

New Jersey State Emergency Response Commission Frequently Asked Questions

- What is the New Jersey State Emergency Response Commission (NJSERC)?
 - The NJSERC oversees the implementation of the Emergency Planning and Community Right to Know Act (EPCRA) in New Jersey pursuant to the Executive Orders 161 (Kean 1987) and Executive Order 284 (Murphy 2022). The goal of EPCRA is to ensure that local emergency plans consider “EPCRA facilities” and that certain information about these facilities and emergency response is available to the public upon request.
 - The SERC is responsible for designating the Emergency Planning Districts in the State and for overseeing the Local Emergency Planning Committees (LEPC) for the designated districts.
 - For more information about the Commission, guidance documents and reference materials, go to: [State Emergency Response Commission \(SERC\) | NJOEM](#)
- What is an EPCRA facility?
 - This is a facility that stores certain chemicals above a threshold quantity that are subject to special reporting requirements under EPCRA. In New Jersey, facilities that meet these criteria are required to report their chemical inventories to the New Jersey Department of Environmental Protection (NJDEP) or the New Jersey Department of Health (NJDOH), depending upon whether the facility is owned/operated by a government entity or the private sector.
- What are the primary responsibilities of the LEPC?
 - Prepare, review and update the LEPC’s off-site Emergency Response Plan (off-site ERP).
 - The offsite-ERP incorporates information for EPCRA facilities within the Emergency Planning District and must address the elements required by EPCRA. The NJSERC can assist the LEPCs with planning guidance and provides the LEPCs with job tools and guidance to assist with preparing and updating the off-site ERPs.
 - Hold an annual meeting to discuss and review the off-site ERP.
 - Exercise the off-site ERP.
 - Upon request, per Executive Order 284 (Murphy 2022) make certain information available to the public through a reading room.
 - Report releases.
- Who should be in my LEPC?
 - The members of your LEPC must include representation from the following 12 groups pursuant to Executive Order 284 (Murphy 2022):

state/local officials, law enforcement, fire service, emergency management, health, broadcast/communications media, print media, emergency medical services, transportation, local environmental groups, community groups, and EPCRA facility owners/operators. Other residents or groups may join the LEPC.

- Does the LEPC require participation by all EPCRA facilities within the district?
 - No. The LEPC should include representation from some facilities. However, any facility, organization, or resident may attend the LEPC meeting – as the meetings are open to the public. The LEPC may encourage EPCRA facilities that are most at risk due to the types or quantities of material maintained at the facility.
- Who should be the LEPC Chairperson, Community Emergency Coordinator, and Information Coordinator?
 - The Chairperson should be someone well informed of the EPCRA statutes and regulations. This person will oversee the LEPC.
 - The Community Emergency Coordinator should be someone who may be contacted by an EPCRA facility in the event of a release and be able to notify the public. This person will oversee the off-site ERP and response activities.
 - The Information Coordinator should be someone who can collect information submitted by EPCRA facilities and process requests by the public.
 - *Reference the U.S. EPA LEPC Handbook for more information.*
- Is the Emergency Management Coordinator required to be the LEPC Chairperson?
 - No. The Chairperson can be any member of the LEPC.
- How long are the terms of appointment to the LEPC?
 - The membership term limits are not specified. The U.S. EPA recommends a term of three to five years may be a good starting point, as it gives time for new members to become accustomed to their roles before their term expires. Staggered terms will help the LEPC maintain continuity.
- Does the creation of a county-based LEPC relieve the municipalities of their responsibilities?
 - The creation of a county-based LEPC does not relieve the municipalities of their typical responsibilities. Pursuant to Executive Order 284 (Murphy 2022 and NJOEM Directives, municipalities are required to cooperate with the county LEPC performing its responsibilities under EPCRA. The LEPC should include emergency management personnel from municipalities with EPCRA facilities. Municipalities will still respond to hazardous materials incidents as outlined in accordance with the pre-existing plans,

procedures, and guidelines, unless directed otherwise.

- How is the LEPC different than the Local Emergency Management Council (LEMC) or County Emergency Management Council (CEMC)?
 - The LEPC is the committee associated with and responsible for EPCRA within an Emergency Planning District. *Reference Executive Order 284* (Murphy 2022).
 - The LEMC and CEMC are associated with and responsible for general, all-hazards emergency management within their municipality and county. *Reference Directive NJOEM-9 (2022) and Directive NJOEM-5 (2022), respectively. The LEMC and CEMC should work with the LEPC for the jurisdiction.*
- Can LEMC and CEMC members serve on the LEPC?
 - Yes, members of the LEMC/CEMC can also be members of the LEPC.
- Can the LEPC be a sub-committee of a LEMC or CEMC?
 - No. The LEPC is a distinct body subject to the jurisdiction of the SERC with specific responsibilities pursuant to Executive Order 284 (Murphy 2022). The State Director of Emergency Management has authority over the LEMCs and CEMCs.
- How do I know if there are EPCRA facilities in my Emergency Planning District and the types of chemicals stored at those facilities?
 - NJDEP and NJDOH maintain the reporting information of all facilities on the Right-to-Know database, which can be accessed through your My New Jersey account: [Log In to myNewJersey \(nj.gov\)](https://my.nj.gov/).
- How do I access the Right-to-Know Database on MyNJ.gov?
 - To request permission to access the site, fill out the following form using your agency email address:
<https://www.nj.gov/dep/enforcement/opppc/crtk/crtkpasysfm.htm>
- How often is the reporting information updated?
 - Each facility is required to report annually which determines EPCRA-facility status. The reporting deadline for facilities that report to the NJDEP is March 1. The reporting deadline for facilities that report to the NJDOH is July 15.
- What steps does the State take toward assuring that the facilities will provide accurate EPCRA reporting information?
 - The NJDEP and NJDOH administer regulations that address non-compliance and penalties for violations.
- What can be done if a facility does not comply with the requirements of providing on-site ERPs and the information required by EPCRA?
 - There are civil, administrative, and criminal penalties that can be enforced for instances of noncompliance. *For more information, reference EPCRA*

Title 42 U.S.C. § 11045 and the U.S. EPA LEPC Handbook.

- The New Jersey State Fire Code also gives authority to Fire Officials/Inspectors to obtain all required facility on-site ERPs. *Reference Title 52 Section 52:27D-224.*
- How often does the LEPC have to review and update the off-site ERP
 - At least annually.
- How often does the LEPC have to exercise the off-site ERP?
 - The NJ SERC requires LEPCs to conduct or participate in annual exercises to test various elements of the offsite Emergency Response Plan (ERP). These exercises can either be standalone LEPC exercises, or as part of emergency management exercises required to satisfy other statutory guidance or NJOEM directives as long as elements of the ERP are incorporated.
- Where can my LEPC obtain exercise support?
 - Contact the NJ SERC for available exercise information and to participate in NJ SERC-sponsored training and exercises.
- Must we use a “reading room” to provide the off-site ERP and other information to the public?
 - Due to homeland security concerns, the only authorized manner in which the information can be shared with the public is through the use of a reading room during normal business hours. The off-site ERP and other information cannot be photocopied, photographed, emailed, or otherwise disseminated.
- What if an LEPC is concerned that some of the information in my off-site ERP is homeland security sensitive?
 - The LEPC should contact the NJSERC for a resolution through the New Jersey Office of Homeland Security and Preparedness.
- Can an LEPC use a real-world incident as credit for the annual exercise?
 - A real-world incident satisfies the annual LEPC exercise requirement, if elements within the Off-site ERP were exercised during and/or after the real-world EPCRA facility chemical release incident, an After-Action Report is developed, and the Off-site ERP is reviewed and updated as needed.
- How is the LEPC required to advertise?
 - Under Executive Order 284 (Murphy 2022) section 5 letter F, the LEPC meetings are subject to the Open Public Meetings Act (OPMA), N.J.S.A. 10:4-6 to -21. Please reference the statute and consult with local administration or counsel as to the advertisement requirements of OPMA.