Emergency Planning and Community Right to Know Act (EPCRA)

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Deputy State Director
Emergency Management
NJ State Police

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Director of Emergency Management
NJ Department of Environmental Protection

Municipal OEM HSIN Meetings 1pm & 6pm
June 23, 2022
EPCRA Background

• Emergency Planning and Community Right to Know Act (EPCRA) was passed by Congress in 1986
• Triggered by 1984 chemical disaster in Bhopal, India
• Addressed hazmat planning and reporting for all levels of government, as well as private sector industry
• New Jersey addressed EPCRA compliance in 1987 when Gov. Kean issued Executive Order #161 establishing NJ’s State Emergency Response Commission (SERC)
• In January 2022, Governor Murphy issued Executive Order #284, clarifying the role and responsibilities of the SERC and providing flexibility to redistrict, together increasing effectiveness of the SERC’s supervision.
## Executive Order #284

<table>
<thead>
<tr>
<th>What changed</th>
<th>What hasn’t changed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Added NJ Office of Homeland Security and Preparedness to the SERC and required them to review requests for homeland security exemptions</td>
<td>Facilities with extremely hazardous substances (EHS) over the threshold planning quantity (TPQ) must notify the SERC and LEPC of chemicals present on site</td>
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<tr>
<td>Introduced the possibility of combining LEPCs into larger planning districts</td>
<td>Facilities must provide notification of releases</td>
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<td>May result in current LEPC representatives/stakeholders joining new LEPCs</td>
<td>Facilities must participate in the local emergency planning process and provide the LEPC information that supports planning</td>
</tr>
<tr>
<td>The method by which (off-site) ERPs must be made available to general public (in a reading room, during normal business hours, or other secure means)</td>
<td>There are no changes to how first responders or specialty units respond to a chemical incident. The EO does not address tactics.</td>
</tr>
</tbody>
</table>
Composition of the SERC

Co-Chairs

Members
Responsibilities of the SERC

- Designate/approve Emergency Planning Districts (EPD)
- Delegate appointment of Local Emergency Planning Committee (LEPC) members to local elected officials and emergency management coordinators
- Supervise and coordinate the activities of the LEPCs
- Establish procedures for receiving and processing requests from the public for information, including facilities’ chemical inventories and LEPC (off-site) emergency response plans.
- Provide leadership, resources, and expertise to support LEPCs
Responsibilities of the facilities

• Designate a Facility Emergency Coordinator
• Participate in the LEPC
• Notify the SERC/LEPC of the presence of Extremely Hazardous Substances above Threshold Planning Quantities
• Submit MSDS and Hazardous Chemical Inventory Form for each chemical to:
  o SERC
  o LEPC
  o Local fire department
• Notify the LEPC and local responders of each release
• Report Toxic Chemical Releases annually to the LEPC
Responsibilities of the LEPCs

• Shall include representation of all 12 stakeholder groups:
  
  Elected officials  EMS  Local media
  Emergency Management  Health  Community groups
  Law enforcement  Local environmental and transportation  Facility representatives
  Fire service  Hospitals  Local businesses

• Develop an emergency response plan (off-site ERP) for their community/district
• Update the (off-site) ERP at least annually
• Establish procedures for receiving reports from facilities
• Complete (off-site) ERPs and review/exercise them annually
• Provide public access to review (off-site) ERPs
Facilities are subject to EPCRA if contained in the Environmental Protection Agency’s published “list of extremely hazardous substances” AND the EHS is above Threshold Planning Quantity (TPQ)

List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act (epa.gov)
Off-Site ERP Requirements

1. Identification
   - Facilities subject to EPCRA
   - Routes used for transporting substances subject to EPCRA
   - Other facilities contributing or subject to risk based on proximity to EPCRA facilities

2. Response Procedures
   - Procedures for owners and operators of facilities and local emergency management personnel to respond to release of EPCRA substances

3. Emergency Coordinators
   - For the planning district and for each EPCRA facility

4. Notification Procedures
   - For facilities to report a chemical emergency
   - For the community emergency coordinator to notify first responders and the public
5. **Release Detection & Impact**
   - Identify methods for determining the occurrence of a release and the area or population likely to be affected by it

6. **Emergency Equipment & Facilities**
   - Both in the community and at each facility, as well as the person(s) responsible for them

7. **Evacuation Plans**
   - Include community evacuation plans and alternate traffic routes

8. **Training Programs**
   - List training programs available related to EPCRA & their schedules

9. **ERP Exercises**
   - Include the methods and schedules for exercising the ERP
Supporting Implementation of EPCRA

- The off-site ERP is not the same as an Emergency Operations Plan (EOP).
- EOP’s address All-Hazards Emergency Planning and qualify as Homeland Security Protected Documents (McGreevey EO 21 / supported by Government Records Council Executive Director Conclusion February 10, 2006 – Burlington County and NJ Superior Court ruling–Union County 2015).
- When can the hazmat section or annex of your EOP be used solely as your off-site ERP?
  - When the LEPC provides the input and annual review
  - When it incorporates all 9 planning elements
  - When it follows (Comprehensive Preparedness Guide) CPG 101 version 3
    - Uses functional annexes or support functions
  - This will subject the hazmat portions of your EOP to EO 284’s public access requirement, which requires it to be made available to members of the public to review in a reading room during normal business hours.
- An LEPC may apply to the NJ Office of Homeland Security and Preparedness for a homeland security exemption for portions of the ERP that pose security risk (Murphy EO 284).
## 2020 Reporting Year by Region

<table>
<thead>
<tr>
<th>NJOEM Region</th>
<th>Municipalities in Region (#)</th>
<th>Municipalities w/EPCRA Facilities [Off-site ERP] (#)</th>
<th>NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total - North</td>
<td>205</td>
<td>131</td>
<td>605</td>
</tr>
<tr>
<td>Total - Central</td>
<td>191</td>
<td>127</td>
<td>674</td>
</tr>
<tr>
<td>Total - South</td>
<td>168</td>
<td>99</td>
<td>358</td>
</tr>
<tr>
<td>Total - State</td>
<td>564</td>
<td>357</td>
<td>1637</td>
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## 2020 Reporting Year
### North Region by County

<table>
<thead>
<tr>
<th>NJOEM Region</th>
<th>County (21)</th>
<th>Municipalities in County (#)</th>
<th>Municipalities w/EPCRA Facilities [Off-site ERP] (#)</th>
<th>NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)</th>
<th>Municipalities w/10 or more EPCRA Facilities in its Jurisdiction (Count = 41)</th>
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<tbody>
<tr>
<td>North</td>
<td>Bergen</td>
<td>70</td>
<td>50</td>
<td>171</td>
<td>Carlstadt (21), East Rutherford (12)</td>
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<tr>
<td>North</td>
<td>Essex</td>
<td>22</td>
<td>17</td>
<td>126</td>
<td>Newark (73)</td>
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<tr>
<td>North</td>
<td>Hudson</td>
<td>12</td>
<td>10</td>
<td>109</td>
<td>Bayonne (11), Jersey City (42), Kearny (12), North Bergen (11), Secaucus (19)</td>
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<tr>
<td>North</td>
<td>Morris</td>
<td>39</td>
<td>27</td>
<td>91</td>
<td>Hanover (12), Parsippany-Troy Hills (16)</td>
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<tr>
<td>North</td>
<td>Passaic</td>
<td>16</td>
<td>11</td>
<td>79</td>
<td>Clifton (21), Paterson (20), Totowa (14)</td>
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<tr>
<td>North</td>
<td>Sussex</td>
<td>24</td>
<td>4</td>
<td>9</td>
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<tr>
<td>North</td>
<td>Warren</td>
<td>22</td>
<td>12</td>
<td>20</td>
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<tr>
<td><strong>Total - North</strong></td>
<td></td>
<td><strong>205</strong></td>
<td><strong>131</strong></td>
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<td></td>
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<td>NJOEM Region</td>
<td>County (21)</td>
<td>Municipalities in County (#)</td>
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<tr>
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<td>Hunterdon</td>
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<tr>
<td>Central</td>
<td>Mercer</td>
<td>12</td>
<td>12</td>
<td>70</td>
<td>Hamilton (11), Robbinsville (10), Trenton (13)</td>
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<tr>
<td>Central</td>
<td>Middlesex</td>
<td>25</td>
<td>21</td>
<td>266</td>
<td>Carteret (12), Cranbury (24), Edison (44), Monroe (11), New Brunswick (10), Piscataway (31), Sayreville (15), South Brunswick (33), South Plainsfield (16), Woodbridge (24)</td>
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<tr>
<td>Central</td>
<td>Monmouth</td>
<td>53</td>
<td>30</td>
<td>67</td>
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<tr>
<td>Central</td>
<td>Ocean</td>
<td>33</td>
<td>17</td>
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<td>Lakewood (11)</td>
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<td>Central</td>
<td>Somerset</td>
<td>21</td>
<td>15</td>
<td>101</td>
<td>Branchburg (24), Bridgewater (18), Franklin (30)</td>
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<tr>
<td>Central</td>
<td>Union</td>
<td>21</td>
<td>17</td>
<td>102</td>
<td>Elizabeth (23), Linden (24), Union (17)</td>
</tr>
<tr>
<td><strong>Total - Central</strong></td>
<td></td>
<td><strong>191</strong></td>
<td><strong>127</strong></td>
<td><strong>674</strong></td>
<td></td>
</tr>
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## 2020 Reporting Year
South Region by County

<table>
<thead>
<tr>
<th>NJOEM Region</th>
<th>County</th>
<th>Municipalities in County (#)</th>
<th>Municipalities w/EPCRA Facilities [Off-site ERP] (#)</th>
<th>NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)</th>
<th>Municipalities w/10 or more EPCRA Facilities in its Jurisdiction (Count = 41)</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Atlantic</td>
<td>23</td>
<td>11</td>
<td>31</td>
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</tr>
<tr>
<td>South</td>
<td>Burlington</td>
<td>40</td>
<td>29</td>
<td>104</td>
<td>Mount Laurel (11)</td>
</tr>
<tr>
<td>South</td>
<td>Camden</td>
<td>36</td>
<td>17</td>
<td>84</td>
<td>Camden (20), Cherry Hill (15), Pennsauken (16)</td>
</tr>
<tr>
<td>South</td>
<td>Cape May</td>
<td>16</td>
<td>9</td>
<td>15</td>
<td>---</td>
</tr>
<tr>
<td>South</td>
<td>Cumberland</td>
<td>14</td>
<td>8</td>
<td>33</td>
<td>Vineland (13)</td>
</tr>
<tr>
<td>South</td>
<td>Gloucester</td>
<td>24</td>
<td>15</td>
<td>68</td>
<td>Logan (15), Swedesboro (12), West Deptford (17)</td>
</tr>
<tr>
<td>South</td>
<td>Salem</td>
<td>15</td>
<td>10</td>
<td>23</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total - South</strong></td>
<td><strong>168</strong></td>
<td><strong>99</strong></td>
<td><strong>358</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Engaging in your community

- All stakeholders should build relationships with your LEPC, local OEM, Fire Department and facilities
  - Coordinate/Participate in walkthroughs of facilities
  - Learn about each other’s capabilities and response procedures
  - Develop coordinated public messaging prior to an incident. Public Messaging should be inclusive, to include individuals with Disabilities and Access and Functional Needs and Environmental Justice Communities.
- Get involved in community preparedness activities
- Participate in exercises coordinated by your LEPC
- Attend SERC meetings which are open to the public
  - Next SERC meeting: October 19, 2022 @ 10am, at the New Jersey Forensic Science Technology (NJ FST) Center Auditorium, 1200 Negron Drive, Hamilton, NJ
Developments

• In the past, the terms Local Emergency Planning Committee and Emergency Management Council were used interchangeably, which led to confusion. The term LEPC applies only to EO 161 and 284. See Directive NJOEM-5 (2022).

• SERC approved Gloucester County as the first county-based emergency planning district.

• SERC co-chairs will continue to conduct outreach including presentations to all stakeholder groups:
  o Clifton LEPC
  o Elected Officials

• NJOEM auditing Emergency Response Plans

• SERC working groups exploring development of planning/training/exercise tools
Available Resources

- More information can be found from the following sources:
  - [https://www.epa.gov/epcra](https://www.epa.gov/epcra)
  - [https://www.epa.gov/epcra/consolidated-list-lists-under-epcracerclacaa-ss112r-september-2021-version](https://www.epa.gov/epcra/consolidated-list-lists-under-epcracerclacaa-ss112r-september-2021-version)

- Contact us at [njserc@njsp.org](mailto:njserc@njsp.org)
Thank you

Questions?