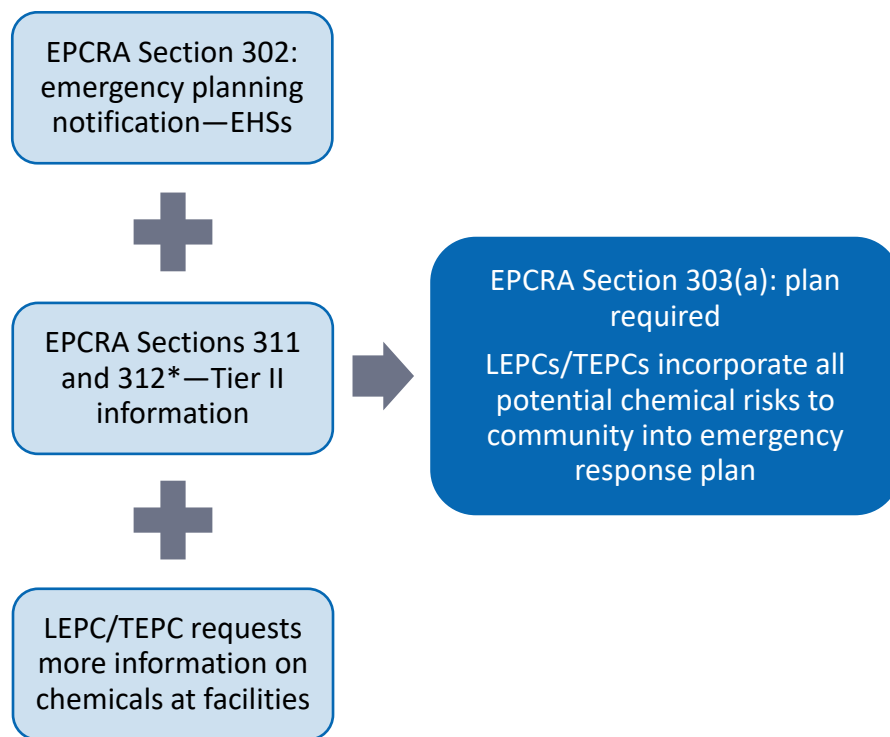


## Chapter 3. EPCRA Section 303: Comprehensive Emergency Response Plans

EPCRA only requires emergency planning for chemical emergencies. As noted in Chapter 1, your state or tribe and other federal agencies (e.g., FEMA, Department of Homeland Security, DOT/PHMSA) may require communities to prepare local EOPs that cover all hazards or those specific to their regulatory programs. However, protecting the community from chemical hazards should be part of any EOP that states, tribes or other federal agencies may require. Contact your state or tribe for specific requirements for your community.

This chapter discusses the required elements for protecting communities from chemical hazards as provided in EPCRA Section 303. Chemical emergency response plan and the required elements can be an annex to the community all-hazard plan or a stand-alone plan. EPA encourages LEPCs and TEPCs to adopt a plan that is appropriate for your community.

*Note: Chapter 12 through 16.27 in Part II of this document provide suggestions on LEPC and TEPC organizational structure, duties, how to effectively plan for chemical emergencies, etc.*



\* Discussed later in Chapter 5.

**Figure 12. Section 303: developing an emergency response plan.**

### 3.1 LEPCs and TEPCs: Planning for Chemical Risks in Communities

#### ***EPCRA Section 303: Comprehensive emergency response plans***

##### ***(a) Plan required***

*Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.*

##### ***(b) Resources***

*Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.*

EPCRA Section 303 assigns the following responsibilities to the LEPCs and TEPCs to ensure communities are prepared for and protected from chemical releases. Section 303 requires LEPCs and TEPCs to develop an emergency response plan for chemical risks for their community and review the plan annually or more frequently if changes occur in the community or at any facility in that community.

Section 303 also provides required elements of the local emergency response plan for chemical hazards, provides authority to LEPCs and TEPCs to collect additional information from facilities, and details facilities' responsibilities.

Specifically, LEPCs and TEPCs are required to:

- Develop an emergency response plan.
- Review and update the emergency plan at least annually, or more frequently as changes occur in the community or at any facility.
- Assess response capabilities.
- Conduct hazards analysis (*see Chapter 188 and Chapter 199 for more information*).
- Evaluate resources needed for developing, implementing and executing the emergency response plan (and ensure the resources evaluation report is forwarded to the SERC/TERC and the governor/tribal leader for their help in finding the needed resources).
- Conduct an emergency response exercise (a table-top or full-scale exercise) and update the emergency plan as necessary after the exercise based on the review of the emergency plan during the exercise. (An alternative is to review an actual event and use the lessons learned to update the community emergency plan.)

LEPCs and TEPCs should plan for chemical emergencies and protect the community from potential danger by using the information received under EPCRA Section 302, *Emergency Planning Notification* (*see Chapter 2*). In addition, LEPCs and TEPCs should also include facilities that store or handle other hazardous chemicals that may also pose a risk to the

community. Information on these facilities is received under EPCRA Sections 311 and 312. (Note: Reporting requirements for other hazardous chemicals are covered in Chapter 5.)

## 3.2 Facilities: Additional Responsibilities for Emergency Planning

### ***EPCRA Section 303(d): Providing of information***

*For each facility subject to the requirements of this subchapter:*

- (1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after October 17, 1986, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.*
- (2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur.*
- (3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.*

In addition to notifying the SERC or TERC and LEPC or TEPC that the facility is subject to emergency planning due to the presence of EHSs, EPCRA Section 303 includes additional requirements for facilities subject to emergency planning notification. This section also authorizes LEPCs and TEPCs to request any information from facilities subject to emergency planning, necessary for developing and implementing the emergency plan (see Section 303(d)(3)).

Additional responsibilities for facilities include:

- Designating a representative to be the facility emergency coordinator.
- Participating in the local emergency planning process.
- Providing any information to the LEPC or TEPC that is necessary for developing an emergency response plan.
- Notifying LEPC or TEPC of any changes that occur at the facility that would affect emergency planning.

Each of these provisions is explained below.

### **3.2.1 Facility Emergency Coordinator**

EPCRA Section 303(d)(1) requires facilities to provide the name of a facility emergency coordinator to their LEPC or TEPC. This individual should become a member of the LEPC or TEPC organization, attend meetings and help other members of these organizations, particularly first responders, understand potential chemical risks. LEPCs and TEPCs should contact any

facilities that have not provided this information. The facility emergency coordinator is required to participate in the emergency planning process.

### **3.2.2 Changes Occurring or Expected to Occur at the Facility that Would be Relevant to Emergency Planning**

If a facility increases the quantity of EHSs that have already been reported or if the location of the EHSs is moved to another area at the facility, then these changes may affect the emergency plan. Facilities are required to submit such information to their LEPC or TEPC.

LEPCs and TEPCs are encouraged to discuss such matters at their respective meetings and update the emergency plan as necessary.

### **3.2.3 Promptly Providing any Information upon Request to the LEPC or TEPC**

Section 302 only requires facilities to provide notification to the LEPC or TEPC that they have EHSs present above their TPQs. They are not required to provide any specifics (e.g., the name of the chemical, the amount present on site, etc.). However, under Section 303(d)(3), facilities are required to provide any information that LEPCs or TEPCs request for emergency planning purposes.

*Note: Specific information on EHSs is reported annually on the Tier II form but the information provided is for the previous year. The authority provided to LEPCs and TEPCs under EPCRA Section 303(d)(3) can be used to obtain current information from facilities on EHSs they handle.*

It is necessary for industry to be a part of the LEPC or TEPC planning process to ensure facility plans, required under state right-to-know regulations or other federal regulations (e.g., Risk Management Program, Clean Air Act (CAA) Section 112(r)), are compatible with local emergency plans. Other federal laws and regulations may require additional information be provided to the LEPC/TEPC. With this additional information, LEPCs and TEPCs will be able to incorporate all potential chemical risks to the community into the local emergency response plan.

## **3.3 Elements of an Emergency Response Plan for Potential Chemical Hazards in Your Community**

### ***EPCRA Section 303(c): Plan provisions***

*Each emergency plan shall include (but is not limited to) each of the following:*

- (1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 302(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.*
- (2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.*

- (3) *Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.*
- (4) *Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304 of this title).*
- (5) *Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.*
- (6) *A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.*
- (7) *Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.*
- (8) *Training programs, including schedules for training of local emergency response and medical personnel.*
- (9) *Methods and schedules for exercising the emergency plan.*

Each of the elements that should be included in an emergency response plan are discussed in Chapter 16, as well suggestions for LEPCs and TEPCs to consider when developing a plan for their planning district. Additional guidelines and suggestions are provided in Appendix N, “Emergency Planning Checklist for LEPCs and TEPCs.”

LEPCs and TEPCs should contact their states (or tribes) for additional requirements regarding planning for all hazards, including chemical emergencies.

Once the emergency response plan is developed, LEPCs and TEPCs should submit the plan to the SERC or TERC to review and update as necessary.

### **3.4 SERC, TERC and RRT: Review Emergency Response Plan**

#### ***EPCRA Section 303(e): Review by State emergency response commission***

*After completion of an emergency plan under subsection (a) for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.*

#### ***EPCRA Section 303(f): Guidance Documents***

*The National Response Team, as established pursuant to the National Contingency Plan as established under section 105 of CERCLA, shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after October 17, 1986.*

***EPCRA Section 303(g): Review of plans by regional response teams***

*The regional response teams, as established pursuant to the National Contingency Plan as established under section 9605 of this title, may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan.*

The SERC and TERC should review their LEPCs and TEPCs plan and make recommendations, as well as coordinate plans with neighboring emergency planning districts.

LEPCs and TEPCs may also request that their RRT, established under the National Contingency Plan, CERCLA Section 105, review and coordinate responses. RRTs can provide technical assistance, equipment, or human resources to respond to an emergency situation. They may also identify any gaps in the plan and assist in improving it or conducting exercises. For more information on RRTs, visit <https://www.epa.gov/emergency-response/regional-response-teams>.

### **3.5 Public Access to Emergency Response Plan**

As required by EPCRA Section 324, discussed in Chapter 8, LEPCs and TEPCs should provide the community with access to the emergency response plan. There may also be requests to explain potential chemical risks to the community, as well as to hold meetings to explain evacuation and/or shelter-in-place procedures.