



LEPC Responsibilities

According to 42USC11000, Emergency Planning and Community Right-to-Know (EPCRA), (*as recodified under the Superfund Amendments and Reauthorization Act of 1986, Sections 300 through 330*), requires Local Emergency Planning Committees (LEPC) to perform certain specific functions. Those functions include:

- 1) Composition of the LEPC must meet certain guidelines for membership.
- 2) Must appoint a Chairperson
- 3) establish rules governing operation of the LEPC which must encompass procedures for:
 - A) public notification of Committee activities
 - B) public meetings to discuss the emergency plan
 - C) receipt of public comment
 - D) response to public comment by the LEPC
 - E) distribution of the emergency plan
 - F) receiving and processing public requests for information under §. 324, including Tier 2 information collected under §.312.
 - G) appointing a Coordinator of Information
- 4) complete an emergency plan within two years from October 17, 1986 (date of enactment)
- 5) review the emergency plan once a year, or more frequently as changed circumstances in the community or any facility may require.
- 6) evaluate the need for resources necessary to develop , implement, and exercise the emergency plan
- 7) make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

- 8) The Emergency Plan shall include, but is not limited to:
 - A) identification of:
 - a) facilities subject to the requirements of EPCRA within the district;
 - b) routes used to transport Extremely Hazardous Substances (EHS) defined in §302;
 - c) additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to EPCRA planning.
 - B) methods and procedures to be followed by facilities owners and operators, local emergency and medical personnel to respond to any release of such substances;
 - C) designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan;
 - D) procedures providing reliable, effective, and timely notification by the facility coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public that a release has occurred (consistent with §304);
 - E) methods for determining the occurrence of a release and the area or population likely to be affected by such a release;
 - F) a description of emergency equipment and facilities in the community and at each facility in the community subject to the EPCRA requirements, and identification of the person responsible for such equipment and facilities.
 - G) evacuation plans, including provisions for a precautionary evacuations and alternative traffic routes;
 - H) training programs, including schedules for training of local emergency response and medical personnel;
 - I) methods and schedules for exercising the emergency plan;
- 9) Upon completion of the emergency plan, submit a copy of the plan to the State Emergency Response Board (SERB).
 - A) LEPC plans must be coordinated with the National Contingency Plan, state plans, and plans of other emergency planning districts;
 - B) LEPC may request review of the plan, or other issues related to the preparation, implementation, or exercise of the plan by the National Response Team;
- 10) Community Emergency Coordinator for the LEPC receives notification from facilities immediately after the release meeting the guidelines of § 304.
- 11) LEPC receives submission of Material Safety Data Sheets (MSDS) or chemical inventory lists for facilities manufacturing, storing or using hazardous chemicals as defined under the Occupational Safety and Health Act (OSHA) of 1970 and regulations promulgated under that Act (15 USC 651 et seq.) for chemical exceeding the threshold quantities as determined by the Administrator of the Environmental Protection Agency (EPA).
- 12) The LEPC may request additional information from a facility regarding chemical inventories.
- 13) The LEPC shall make available to the public, upon request, copies of MSDS' in accordance with §324.
- 14) LEPC receives annual submissions of chemical inventory forms from facilities subject to the EPCRA reporting requirements.
- 15) The LEPC is responsible for providing public access to each emergency response plan, MSDS, list as described in §311(a)(2), inventory form, toxic chemical release form, and

- follow-up emergency notice in accordance with §322, subject to trade secret and confidential location information.
- 16) Each LEPC shall annually publish a notice of public availability stating that the emergency plans, MSDS, inventory forms filed in accordance with EPCRA requirements have been submitted. The notice shall also state that follow-up emergency notices may subsequently be issued and the members of the public may review such information at the location specified by the LEPC.
 - 17) The LEPC may commence a civil action against a facility owner or operator for failure to do any of the following:
 - A) provide notification to the emergency response commission in the state under §302(c).
 - B) submit a MSDS or a list under §311(a).
 - C) make information available requested under §311(c).
 - D) complete and submit an inventory form under §312(a) containing Tier I data, unless exempt.
 - E) provide information under §303(d) or failure to submit Tier II information under §312(e)91).
 - 18) The County Board must perform the following functions related to the LEPC under §59.07(146):
 - A) Create a Local Emergency Planning Committee, with members as specified in 42 USC 11001(c) and having the powers and duties established under 42 USC 11000 to 11050 and under Wisconsin statute §166.20 and 166.21.
 - B) Control all expenditures by any committee created under §59.07(146)
 - C) Within the availability of state funds, take all actions necessary to ensure that the committee properly executes the duties of an LEPC as defined by 42 USC 11000 to 11050 and under Wisconsin statute 166.20 and 166.21.
 - D) Annually submit to the state emergency response board a list of the members of the LEPC, including the agency, organization, or profession each member represents.
 - E) The County Board may:
 - a) appropriate funds for the operation of the LEPC.
 - b) implement programs and undertake activities which are designed to prepare the county to cope with emergencies involving accidental release of hazardous substances and consistent with but in addition to the minimum requirements of §166.20 and 42 USC 11000 to 11050.
 - 19) The LEPC is required under §166.20 to perform the following functions:
 - A) Carry out all requirements of an LEPC under the federal act.
 - B) Upon receipt by the committee or committee's designated community emergency coordinator of a notification of the release of a hazardous substance, take all actions necessary to ensure the implementation of the emergency response plan.
 - C) Consult and coordinate with the County Board, the county and local heads of emergency management services designated under §166.03(4)(a) or (b) and the county emergency management committee designated under §166.03(4)(c) in the execution of the local emergency planning committee's duties.

- D) Authorize a compliance inspector for the county for the purpose of determining whether facilities are complying with this section and rules promulgated under this section.
- E) Whenever a compliance inspection is conducted, the LEPC, if requested, shall furnish to the operator of the facility a report setting forth all facts found which relate to compliance with this section and rules promulgated thereunder.
- F) The LEPC may request the Wisconsin Department of Justice to enforce §166.20(2) to (7) and the rules promulgated thereunder.
- G) The LEPC may commence a civil action against any person for failure to:
 - a) provide notification to the board under 42 USC 11002(c) as applied under §166.20(5)(a)1
 - b) submit the information required under 42 USC 11021 (a) or 11022(a) as applied under §166.20(5)(a)3.
- H) make available information requested under 42 USC 11021(c) as applied under §166.20(5)(a)3.
- I) provide the information required under 42 USC 1103(d) as applied under §166.20(5)(a)1 or information required under 42 USC 11022 (c)(1) as applied under §166.20(5)(a)3.
- J) The LEPC may apply annually to the SERB for an emergency planning grant to support the operations of the LEPC required under §166.20 or the federal act.
- K) The LEPC must prepare a strategic plan for emergency response to hazardous substance releases that include the following:
 - a) Analysis of the risks of hazardous substance releases in the county;
 - b) Identification of the existing capability for emergency response to hazardous substances releases in the county;
 - c) An assessment of needs, including equipment and training needs, related to emergency response to hazardous substance releases in the county;
 - d) A process to maintain or increase the capability for emergency response to hazardous substance releases in the county.
 - e) Identification of a county emergency response team that is capable of responding to a level B release that occurs at any place in the county and whose members meet the standards for hazardous materials technicians in 29 CFR 1910.120(q)(6)(iii) and national fire protection association standards NFPA 471 and 472;
 - f) Procedures for county emergency response team actions that are consistent with local emergency response plans developed under §166.20(3) and the state contingency plan established under §144.76(5).
- L) Receive and maintain adequate audit trail records for grants paid to the LEPC under §166.21 or other grant programs relating to the hazardous materials program for the county.
- M) The LEPC is designated by §166.22(5)(a) as the reviewing entity for local agency response and reimbursement claims unless the County Board designates a county employee or body as the reviewing entity. The Ozaukee County Emergency Management Committee is the designated “reviewing entity”, acting upon recommendations from the LEPC.

- N) The LEPC, acting through the Community Emergency Coordinator or Emergency Management Department may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under §144.76(5) and that it considers appropriate under the circumstances to protect public health, safety or prevent damage to property.