional emergency management plans for all hazards. The sample planning templates and planning guide that TDEM provides includes content that may satisfy EPCRA requirements (Section 303). Planners may modify and adapt the templates in accordance with the planning notes that TDEM provides with the sample plans.[14] The TDEM templates and planning guide form the basis of nearly every local Emergency Operations Plan (EOP) in the state.[15] TDEM and FEMA both provide extensive resources for communities preparing and reviewing their EOPs.[16]

What are EPCRA Facilities?

Facilities regulated by EPCRA contain regulated hazardous chemicals that are in quantities above the established thresholds and are stored in fixed locations or part of a chemical process (see for 40 CFR 370 for a detailed description).
EPCRA requires that every regulated facility:

- Identify a facility emergency coordinator.
- Report hazardous materials inventories annually to the SERC, LEPC and local fire department using the State of Texas Environmental Electronic Reporting Systems (STEERS).
- Provide safety data sheets, a list of hazardous chemicals and their amounts to the LEPC.
- Allow local fire departments to conduct an on-site inspection of facilities.
- Provide annual reports of toxic chemicals released to the U.S. Environmental Protection Agency (EPA) through the Toxic Release Inventory Program.

LEPCs play a pivotal role in evaluating the hazards posed by chemical facilities. Forming a link between industry, government and the community is vital to threat and hazard identification and risk assessment (THIRA), emergency planning reviews, and plan updates. LEPCs serve as a focal point for information about hazmat emergency planning and the health and environmental risks facilities and hazmat transportation corridors pose to the community. Citizens expect the LEPC to reply to questions about chemical hazards because the LEPC is the knowledge repository for such topics in any community.

What are EPCRA Reporting Requirements?

EPCRA specifies two reports:

- Tier II reports (EPCRA § 311 and 312)
- Toxics release inventory reports (EPCRA § 313) (TRI), also known as Form R

Section 112(r) of the Clean Air Act established reporting and coordination requirements known as the Risk Management Program. The Act requires development of a Risk Management Plan (RMP), reported to EPA, and under new rules, regular documented coordination with the LEPC and local responders.[17]
These three reports (Tier II, TRI, and RMP) relate to each other but have different requirements for chemical facilities and are not the only reports required for some facilities. For example, the Occupational Safety and Health Act and Texas Right-to-Know (RTK) laws require entities to provide information about the chemicals they store and use to employers, local officials and entities, such as the LEPC. Since 2015, certain fertilizer storage and production facilities must also register with the Texas Tier II reporting system (STEERS), even though they are not subject to EPCRA.

Thus, different facilities have different reporting requirements depending on the regulation. Different reports may also fall under the purview of different agencies and may or may not require notification of the LEPC or local fire departments. Some information is reportable under all three programs. Understanding these differences and knowing how to obtain these reports is important. TCEQ offers a comparison of the reporting differences, with links to further information.[18]

With passage of Texas House Bill 942 in 2015, the Texas Legislature assigned the primary role in EPCRA regulation to TCEQ. Through this, TCEQ has taken on many of the roles previously held by the Texas Department of State Health Services (DSHS).[19] Because TCEQ is a member of the SERC/TEMC, when a facility or LEPC makes a report to TCEQ, that report constitutes a report to the SERC under the provisions of EPCRA.[20]

An examination of the various reports related to EPCRA and other legislation that impact LEPCs is in Module 4 of the *Texas LEPC Guide*.

Tier II Reports

Tier II reports require EPCRA-regulated facilities to report significant quantities of certain hazardous materials that are above the specified thresholds and maintained at fixed facilities for emergency planning purposes.[21] Therefore, these reports fall under the emergency planning part of EPCRA. As noted below, the law requires *ongoing* reporting, beyond that of an annual report.

Annual Tier II reports from facilities to TCEQ, the LEPC, and local fire department are typically due in March each year. In the past, Tier II reports were submitted using the Tier2 Submit Software from EPA.[22] In 2019, TCEQ implemented the State of Texas Environmental Electronic Reporting System (STEERS). This system replaced Tier2 Submit in Texas and brings together many environmental reporting and permitting systems into a single online portal. For more information see Module 4 of the complete guide and TCEQ's Tier II Chemical Reporting pages.[23]
The three types of Tier II reports are:

Annual reports:

- Filed each year between January 1 and March 1.
- Covers the previous calendar year.

Initial reports:

- New hazardous chemicals or a new facility –report within 90 days.
- New extremely hazardous substances –report within 60 days.
- Ammonium nitrate used in fertilizer –report within 72 hours.

Updated reports:

- Significant change related to a previously reported chemical – report within 90 days.
- Ammonium nitrate used in fertilizer – report within 72 hours.

A fee is required for annual and initial reporting, with a portion of the proceeds going toward an LEPC grant program.[24] The TCEQ Tier II page provides detailed information on Tier II reporting requirements and instructions for submission.[25] While facilities must also submit their Tier II reports to LEPCs and local fire departments, not all of them do. LEPCs requesting all Tier II reports for their jurisdiction can email Tier2Help@tceq.texas.gov. The EPA Tier II Forms and Instructions page provides more information and forms for Tier II reporting requirements from EPA.[26]

Ammonium nitrate reporting is a Texas-only requirement and not part of federal EPCRA requirements. According to the TCEQ Tier II reporting website, ammonium nitrate reporting only covers "ammonium salt of nitric acid that contains more than 33 percent nitrogen, one-half of which is the ammonium form and one half of which is the nitrate form. It does not include urea."[27]

Tier II information can be imported into the Computer−Aided Management of Emergency Operations (CAMEO) software system provided by EPA, free of charge.[28] LEPCs are highly encouraged to consider using CAMEO, as it allows the direct import of Tier II information submitted to TCEQ and contains powerful tools that the LEPC can use to better understand risks to their community. The EPA CAMEO Software Suite page allows download of the latest versions.[29]

For more suggestions and information on common Tier II reporting errors, see the *Hazardous Materials Emergency Preparedness Projects for LEPCs* document. The TCEQ Tier II program maintains updated contact information for fire departments and LEPCs to assist facilities in submitting reports. LEPCs must notify TDEM of their membership and contact information. They should also copy Tier2Help@tceq.texas.gov as the two agencies may not have the same information. LEPCs use TDEM Form 151 to report officially revitalized LEPCs and report any changes to membership, a copy of which is in Appendix D of the complete *Texas LEPC Guide*.[30]

How do LEPCs Evaluate Emergency Plans?

The EPCRA standard for community and facility Emergency Operations Plan (EOP) evaluation is NRT-1a Criteria for Review of Hazardous Materials Emergency Plans (May 1988), which, despite its age, remains an excellent tool for evaluating EOPs and preparedness. LEPCs should also evaluate plans against federal and state guidance.[31] The complete *Texas LEPC Guide* and *Hazardous Materials Emergency Preparedness Projects for LEPCs* both offer additional suggestions on reviewing facility plans and ideas for improving facility planning.

Evaluating and reviewing an EOP need not be an intensive, all-inclusive process. It is possible to evaluate many aspects of the local EOP separately. LEPCs and local jurisdictions may create a rolling schedule of EOP review by section. A rolling schedule breaks up the review process, forms a basis for more regular LEPC

meetings and shares the workload, especially when divided among multiple subcommittees, agencies, and/or participating organizations.

Reviews should include information gleaned from exercises, incident and disaster response and other sources such as hazmat commodity flow studies. After-action reviews help capture information from exercises and incident responses. Module 6 of the *Texas LEPC Guide* contains more information.

TDEM administers the Hazardous Materials Emergency Preparedness (HMEP) grant program under the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (DOT–PHMSA), which provides funds to enhance the implementation of EPCRA.[32] HMEP provides grant funds for a variety of purposes, including training of local first responders and planning and preparedness activities such as conducting an EOP review against the NRT-1a criteria or evaluating hazmat transport risks through a commodity flow study. Modules 6 and 7 of the *Texas LEPC Guide* provide more information on the grant program. See also *Hazardous Materials Emergency Preparedness Projects for LEPC*.

What are LEPC Roles in Training and Exercises?

Training teaches, exercises practice that training, and plans are the template for that practice.

Training for LEPCs, emergency managers, facility workers and managers, first responders and the community provides the basic knowledge required to operate in incident and disaster response. Exercises offer an opportunity to assess and evaluate the participants' training and their plans and procedures.

The number of training opportunities at all levels is extensive. A comprehensive list of Texas training opportunities offered through TDEM is on the PreparingTexas.org website. Module 6 of the *Texas LEPC Guide* covers other training opportunities that may be of interest to LEPC members.

As a forum where representatives of the whole community interface, LEPCs play a critical role in coordinating training opportunities for others in their community and for LEPC member organizations. The same is true for exercises.

Exercises reveal gaps or offer validation of the effectiveness of a community's training, plans and procedures. LEPCs, in their review function of community and facility plans, learn from exercising those plans which training, plans and procedures work, and which do not and where participants may require additional training (and further exercises). Evaluating exercises is not a pass/fail test for those involved. Exercises allow organizations to discover what is working and what needs improvement or change.

LEPCs are a critical link for exercise participants to share lessons learned with other organizations, communities and groups to assist in improving their own preparedness. Exercises are collaborative learning experiences. They help to practice what is known and learn what is unknown. Exercises are an essential part of any comprehensive preparedness program to assess and validate:

- Training
- Emergency Operations Plans (EOPs)
- Standard operating procedures (SOPs) and policies
- Equipment
- Facilities

All elements participating in an exercise should conduct after-action reviews (AARs) as soon as the exercise concludes. Each organization conducts an internal AAR following an exercise, looking to identify what worked and what did not within its organization during the exercise. Organizational leaders then share observations in a larger interagency or community AAR to discuss what happened where their organizations interface.

Based on these AARs, organizations and the community develop Improvement Plans (IPs), defining measures and actions to improve performance or modify training, plans, procedures, equipment or facilities in pursuit of achieving the community's preparedness goal.

Following the process of review, evaluation and improvement, communities and organizations must conduct additional exercises, evaluating the improvements and looking for new areas to sustain or improve. Exercise, review and improvement are continuous and having a regular schedule of improvement, testing and re−evaluation is important. Personnel changes and priorities shift within a community. New equipment and procedures may need additional improvement or present entirely different problems.

What are LEPC Roles in Community Incident Response?

Community incident response occurs every day and most of those incident responses do not reach a level requiring activation of ICS and/or an EOC. Most are single-agency responses: police responding to a report of a criminal act or fire departments and emergency medical services (EMS) responding to traffic accidents or medical assistance calls. Dispatchers and emergency services deal with these calls every shift and manage them according to agency and department standard operating procedures and policy. Responders activate the Incident Command System when an incident grows in scope or complexity or involves multiple agencies.

Response Process

Contrary to conceptions, community incident response does not begin with a 911 call but with the individual placing the 911 call. A whole community approach to preparedness and response considers the actions taken by citizens, absent emergency services or prior to their arrival. These might include CPR or first aid, self−evacuation or other actions. Incident response begins at the point of the incident with those in the immediate vicinity. This is true for EPCRA facilities as well−facilities follow the procedures from their Emergency Action Plan or Emergency Response Plan at the point of the incident, prior to the arrival of emergency services.

From there, events can escalate depending on the incident. Some incidents, as noted, are routine and dealt with according to SOPs by a single agency or agencies used to working in cooperation (fire, police and EMS). Some facilities can manage small hazmat incidents using their own resources. When an incident, due to scope or complexity, exceeds the routine, then those agencies activate ICS and request additional support.

Initially, support comes from the same agencies involved in the response, so the request will be for more fire, police and EMS units to respond. When the scope or complexity of the incident exceeds their capabilities or requires resources they do not possess, these agencies make requests for mutual aid and additional support through an EOC, which usually activates in such circumstances (though not always).

In Texas, mayors and county judges are the local officials responsible for emergency management in their jurisdictions. Local EOCs are under their authority, under the direction of local emergency management coordinators, who manage local EOCs. Under the latest versions of the NRF and NIMS, EOCs are a fully integrated component of emergency response.[33]

Mutual Aid

Many jurisdictions have mutual aid agreements with neighboring jurisdictions that allow for sharing response resources and reimbursement for those resources. Some jurisdictions use these agreements so frequently that their use becomes routine. In Texas, the Texas A&M Forest Service maintains the Texas Intrastate Fire Mutual Aid System (TIFMAS) as part of the Texas Interagency Coordination Center.[34] TIFMAS is a statewide opt−out program, meaning that it does not require a memorandum of understanding (MOU) or mutual aid agreement between jurisdictions to request assistance through the system. Local agencies can also manage mutual aid agreements through the TDEM's preparingtexas.org portal.[35]

Conclusion

Texas is home to the largest concentration of oil, gas and chemical industry and the most extensive hazmat transportation network in the U.S. Because of this, Texas LEPCs play a critical role in whole community preparedness, emergency planning

and response for chemical incidents and disasters. LEPCs in Texas fulfill the safety and preparedness goals of their communities, state and the nation.

Since the West, Texas, disaster, the role of LEPCs and EPCRA in community safety increased and LEPC importance is more apparent and more visible. Some LEPCs go further than focusing on chemicals and other hazardous materials and assist their communities in all-hazards and other emergency planning and advising roles. No matter the role a LEPC assumes in its community, by meeting the regulatory requirements of EPCRA and state law, LEPCs embody the whole community approach to emergency management.

Notes

[1] Texas Division of Emergency Management. Local Emergency Planning Committee (LEPC): A Primer for Local Planning for Hazardous Materials. July 2006.

[2] EPCRA is Title III of the Superfund Amendments and Reauthorization Act (SARA). SARA Title III is an alternate way of saying EPCRA but means the same thing.

[3] Module 3 of the LEPC Guide provides a more detailed examination of LEPC responsibilities.

[4] See Module 9 of the complete guide. See also Jill Templeton and Gary Kirk, "Factors Influencing the Activity and Perceived Effectiveness of Virginia Local Emergency Planning Committees (LEPCs)," Presentation, Midwest Political Science Association 2008 Conference; Environmental Protection Agency, "Energize Your Local Emergency Planning Committee," February 2009, https://www.epa.gov/sites/production/files/2015-07/documents/energize_your_lepc.pdf; Robert Heath, Julie Bradshaw, and Jaesub Lee, "Leadership in the Risk Communication Infrastructure," *Journal of Public Relations Research* 14, no. 4 (2002):317-353; David J, Whitney and Michael K. Lindell, "Member Commitment and Participation in Local Emergency Planning Committees," Policy Studies Journal 28, no. 3 (2000):467–484; and Michael K. Lindell and Ronald W. Perry, "Community Innovation in Hazardous Materials Management: Progress in Implementing SARA Title III in the U.S.," *Journal of Hazardous Materials* 88 (2001): 169-194.

[5] There is no requirement in EPCRA or state law requiring LEPC to align with Emergency Planning Districts (EPD), which *are* defined by state law. There are several multijurisdictional LEPCs in Texas that cover multiple EPDs.

[6] While TDEM is responsible for the official list, TCEQ also maintains a database and list of LEPC and local emergency management contacts related to Tier II reports. LEPCs must report membership changes to TDEM. LEPCs should report contact information related to Tier II and related membership information to TCEQ to ensure they receive Tier II reports from facilities in their jurisdiction. Note: Reporting to one does not necessarily mean the other receives the update. LEPCs should coordinate with both organizations, depending on the requirements and circumstances.

[7] Communities with established rules for public meetings in ordinance or bylaws may choose to reference them instead, especially if members have greater familiarity with those.

[8] Office of the Attorney General of Texas, *Public Information Act Handbook 2018*, www.texasattorneygeneral.gov/sites/default/files/2018-06/PIA_handbook_2018_0.pdf.

[9] Environmental Protection Agency, "Energize Your Local Emergency Planning Committee," February 2009, https://www.epa.gov/sites/production/files/2015-07/documents/energize_your_lepc.pdf.

[10] In the EPA LEPC survey, last conducted in 2008, 37.3 percent of respondents cited funding as the greatest obstacle to LEPC success, making it the number-one cited obstacle. See Environmental Protection Agency*, 2008 Nationwide Survey of Local Emergency Planning Committees*, https://www.epa.gov/sites/production/files/2013-08/documents/2008_lepcsurv.pdf.

[11] Environmental Protection Agency, *2008 Nationwide Survey of LEPCs,* https://www.epa.gov/sites/production/files/2013-08/documents/2008_lepcsurv.pdf.

[12] Environmental Protection Agency, *2008 Nationwide Survey of LEPCs,* https://www.epa.gov/sites/production/files/2013-08/documents/2008_lepcsurv.pdf.

[13] "National Preparedness System," Federal Emergency Management Agency, last modified May 2, 2018, https://www.fema.gov/national-preparedness-system; and "National Response Framework, Third Edition," Federal Emergency Management Agency, last modified June 16, 2016, https://www.fema.gov/media-library/assets/documents/117791.

[14] A failure to sufficiently adapt and modify sample plans according to TDEM guidance is the most frequent problem found during reviews of local EOPs under the Hazardous Materials Emergency Preparedness (HMEP) program in Texas. For LEPCs, the most important Annex of the plan is Annex Q. Of the sample annexes, Annex Q requires some of the most significant modification to meet requirements.

[15] Currently, most plans in the state use the older sample plans provided by TDEM that organize the plan into a Basic Plan and various Functional and Hazard Specific Annexes. TDEM is currently reviewing these sample plans and modifying them to align with the Emergency Support Function Annexes and Core Capabilities of the National Preparedness System and National Response Framework. In coming years, many jurisdictions will engage in rewriting their plans according to the new guidelines.

[16] See the TDEM Emergency Planner's Toolkit at "The Planner's Toolkit," Texas Division of Emergency Management, accessed July 30, 2018, http://tdem.wpengine.com/?page_id=805 and "Strategic and Operational Planning," Federal Emergency Management Agency, last modified July 26, 2018, https://www.fema.gov/plan.

[17] The RMP rule has undergone extensive revision and change in the last two years, LEPC members can stay abreast of the changes by visiting https://www.epa.gov/rmp. See also Module 4 of the complete guide.

[18] "Comparison of Tier II, TRI, and 112(r) Requirements ," Texas Commission on Environmental Quality, last modified June 22, 2018, https://www.tceq.texas.gov/assistance/resources/tierIIchart.html.

[19] For a complete examination of Tier II reports and reporting system see Module 4 of the complete guide.

[20] It does not, however, constitute a report to the LEPC or local fire department, though TCEQ can facilitate such reporting.

[21] The Consolidated List of Lists, which lists all chemicals subject to reporting requirements under EPCRA, the Comprehensive Environmental Response, Compensations and Liability Act (CERCLA), and Section 112(r) of the Clean Air Act is available from the EPA at https://www.epa.gov/epcra/consolidated-list-lists.

[22] "Step 3: Tier 2 Reporting Software," Texas Commission on Environmental Quality, last modified March 2, 2018, https://www.tceq.texas.gov/permitting/tier2/reporting-steps/reporting_software.html.

[23] "Tier II Chemical Reporting," Texas Commission on Environmental Quality, last modified

February 26, 2019, https://www.tceq.texas.gov/permitting/tier2. See also Module 4 of the complete guide for more information.

[24] "Texas Local Emergency Planning Committee (LEPC) Grant Program," Texas Commission on Environmental Quality, last modified July 3, 2018, https://www.tceq.texas.gov/response/security/LEPC_Grant. The first year of the new program authorized significant money to the grant program in a onetime, first year special program. After the first year, grant moneys constituted only a percentage of the fees collected and were significantly less. Most of the fees collected go to TCEQ for the costs to administer the Tier II reporting program, with a smaller portion to DSHS for some of its legacy operations related to EPCRA. The 2019 grant round, which opened July 3 and closed August 3, 2018, divided $200,000 among grant recipients. The collection and use of reporting fees vary from state to state and can also vary locally. In a few states, reporting fees directly fund LEPC operations, states divide the fees among the LEPCs for their annual budgets according to certain formulas (e.g. population or industry density).

[25] "Tier II Chemical Reporting," Texas Commission on Environmental Quality, last modified May 16, 2018, https://www.tceq.texas.gov/permitting/tier2.

[26] "Tier II Forms and Instructions," Environmental Protection Agency, last modified February 2, 2018, https://www.epa.gov/epcra/tier-ii-forms-and-instructions.

[27] "Step 1: Types of Tier II Reports and Timelines," Texas Commission on Environmental Quality, last modified May 18, 2018, https://www.tceq.texas.gov/permitting/tier2/reporting-steps/types-of-tier-ii-reports-and-timelines.

[28] "What is the CAMEO software suite?," Environmental Protection Agency, last modified October 17, 2017, https://www.epa.gov/cameo/what-cameo-software-suite.

[29] "What is the CAMEO software suite?," Environmental Protection Agency, last modified October 17, 2017, https://www.epa.gov/cameo/what-cameo-software-suite.

[30] "TDEM Form 151 - Local Emergency Planning Committee Membership Update Form," Texas Division of Emergency Management, last updated September 2013, https://tdem.texas.gov/wp-content/uploads/2019/12/TDEM-151-ver-082819.pdf.

[31] National Response Team, *NRT-1A: Criteria for Review of Hazardous Materials Emergency Plans*, (Washington, DC: National Response Team, 1998), https://www.nrt.org/sites/2/files/nrt1a%201998.pdf.

[32] "Hazardous Materials Emergency Preparedness (HMEP) Grant Program," Texas Department of Public Safety – Division of Emergency Management, accessed July 30, 2018, https://tdem.texas.gov/technological-hazards/#1565808052689-f65ed717-cf71; and "Hazardous Materials Grants Program," Pipeline and Hazardous Materials Safety Administration, last modified July 14, 2017, http://www.phmsa.dot.gov/hazmat/grants.

[33] The latest version of NIMS dated October 2017, devotes an entire portion to EOCs (section 3.2). See Module 7 of the complete Texas LEPC Guide and "National Incident Management System," Federal Emergency Management Agency, last modified June 11, 2018, https://www.fema.gov/national-incident-management-system.

[34] "Texas Intrastate Fire Mutual Aid System (TIFMAS)," Texas Interagency Coordination Center, last modified 2018, http://ticc.tamu.edu/response/TIFMAS.htm#index.html.

[35] Website, PreparingTexas.org, accessed July 30, 2018, https://www.preparingtexas.org/MAALandingPage.aspx.