

LEPCs Organizing For Success



**A handbook to assist Local Emergency
Planning Committees implement SARA
TITLE III responsibilities**

TABLE OF CONTENTS

Chapter 1: Summary of SARA TITLE III – What LEPCs Need to Know	1-1
Chapter 2: The Michigan Citizen-Community Emergency Response Coordinating Council	2-1
Chapter 3: Creating a Local Emergency Planning Committee (LEPC)	3-1
Chapter 4: Hazardous Chemical Inventory	4-1
Chapter 5: Release Reporting	5-1
Chapter 6: Emergency Planning Notification	6-1
Chapter 7: Planning Requirements	7-1
Chapter 8: Other Planning Requirements	8-1
Chapter 9: Community Right-To-Know Requirements	9-1
Chapter 10: Training Requirements	10-1
Chapter 11: Exercising Requirements	11-1
Chapter 12: Answers to Frequently Asked Questions	12-1
Chapter 13: References and Sources of Additional Information	13-1
Glossary	A-1

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CHAPTER ONE

Summary of SARA Title III - What LEPCs Need to Know

SARA Title III - Emergency Planning & Community Right-to-Know Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted by Congress in 1980 to clean up the nation's hazardous waste sites and to provide for emergency response to releases of hazardous substances into the environment. CERCLA is also called Superfund and hazardous waste sites are known as Superfund sites. In response to continuing community concern regarding hazardous materials and chemical release tragedies, a reauthorization and expansion of Superfund was signed into law in 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA ("SARA Title III") is the Emergency Planning and Community Right-To-Know Act (EPCRA).

SARA Title III establishes requirements for Federal, State and local governments, Indian Tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

SARA Title III is a federal act that is implemented in Michigan under an Executive Order (2007-18) from the Governor. In accordance with the act, the Governor established the **State Emergency Response Commission (SERC), known in Michigan as the Michigan Citizen-Community Emergency Response Coordinating Council ("Council")**. The Council has 19 members appointed by the Governor and is chaired by the Captain of the Emergency Management and Homeland Security Division (EMHSD), Michigan State Police (MSP).

The MSP-EMHSD oversees LEPC activities and the **emergency planning** requirements in SARA Title III on behalf of the Council.

The Michigan SARA Title III Program in the Department of Environmental Quality (DEQ) handles the **reporting** requirements in SARA Title III and receives all reports on behalf of the Council.

The U.S. Environmental Protection Agency (EPA) enforces SARA Title III. The regulations implementing SARA Title III are codified in Title 40 of the Code of Federal Regulations, parts 350 through 372 ("40 CFR 350-372").

SARA Title III requires that the SERC establish Local Emergency Planning Committees (LEPCs). There are 88 LEPCs in Michigan – one for each of the 83 counties plus 5 cities: Ann Arbor, Detroit, Grand Rapids, Romulus and Wayne.

What Does SARA Title III Cover?

SARA Title III has four major components:

- Emergency planning (Sections 302 & 303)
- Emergency release notification (Section 304)

- Hazardous chemical inventory (Sections 311 & 312)
- Toxic chemical release inventory (Section 313)

The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Each of these components is discussed below.

Emergency Planning (Sections 302 & 303)

The emergency planning sections are designed to develop State and local governments' emergency response and preparedness capabilities through better coordination and planning, especially within the local community. Off-site emergency response plans are developed by LEPCs under **Section 303** and contain information that community officials can use at the time of an accidental chemical release. These plans address the community response to accidental releases of “extremely hazardous substances” from certain facilities in an LEPC’s planning district.

Local Emergency Planning Committee

The LEPC membership must include, at a minimum, elected state and local officials, police, fire, civil defense, public health professionals, environmental, hospital, and transportation officials as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPC must establish rules, give public notice of its activities, and establish procedures for handling public requests for information.

Emergency Response Plans

The LEPC's primary responsibility is to develop off-site emergency response plans that community officials can use at the time of a chemical accident. The LEPC must review these plans at least annually. In developing these plans, the LEPC identifies available resources to prepare for and respond to a potential chemical accident. These plans must be written for all facilities that are subject to **Section 302**, namely those that have extremely hazardous substances (EHSs) on site in amounts above certain thresholds.

The emergency response plans must be reviewed by the SERC. Regional Response Teams, composed of federal regional officials and state representatives, may review the plans and provide assistance to LEPCs upon request.

Planning activities of LEPCs and facilities should initially focus on, but are not necessarily limited to, the EHSs. The plans must:

- Identify facilities subject to Section 302
- Identify routes likely to be used for the transportation of extremely hazardous substances
- Identify facilities contributing to or subjected to risk due to their proximity to the facilities subject to section 302, such as hospitals or natural gas facilities
- Describe emergency response procedures, on-site and off-site
- Designate a community coordinator and facility coordinator(s) to implement the plan
- Outline emergency notification procedures
- Describe methods for determining the occurrence of a release, and the area or population likely to be affected by such release
- Describe local emergency equipment and facilities, and identify persons responsible for them
- Outline evacuation plans, including primary and alternate evacuation routes

- Describe a training program for emergency response and medical personnel (including schedules)
- Present methods and schedules for exercising emergency response plans

Facilities are required to notify LEPCs if they are subject to emergency planning requirements. There are 355 extremely hazardous substances (EHSs) published by EPA in the Federal Register. If a facility has any of the listed chemicals at or above its associated threshold planning quantity (TPQ), it must notify the Council (by reporting to the Michigan SARA Title III Program) and the LEPC that it is subject to the SARA Title III Emergency Planning requirements. This one-time notification must be made within 60 days after the facility first receives a shipment that causes it to meet or exceed the TPQ for that substance. In addition, the Council or the Governor can designate additional facilities, after public comment, to be subject to these requirements. As soon as facilities are subject to the emergency planning requirements, they must designate a representative to participate in the planning process.

➔ Details of the Section 302 Emergency Planning Notification procedures and the list of EHSs with associated TPQs are in Chapter Six. Section 303 Planning Requirements are described in Chapter 7.

Emergency Release Notification (Section 304)

If there is a release of a hazardous substance from a facility into the environment that is equal to or exceeds the minimum reportable quantity set in the regulations, the facility must immediately (within 15 minutes of discovery) notify the U.S. Coast Guard National Response Center, the Council by calling the DEQ Pollution Emergency Alerting System (“PEAS hotline”), and their LEPC. This requirement covers the 355 extremely hazardous substances as well as more than 700 listed hazardous substances subject to the emergency release notification requirements under CERCLA Section 103(a) (published in 40 CFR 302). Some chemicals are common to both the EHS and CERCLA lists. Initial notification can be made by telephone, radio, or in person.

A written follow-up notice must be submitted to the Michigan SARA Title III Program and LEPC as soon as practicable (within 7 days) after the release was discovered. The follow-up notice must update information included in the initial notice and provide information on the actual response actions taken and advice regarding medical attention necessary for citizens exposed to the released chemical.

➔ More information about this requirement is in Chapter 5.

Hazardous Chemical Inventory (Sections 311 & 312)

Hazardous chemical inventory reporting applies to any facility that is required to maintain a material safety data sheet (MSDS) in accordance with the Occupational Safety and Health Administration (OSHA) regulations. More than 6000 facilities in Michigan submit hazardous chemical inventories to the Michigan SARA Title III Program, LEPCs, and local fire departments. These inventories provide valuable information regarding hazard potential to the first responders in the event of a chemical release emergency. The hazardous chemical inventory data are not posted on the Internet. However, the public may request copies of the hazardous chemical inventory reports for specified facilities and the most recent calendar year from the Council (Michigan SARA Title III Program) or the LEPCs under the community right-to-know provisions of SARA Title III.

➔ Details of the hazardous chemical inventory reporting requirements are in Chapter 4.

Toxic Chemical Release Inventory (Section 313)

Section 313 of SARA Title III is commonly referred to as the Toxic Chemical Release Inventory (TRI). Section 313 requires certain facilities to complete a report annually for specified chemicals. The report must be submitted to both the EPA and the Michigan SARA Title III Program by July 1, and covers releases and other waste management of listed toxic chemicals that occurred during the preceding calendar year. Facilities also must report information on source reduction, recycling, and treatment under the Pollution Prevention Act of 1990. The regulations covering Section 313 can be found 40 CFR 372.

A facility is subject to TRI reporting if it meets three criteria:

- Has 10 or more full-time employees (or the equivalent of 20,000 FTE hours per year)
- Is a “covered” industry based on its primary Standard Industrial Classification (SIC) Code
- Manufactures (including import), processes, or otherwise uses a listed toxic chemical above an activity threshold

There are approximately 900 facilities in Michigan that submit TRI reports. The EPA maintains the information in a national TRI database that is available to the public. The Michigan SARA Title III Program also makes the information available to the public on the Internet and in published reports.

Other SARA Title III Provisions

SARA Title III Penalties

Section 325 of the SARA Title III addresses the penalties for failures to comply with the requirements of this law. Civil, administrative, and criminal penalties can be assessed. The penalty limits are codified in current regulations for certain violations as follows:

- 40 CFR 355.50 - Any person who fails to comply with emergency release notification requirements shall be liable for civil penalties of up to \$32,500 per day per violation. Civil penalties are higher for subsequent violations
- 40 CFR 370.5 – Any person who violates hazardous chemical inventory reporting requirements shall be liable for civil and administrative penalties of not more than \$32,500 per day per violation

Section 326 allows citizens to initiate civil actions against the EPA, SERCs, and the owner or operator of a facility for failure to meet certain SARA Title III requirements. A SERC, LEPC, and state or local government may institute actions against facility owner/operators for failure to comply with SARA Title III requirements. In addition, states may sue the EPA for failure to provide trade secret information.

Public Access

Section 324 of the Emergency Planning and Community Right-to-Know Act provides for public access to information gathered under this law. Under this section, all Material Safety Data Sheets, hazardous chemical inventory forms, toxic chemical release inventory forms, follow-up emergency release notices, and the emergency response plan must be made available during normal working hours at the location designated by the Council (Michigan SARA Title III Program) and LEPC, except where trade secret provisions apply or if the facility has requested that the location of a chemical be kept secret. (LEPCs do not have toxic chemical release inventory forms.) The LEPC must publish a

notice annually in the local newspaper to inform the public of the availability and location of the information provided to the LEPC.

Michigan’s SARA Title III Program

SARA Title III is a federal act, and is enforced in Michigan by the U.S. Environmental Protection Agency. The requirements are implemented in Michigan under an executive order from the Governor. The Michigan Citizen-Community Emergency Response Coordinating Council (“Council”) has been assigned the duties of the SERC.

SARA Title III Reporting

The Michigan SARA Title III Program in the Department of Environmental Quality (DEQ) oversees reporting under SARA Title III and receives all reports on behalf of the Council. Michigan does not have any modified requirements, but facilities are strongly encouraged to submit their reports online. Facilities that submit their hazardous chemical inventory online are asked to provide some additional information that can be used by the LEPCs for planning. Unlike many other states, there are NO FEES associated with reporting under SARA Title III in Michigan.

SARA Title III Emergency Planning

The Michigan State Police, Emergency Management and Homeland Security Division (MSP-EMHSD) oversees the planning requirements of SARA Title III. The MSP-EMHSD reviews the off-site emergency plans on behalf of the Council. The MSP-EMHSD is the contact for LEPCs regarding organization, duties, and membership rosters.

Where to go for Help

LEPCs & Planning:

Michigan State Police
Emergency Management and Homeland
Security Division
4000 Collins Road
Lansing, MI 48910
(517) 333-7776
Web page: www.michigan.gov/emhsd
E-mail Jim Breuker: breukerj1@michigan.gov

Reporting:

Michigan SARA Title III Program
Department of Environmental Quality
PO Box 30457
Lansing, MI 48909-7957
(517) 373-8481
Web page: www.michigan.gov/deqsara
E-mail: deq-ead-sara@michigan.gov

Information on the Internet

Go to www.michigan.gov/deqsara, click on the SARA Title III link for:

- The “Michigan Facilities’ Guide to SARA Title III, Emergency Planning and Release Reporting.” This guidebook is updated annually by the Michigan SARA Title III Program
- Workshop presentations regarding SARA Title III for facilities

Go to www.michigan.gov/emhsd, click on Hazardous Materials and then Local Hazardous Materials Planning for:

- Guidance and information specific to LEPCs
- Workshop presentations regarding SARA Title III for LEPCs

Summary of SARA Title III Reporting Requirements in Michigan

SARA TITLE III SECTION	REPORT REQUIREMENT	REPORT FORM	REPORT DUE	AGENCIES TO RECEIVE REPORT		
302	Emergency Planning Notification	Emergency Planning Notification online report (preferred) or hard copy	Within 60 days after threshold reached	Michigan SARA Title III Program	Local Emergency Planning Committee (LEPC)	
304	Emergency Chemical Release – Initial Notification		Within 15 minutes after discovery	Pollution Emergency Alerting System (PEAS) at 800-292-4706 (in-state) or 517-373-0440 (outside of state); or Ag Hotline at 800-405-0101	All LEPCs potentially affected by the release	U.S. Coast Guard National Response Center (NRC) at 800-424-8802
304	Emergency Chemical Release – written Follow-up	Spill or Release Report	Within 7 days after release discovered	Michigan SARA Title III Program	All LEPCs affected by the release	
311	Material Safety Data Sheet Reporting	Online report form	Within 3 months after threshold reached	Michigan SARA Title III Program	LEPC	Local fire department
312	Tier Two – Emergency Planning & Hazardous Chemical Inventory	Online Tier Two report	Annually, by March 1	Michigan SARA Title III Program	LEPC	Local fire department
313	Toxic Chemical Release Inventory Form R	Online Form R	Annually, by July 1	Michigan SARA Title III Program	US EPA TRI Data Processing Center	

CHAPTER TWO

The Michigan Citizen-Community Emergency Response Coordinating Council

Creation

SARA Title III mandated that each state governor appoint a State Emergency Response Commission (SERC). This commission could be comprised of a single agency or representatives of various groups. In accordance with this law, Executive Order 1987-5 established the Michigan Emergency Planning and Community Right-to-Know Commission on April 17, 1987. On August 29, 2007, Governor Jennifer Granholm announced a reorganization of the SERC. Executive Order 2007-18 rescinded Executive Order 1987-5 and combined the SERC's functions with those of the Michigan Hazard Mitigation Council and the Michigan Citizen Corps Council. The new committee is formally called the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC) and is designated as the SERC in the Executive Order. The MCCERCC is referenced as the "Council" in this document.

Composition

The Council is comprised of nineteen members:

- Department of Agriculture
- Department of Community Health
- Department of Environmental Quality
- The Adjutant General (Dept. of Military and Veteran's affairs)
- Department of State Police
- Department of Transportation
- The State Fire Marshal
- The Executive Director of the Community Service Commission
- Eleven other members appointed by the Governor

Council Duties Related to SARA Title III

- Designate emergency planning districts to facilitate preparation and implementation of emergency response plans
- Appoint members to Local Emergency Planning Committees within each emergency planning district
- Supervise and coordinate the activities of Local Emergency Planning Committees
- Designate an official to serve as coordinator for information
- Receive and process requests from the public regarding emergency response plans, Material Safety Data Sheets (MSDS), hazardous chemical inventory forms, and toxic chemical release inventory forms and emergency release notices
- Review and make recommendations on emergency response plans submitted by LEPCs

Michigan Implementation

- All 83 counties have been designated as emergency planning districts
- Municipalities with emergency management programs may petition the Council to be designated as a SARA Title III emergency planning district
- The Council requests that the chief executive of the emergency planning district submit nominations for LEPC membership
- The Department of Environmental Quality administers all reporting and community right-to-know provisions
- The Department of State Police administers all emergency planning provisions and serves as Chair of the Council
- The Department of State Police oversees LEPC activities

Meeting Schedule

The Council meets at the discretion of the Chairperson. The meeting schedule can be obtained by contacting the Emergency Management and Homeland Security Division of the Michigan State Police. Scheduled meetings and minutes are posted on the State Police website at www.michigan.gov/emhsd - scroll to the bottom of the page.

CHAPTER THREE

Creating a Local Emergency Planning Committee (LEPC)

The following describes the steps, which must be taken to create a viable LEPC.

Submit LEPC Membership Nominations to the Council

By law, the Michigan Citizen-Community Emergency Response Coordinating Council must designate emergency planning districts. The Council has established Local Emergency Planning Committees (LEPCs) in each county. Some municipalities have elected to establish LEPCs separate from their counties.

SARA Title III requires that the following groups be represented on the LEPC:

- Elected state and local officials (e.g., mayor, state representatives, board of commissioners)
- Law enforcement (e.g., police, sheriff, MSP post commander)
- Civil defense (e.g., local emergency management coordinator)
- Fire-fighting (e.g., fire marshal, fire chief, fire trainer)
- First aid and health (e.g., EMS, health department representative)
- Local environmental (e.g., local Sierra Club, Audubon Society). Contact the Michigan Environmental Council for active groups in a specific area
- Hospital (e.g., local hospital)
- Transportation personnel (e.g., local trucking/rail firm representative)
- Broadcast and print media (e.g., newspaper reporter)
- Community groups (e.g., neighborhood association, service clubs)
- Owners/operators of facilities subject to the reporting requirements of SARA Title III

Additionally, the Council recommends that representatives from the following sectors also be appointed to the LEPC:

- Organized labor (e.g., firefighters' union, etc.)
- Education (e.g., science teacher, professor)
- Agriculture (e.g., farmer, co-op representative)

The Council requests that the chief executive of the emergency planning district nominate representatives for each of the groups listed above. The chief executive should pick persons who would represent each sector and provide the LEPC with expertise and perspective. These individuals must be formally nominated to the Council by notifying it in writing, listing the name, address and community group represented. The Council acts on these nominations. It is possible for an individual to represent more than one group, but no more than 3 groups should be represented by a single person.

If a municipality wishes to form an emergency planning district and LEPC separate from the county, it must submit a request to the Council.

The Council has established a policy whereby municipalities of 10,000 or more population which have created emergency management programs under Act 390, the Michigan Emergency Management Act, may petition the Council to also be designated as an emergency planning district under SARA

Chapter 3 Creating a Local Emergency Planning Committee (LEPC)

Title III. The Council will request LEPC member nominations. The jurisdiction then follows the other steps in this chapter to create an LEPC. It has been shown that LEPCs that remain active and productive are ones that meet on a monthly basis.

Create A Set Of Bylaws

Each LEPC should develop and adopt a set of bylaws. Bylaws are a set of rules that govern the operation of the LEPC.

The following should be included in the bylaws:

- Provisions for public notification of committee activities
- Public meetings to discuss the emergency plan
- Public comments and response to such comments by the committee
- Distribution of the emergency plan(s)

In addition, at a minimum, the LEPC bylaws should include:

- Authority for the establishment of the LEPC
- The LEPC jurisdiction
- Its purpose
- Membership nominations
- Term of membership
- Filling of vacancies
- General meeting schedule
- Subcommittees
- Officers and responsibilities
- Rules for governing and conduct

For copies of sample bylaws, contact the Michigan State Police, Emergency Management and Homeland Security Division.

Choose Officers

The LEPC must appoint a chairperson, an information coordinator and a community emergency coordinator. Additionally, it is highly recommended that the LEPC appoint a vice-chair and a secretary. The manner in which these officers are chosen is not specified. All positions can be appointed or elected, according to the LEPC's bylaws. A local emergency management coordinator receiving federal Emergency Management Assistance (EMA) funding can accept any officer position but not more than two at the same time.

The following are typical tasks performed by LEPC officers:

Chairperson

- Opens and conducts LEPC meetings
- Establishes the meeting agenda and guides the LEPC through agenda
- Maintains the authority to sign and execute contracts on behalf of the LEPC
- Authenticates LEPC proceedings (e.g., by signing the minutes)
- Appoints subcommittees and respective chairs

Chapter 3 Creating a Local Emergency Planning Committee (LEPC)

- Typically is a non-voting member except in a tie-breaking situation

Vice-chairperson

- Assumes the roles and responsibilities of the Chairperson in the Chairperson's absence

Secretary

- Prepares and keeps legible, permanent records (e.g., the minutes) of LEPC proceedings
- Authenticates LEPC proceedings (e.g., by signing the minutes)

Information Coordinator

- Receives, organizes and maintains facility reports
- Processes all information requests from the public

Community Emergency Coordinator

(It is recommended that the local emergency management coordinator be designated as Community Emergency Coordinator since their duties are identical.)

- Coordinates the development and implementation of site-specific hazardous materials emergency response plans
- Receives immediate notification on the LEPC's behalf regarding any hazardous materials release in the jurisdiction
- Makes a determination (in conjunction with the facility coordinator) necessary to implement the plan

Set the Meeting Schedule

In order to maintain an active LEPC, a routine meeting schedule must be established for the calendar year. The LEPC may meet monthly, bimonthly or quarterly. It is recommended that the LEPC meet, at a minimum, every quarter.

When scheduling LEPC meetings, the LEPC should keep in mind that all public proceedings must be in compliance with the State of Michigan Open Meetings Act of 1976, the State of Michigan and Federal Freedom of Information Act of 1976 and the Federal Americans with Disabilities Act of 1990.

The State of Michigan Open Meetings Act of 1976 states:

- All proceedings should be held in a public place
- All meeting notices must be posted at a public principal office (e.g., the County Building) and may be posted in other prominent public buildings in the jurisdiction
- A public notice stating the dates, times and places of its regular meetings shall be posted within ten (10) days after the first meeting in each calendar or fiscal year
- All minutes are a matter of public record, and must be made available for public inspection no more than eight (8) business days *after* the meeting
- Approved minutes must be made available for public inspection not later than five (5) business days after the meeting at which the minutes are approved

The State of Michigan Freedom of Information Act of 1976 states:

- Upon oral or written request, the public has the right to inspect, copy or receive copies of a public record
- The request for information must be responded to within five (5) business days after the day the request is received

The Federal Americans with Disabilities Act of 1990 states:

- All meetings must be held in places that are "barrier free" to those who may be physically challenged
- An offer of "reasonable accommodation" must be extended to anyone who wishes to attend any LEPC proceeding

Create LEPC Subcommittees

The number and type of subcommittees that an LEPC creates depends solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as occasions arise to accomplish initial and ongoing tasks. Subcommittee membership need not be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the community for additional input and enhanced expertise.

In determining the type and number of subcommittees to initially establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals.

It is suggested that LEPCs consider forming these subcommittees:

A Planning Subcommittee whose responsibilities may include:

- Assisting in the revision of the hazardous material response portion of the emergency operations plan/ emergency action guidelines
- Establishing a vulnerability zone determination methodology
- Developing the Off-site plans for each Section 302 site
- Reviewing the plans annually

A Public Information Subcommittee whose responsibilities may include:

- Writing and publishing public notices
- Establishing an information retrieval system
- Performing citizen/neighborhood outreach to inform them of plans and other information that is available

A Training and Exercising Subcommittee whose responsibilities may include:

- Collecting MIOSHA training information and compliance statistics
- Establishing an exercise schedule and coordinating it with the local emergency management program
- Coordinating training programs

Chapter 3 Creating a Local Emergency Planning Committee (LEPC)

Once a needs assessment has been done by the LEPC and appropriate subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expanded needs/ideas generated from the current LEPC membership. Some examples include:

An Executive Subcommittee whose responsibilities may include:

- Appointing chairpersons for each subcommittee
- Developing LEPC long term goals;
- Tending to LEPC member needs
- Reviewing LEPC membership terms and soliciting volunteers to fill vacancies
- Being familiar with state, local and federal laws which impact the hazardous material planning process
- Developing a work plan with timetables for the other subcommittees

A Resource Development Subcommittee whose responsibilities may include:

- Researching the community's resources for emergency response (e.g., various types of equipment, facilities and expertise available)
- Identifying alternative resources upon which the community may draw in time of emergency or disaster
- Updating the local Resource Manual
- Identifying other volunteer or in-kind contributions (e.g., private sources such as local business/industry, non-profit agencies etc.) which may be used for various types of responses

An Emergency Response Subcommittee whose responsibilities may include:

- Developing emergency response procedures for local government personnel that may be utilized in hazardous materials responses; and
- Establishing local Incident Command System (ICS) procedures to strengthen and coordinate local government emergency response.

A Finance Subcommittee whose responsibilities may include:

- Management of the LEPC budget
- Examining and recommending funding sources

A Business/Industry Outreach Subcommittee whose responsibilities may include:

- Developing initiatives that will encourage active participation by the community's commercial businesses and industrial facilities

Update LEPC Nominations

The LEPC chair must submit additional nominations for LEPC membership changes to the Council.

The term of membership for LEPC members may be a designated period of time (e.g., one year) as decided upon by the LEPC and adopted in the bylaws. The LEPC may add provisions in its bylaws to cover resignations and nomination of new members. Again, all resignations and changes should be forwarded to the Council in writing.

Accomplish Identified Objectives

If the LEPC leadership takes steps to maintain a healthy LEPC as identified in the preceding step, it will have an easier time accomplishing the tasks as required by law. The LEPC should also review all the suggested tasks listed in each subsequent chapter to become a fully functioning LEPC.

Local Emergency Planning Committee Chairs

A list of current LEPC chairpersons is available by contacting the Michigan State Police, Emergency Management and Homeland Security Division.

Suggestions for LEPCs

Since acts of terrorism on the United States are occurring more frequently, most recently September 11, 2001 in New York, Pennsylvania, and the District of Columbia, planning for terrorist-initiated events is more important than ever. By their very nature, LEPCs are an ideal resource for terrorism planning. They already have developed a network to organize, respond to and act on incidents that occur in their communities. Also, LEPCs have the expertise from several disciplines and resources (fire, police, public works) that can be vital in response to a terrorist act. The Environmental Protection Agency (EPA) suggests that LEPCs should incorporate planning and response to terrorist acts in their emergency plans.

In some communities, LEPCs have addressed plans for other problems that could affect their communities. Such plans can include:

- School violence
- Civil unrest/riots
- All hazards to the community

Some local jurisdictions have formed advisory committees to develop plans and procedures for potential situations. Forming advisory committees or an advisory council is just one way to develop plans to be prepared for situations that could affect the way of life for the community. LEPCs, or perhaps an LEPC subcommittee, could act as such a committee. However, currently there is no legislation that requires that LEPCs accept this responsibility; it can be done at each LEPCs discretion.

Members of the advisory committee should come from both the private and public sectors of the community (as do LEPC members). Representatives from local utilities, the American Red Cross, and other community-based organizations should be invited to discuss their roles in the emergency management program..

For more information on planning for terrorism and/or other emergency planning regulations, visit these sites: Michigan State Police; www.michigan.gov/msp EPA www.epa.gov/ceppo or the U.S. National Response Team homepage www.nrt.org.

CHAPTER FOUR

Hazardous Chemical Inventory Report

Sections 311 and 312 of SARA Title III require certain facilities to submit Emergency & Hazardous Chemical Inventory reports (Tier Two reports) to their LEPC, the local fire department and the Michigan SARA Title III Program. All facilities should submit their reports **online** to the Michigan SARA Title III Program. LEPCs and fire departments in the counties of Ingham, Kent, Oakland, Ottawa, and Wayne can also receive the reports via the online reporting program. Facilities in all other counties should print hard copy reports from the online program and mail the reports to the LEPCs and fire departments.

LEPCs can use the information in Tier Two reports for their off-site response plans and to update existing plans. Many of the facilities that are subject to SARA Title III section 302 Emergency Planning Notification (see **Chapter 6**) must also submit a hazardous chemical inventory under section 312. This report gives the LEPC information about all of the hazardous chemicals at a facility that are present in large amounts. It also tells the LEPC about hazardous chemicals in other facilities in its jurisdiction.

Additional Information

Questions regarding these reporting requirements, or requests for data should be directed to the Michigan SARA Title III Program in the Department of Environmental Quality (DEQ) at 517-373-8481 or deq-ead-sara@michigan.gov.

Go to www.michigan.gov/deqsara, click on the SARA Title III Hazardous Chemical Inventory link for:

- Instructions for facilities to report under sections 311 and 312
- Access to the online reporting program (used by facilities)
- Contact information for LEPCs

LEPC Tasks

- Appoint an information coordinator to manage the storage and retrieval of this information.
- Choose a location and system for the storage of this material so that it can be easily retrieved. One form of data management is the filing system. A simple system of filing all MSDSs or lists by company name in alphabetical order is recommended. Larger jurisdictions receiving more information may want to computerize their system. There is computer software available, such as CAMEO*, to accomplish this task. The Michigan SARA Title III Program can provide a CAMEO file to you containing data from facilities that submitted their reports online. Original submittals from facilities for the most recent report year must be kept on file.
- Publicize the address where facilities should send their MSDSs and Tier forms. Be sure that the Michigan SARA Title III Program has the correct address posted on their Internet site (see above).
- Respond to written requests from the public for information submitted in reports pursuant to SARA Title III. Specifics of this task are described in the section called Community Right-to-Know Provisions near the end of this chapter.

Chapter 4 Hazardous Chemical Inventory Report

- Respond to requests from EPA for information regarding hazardous chemical inventory reports that were received by the LEPC.

*CAMEO is the acronym for Computer-Aided Management of Emergency Operations software. Information about this software is available at www.epa.gov/emergencies.

SARA Title III does not have **record retention** requirements for Tier Two reports. It is recommended, however, that the reports be kept for five (5) years because that is the statute of limitations.

LEPC Role in Compliance Issues

If the LEPC identifies a non-compliant facility, the following steps are recommended:

1. Talk to the facility owner or operator and explain that they might be subject to reporting under this federal requirement. Suggest that they visit the SARA Title III website (see above) and/or they speak with someone in the Michigan SARA Title III Program. Assure them that the Michigan SARA Title III Program will NOT initiate any enforcement actions for late reporting if they come into compliance quickly. Be sure to give them a deadline for responding. Two weeks is recommended.
2. If the facility does not respond, send a letter or email requesting that they report and copy the Michigan SARA Title III Program. Be sure to give them a deadline to respond.
3. If the facility misses the written deadline, notify the Michigan SARA Title III Program. The Michigan SARA Title III Program will attempt to bring the facility into compliance. If the facility still refuses to respond, EPA will be notified of the issue. It is unusual that EPA needs to be involved.

Who Must Submit the Hazardous Chemical Inventory Report

These reporting requirements apply to any facility that must maintain a material safety data sheet (MSDS) in accordance with the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, 29 CFR 1910.1200. The **owner or operator** must submit the hazardous chemical inventory report if a hazardous chemical present at the facility meets or exceeds the threshold.

If a facility is not covered by OSHA, reporting is not required. HOWEVER, in the interest of emergency preparedness, facilities are urged to consider reporting all hazardous substances that meet the reporting threshold requirements.

Federal agencies were directed by Executive Order No. 12856, signed by President Clinton on August 3, 1993, to comply with all provisions of SARA Title III and the Pollution Prevention Act (PPA).

What Hazardous Chemicals Are Included

The criteria for chemicals to be included in the section 311 report are the same as the criteria for including chemicals in the section 312 report.

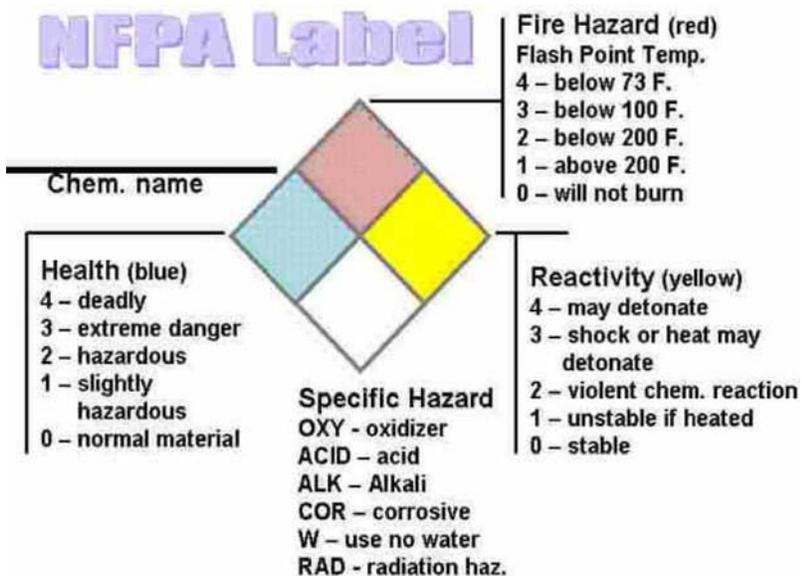
Hazardous chemicals are those chemicals or substances stored or used in the work place for which OSHA requires employers to maintain MSDSs. Over 650,000 products have MSDSs required by OSHA. They are referred to here as "OSHA hazardous chemicals." There is *no list* of these OSHA

hazardous chemicals. The OSHA hazardous chemicals must have an associated physical and/or health hazard as defined in the OSHA regulations found at 29 CFR 1910.1200(c).

Physical and Health Hazards

The physical and health hazards will be described on the MSDS. Many non-hazardous substances also have MSDSs. Check the MSDS to see if the substance has associated physical and/or health hazards. If a substance is not hazardous according to the OSHA definition, the MSDS should state that there are “no known hazards.” If the MSDS does not clearly describe the hazards, the facility should

contact the manufacturer or importer of the substance for clarification. It is their responsibility to determine the hazards in accordance with OSHA standards and provide that information in the MSDS. Use the National Fire Protection Association (NFPA) numeric hazard rating and the hazard category description to help you determine whether or not an MSDS is describing a hazardous substance.



Hazard Categories and Descriptions for Reporting Under Sections 311 and 312 These hazards are described in detail in the OSHA Hazard Communication Standard 29 CFR 1910 section 1200	
<i>Fire</i>	Flammable, combustible liquid, pyrophoric, and oxidizer. Flammable liquids have a flash point below 100 °F (37.8 °C). Flammable solids are solids that are liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or that can be ignited readily and when ignited burns vigorously and persistently. Combustible liquids have a flash point at or above 100 °F (37.8 °C) and below 200 °F (93.3 °C). A pyrophoric material can spontaneously ignite in air. An oxidizer initiates or promotes combustion in other materials.
<i>Sudden release of pressure</i>	Explosive, and compressed gas
<i>Reactive</i>	Unstable reactive, organic peroxide, and water reactive
<i>Immediate (acute)</i>	Highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure, and is of short duration
<i>Delayed (chronic)</i>	Carcinogens and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure, and is of long duration

Reporting Thresholds

The thresholds refer to the total amount of chemical on site, in storage and in process, at any one time. The minimum thresholds for reporting are:

- Extremely hazardous substance (EHS) = **500 pounds** or the **threshold planning quantity (TPQ)**, whichever is less. The amount of an EHS at a facility (both pure and in mixtures) must be aggregated for purposes of threshold determination. Include the EHS in a mixture if it makes up at least 1 % of the mixture, or 0.1 % if the EHS is a carcinogen. EHSs and their TPQs are listed in Appendix A.
- Gasoline (all grades combined) at retail gas stations if all gasoline is stored in compliant underground storage tanks (UST) = **75,000 gallons**. The term gasoline includes gasohol which is composed of at least 90% gasoline and up to 10% ethanol.*
- Diesel fuel (all grades combined) at retail gas stations if all diesel fuel is stored in compliant underground storage tanks = **100,000 gallons**. *
- All other OSHA hazardous chemicals (except as stated in the next bullet) = **10,000 pounds**.
- The threshold for reporting in response to a request from the SERC, LEPC, or local fire department = **zero**. Regardless of the amount of chemical on site, the facility must submit a report if it is asked to do so by one of these agencies.

* Retail gas stations are those that sell gasoline and/or diesel fuel primarily to the public for motor vehicle use on land. Tanks are compliant if during the full previous year they were in compliance with all applicable UST requirements in the Michigan Underground Storage Tank rules promulgated pursuant to part 211 of Public Act 451. The gasoline and diesel fuel thresholds do not apply to alternative fuels (except gasohol), aviation fuel, heating fuel, kerosene, or E-85.

The thresholds for most substances are in pounds. Use the following formula to convert gallons to pounds:

$\text{Specific gravity of product} \times 8.34 \text{ lb/gal (weight of water)} = \text{weight of product in lb/gal}$
--

The specific gravity (also called the relative density) can be found in the “Physical & Chemical Properties” section of the MSDS. It is a unit-less number that tells how much the substance weighs relative to the weight of water. If the specific gravity is 1, the substance weighs the same as water. If it is less than 1, then the substance weighs less than water. The specific gravity is often reported as a range. Use the highest value in the calculation.

What Chemicals Are Excluded

Section 311(e) of SARA Title III excludes the following substances from the hazardous chemical inventory reporting requirements in sections 311 and 312:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

Chapter 4 Hazardous Chemical Inventory Report

- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- Any substance to the extent it is used in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual.
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Hazardous waste that is covered by the Resource Conservation and Recovery Act (RCRA) is not regulated by OSHA and is therefore exempt. HOWEVER, in the interest of emergency preparedness, facilities are urged to consider reporting any hazardous wastes that meet the reporting threshold requirements.

Hazardous Chemical Inventory Reports

Chemicals can be reported as pure substances, as mixtures, or as the total quantity of a chemical at the facility (adding together the amounts contained in mixtures and all other quantities of the chemical). Chemicals can also be grouped if appropriate. The reporting option should be consistent for both the initial and annual reports, unless this is not possible.

How a facility reports its chemicals, depends on what format is of most value to the planners and responders. A warehouse with 100 different products that all contain the same flammable base ingredient should report the amount of base ingredient. A facility with 5 different colors of enamel paint should group them and report enamel paint. A plating solution that contains both sulfuric acid and nitric acid should be reported as a mixture, and the mixture ingredients should be included on the Tier Two report.

Initial (MSDS) Report

The purpose of the initial report required under Section 311 is to let state and local officials know that a facility recently acquired OSHA hazardous chemicals that are on site in amounts equal to or greater than the thresholds. This initial report is sometimes called the MSDS report.

Initial reports should be filed only for new substances that meet or exceed the threshold and that are not already included in the Tier Two report of hazardous chemicals.

The initial report consists of either copies of the MSDSs or a list of the OSHA hazardous chemicals. A list must identify the chemical or common name of each substance as it appears on the MSDS and the applicable hazard categories. Trade names should not be used. If needed, an LEPC can request copies of MSDSs for chemicals included on the Tier Two report.

Annual (Tier Two) Report

The purpose of the annual report required under section 312 is to provide state and local officials and the public with specific information on hazardous chemicals that were present at a facility at any time during the **previous** calendar year at levels that equaled or exceeded the thresholds. The annual report is the Tier Two Emergency and Hazardous Chemical Inventory report, or Tier Two report.

Michigan does not support the Tier One form for submittal of the hazardous chemical inventory report. If a facility submits a Tier One report, the LEPC can ask them to submit a Tier Two report instead. The facility will have 30 days in which to submit the requested report to all agencies.

The Tier Two report is a certified report that contains specifics about the facility location, the owner or operator, emergency contacts, and other identifying information. It also describes each reportable chemical, and includes the amount that was on site during the previous year, where it was located, and how it was stored. Site maps and MSDSs can be attached to the Tier Two report to clarify the reported information.

The Tier Two report includes **storage codes**. Refer to these tables for a description of the storage codes used on the Tier Two report.

Table I – CONTAINER TYPES	
CODES	CONTAINERS
A	Outside above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other (describe on location line)

Table II – TEMPERATURE AND PRESSURE CONDITIONS	
CODES	PRESSURE CONDITIONS
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
TEMPERATURE CONDITIONS	
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

Due Dates

- The Initial (MSDS) report must be submitted within **3 months** after the chemical threshold is first met or exceeded.
- The Annual (Tier Two) report must be submitted annually between January 1 and **March 1**.
- The LEPC may ask a facility owner or operator to submit an MSDS for a hazardous chemical present at the facility. The owner or operator must provide the MSDS within **30 days** after receipt of the request.

- The Council, LEPC, or fire department having jurisdiction over the facility may ask a facility owner or operator to submit Tier Two information. The owner or operator must provide the Tier Two information within **30 days** after receipt of the request.

Confidential and Trade Secret Information

Confidential Location Information

The facility may request that the Council or LEPC not disclose to the public the location of any specific chemical required to be submitted in the Tier Two information. This is done by marking the chemical location information as confidential. Facilities may not withhold this information from the Council, the LEPC, or the local fire department. The online reporting program provides an easy way to mark a chemical location as confidential. The chemical location includes the container type, temperature, pressure, and location description. The facility can also mark site maps as confidential. Confidential information should be stored in a secure location by the LEPC.

The Michigan Citizen-Community Emergency Response Coordinating Council ("Council") is designated as Michigan's SERC. See chapter 2.

Trade Secrets

A facility may be able to withhold the name of a specific chemical when submitting information under sections 311 or 312 if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in SARA Title III section 322 and implemented in 40 CFR part 350. If a facility is withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, it must report the generic class or category that is structurally descriptive of the chemical along with all other required information. The facility must also submit the withheld information to EPA and must adequately substantiate its claim. A form for substantiating the trade secret claims is available on the Internet at www.epa.gov/emergencies.

Online Reporting

Michigan began using an online reporting program, Tier II Manager TM, in April of 2007 so that the data would be more readily available to planners (LEPCs) and responders (fire departments). The online program allows facilities to manage their own data and enter updates at any time during the year. The Tier Two report is a snap-shot of the data that is certified annually as being true, accurate, and complete.

The online database was pre-loaded with data from facilities for which reports were submitted to the Michigan SARA Title III Program before January 2007. All Tier Two reports received for report years 2001 through 2005 were imported into the online database. Information from the most recent report was used to populate the editable database.

Data submitted online can be provided to the LEPCs in a CAMEO file. The Michigan SARA Title III Program can also run data queries and provide the results to the LEPC in an Excel file.

Online reporting information is available on the Michigan SARA Title III Program web site: www.michigan.gov/deqsara. Click on the SARA Title III Hazardous Chemical Inventory link.

Community Right-to-Know Provisions

Hazardous chemical inventory information is available to the public under the Community Right-to-Know provisions in SARA Title III. Requests can be made in writing to the LEPC or the Council as described below. **The Michigan SARA Title III Program in the DEQ handles all facility reporting related information requests on behalf of the Council.** Addresses for the Michigan SARA Title III Program and the LEPCs are available on the Michigan SARA Title III Program web site. The public should not go directly to the facility or to the fire department with information requests. Information requests related to planning activities can be addressed to the LEPC or the Michigan State Police, Emergency Management and Homeland Security Division.

A person may obtain an MSDS for a specific facility by writing to the LEPC and asking for it. If the LEPC does not have the MSDS, it must request the MSDS from the facility's owner or operator.

A person may request Tier Two information for a specific facility by writing to the Michigan SARA Title III Program or LEPC and asking for it. The Michigan SARA Title III Program or LEPC must respond to a request for Tier Two information within 45 days after receiving the request.

If the Michigan SARA Title III Program or LEPC does not have the Tier Two information, it must request it from the facility owner or operator in either of the following cases:

- The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at any time during the previous calendar year, or
- The person making the request is a State or local official acting in his or her official capacity.

If neither of these conditions are met, the Michigan SARA Title III Program or LEPC may request the information from the facility owner or operator if the request includes a general statement of need.

If the LEPC has a request for a Tier Two report, and that report contains confidential location information, the LEPC may contact the Michigan SARA Title III Program for a copy of the report with the confidential location information excluded.

When responding to a request for Tier Two information, the Michigan SARA Title III Program or LEPC **must not disclose location information that has been designated confidential** in the Tier Two report.

Local Fire Department Requests

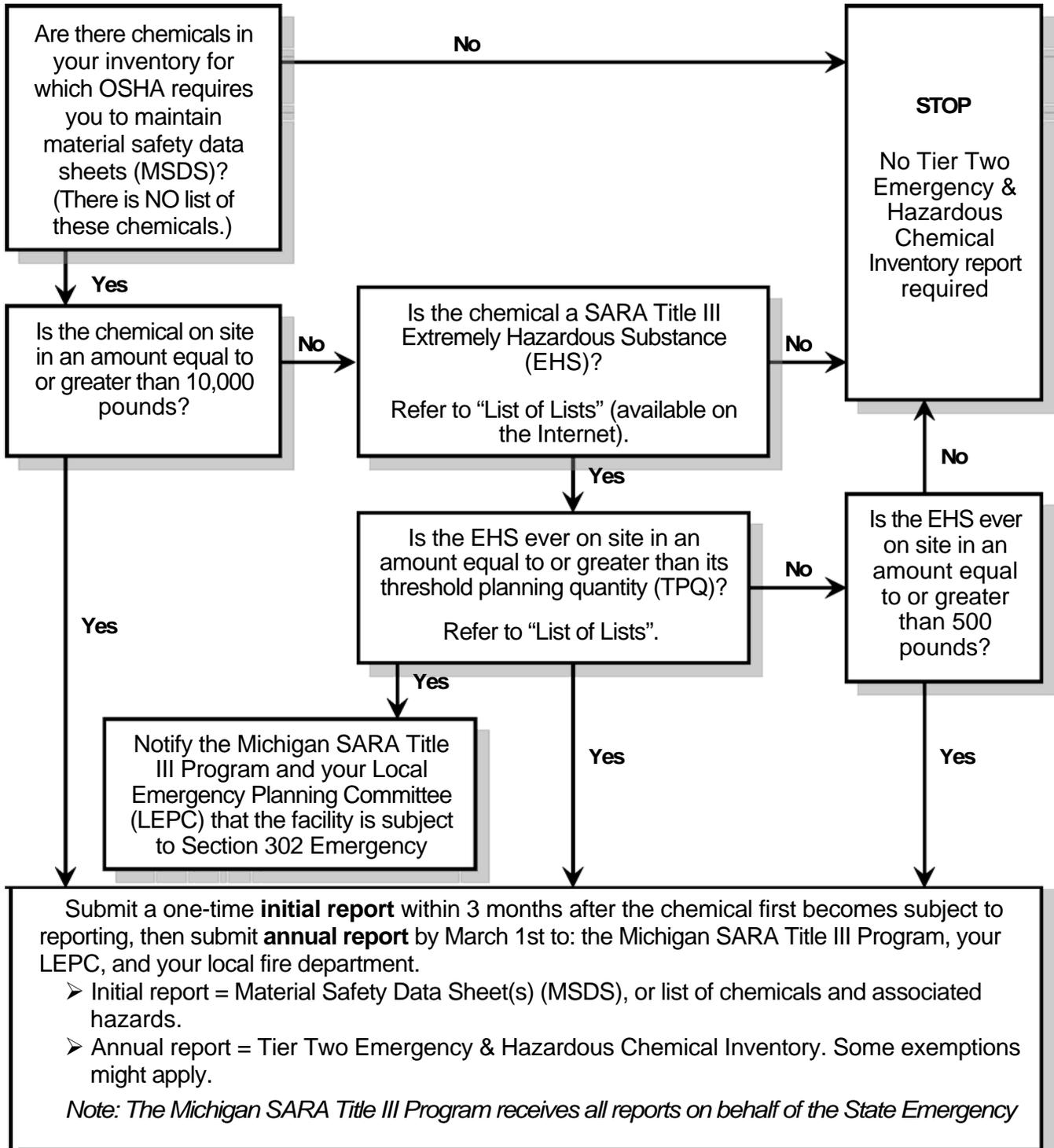
If the owner or operator of a facility has submitted inventory information under sections 311 or 312, they must comply with the following two requirements upon request by the local fire department:

1. They must allow the fire department to conduct an on-site inspection of their facility; and
2. They must provide the fire department with information about the specific locations of hazardous chemicals at their facility.



Emergency and Hazardous Chemical Inventory Reporting SARA Title III – Sections 311 and 312

*Title III of the Superfund Amendments & Reauthorization Act ("SARA Title III")
is the Emergency Planning and Community Right-to-Know Act (EPCRA)*



Response Commission (SERC).

CHAPTER FIVE Release Reporting

Facilities are potentially required to report chemical releases to local, state, and federal agencies under several different state and federal regulations, in addition to release reporting requirements that might be in permits, contingency plans, or local ordinances. **Section 304 of SARA Title III** requires that facilities report certain chemical releases to all of the following agencies:

1. LEPCs of areas potentially affected by the release
2. SERC*
3. U.S. Coast Guard National Response Center (NRC) at 800-424-8802

***The Michigan Citizen-Community Emergency Response Coordinating Council (“Council”) is designated as Michigan’s SERC.** The Council is notified by calling the DEQ’s Pollution Emergency Alerting System (PEAS) hotline at 800-292-4707.

Additional Information

Questions regarding release reporting requirements should be directed to the Michigan SARA Title III Program at 517-373-8481 [or deq-ead-sara@michigan.gov](mailto:deq-ead-sara@michigan.gov).

Go to the DEQ’s Spill/Release Reporting website www.michigan.gov/degrelease for:

- Release Notification Requirements in Michigan Table
- Release Reporting Forms
- **List of Lists** - a consolidated list of chemicals that includes the CERCLA hazardous substances and SARA Title III extremely hazardous substances and their associated Reportable Quantities for release reporting
- Contact information for LEPCs

LEPC Tasks

- Appoint a community emergency coordinator. It is recommended this person be the local emergency management coordinator appointed under Michigan Act 390, the Emergency Management Act. The local emergency management coordinator is already responsible for developing and implementing emergency plans.
- Designate a 24-hour notification point (usually central dispatch or the sheriff’s department) to be used by facilities in making their emergency release notifications.
- Publicize the location and telephone number of the notification point.
- Receive initial verbal notifications. Develop a system for recording and tracking the information received (i.e., date, time, and caller, required information).
- Receive written follow-up reports. Develop a system for filing release reports.
- Respond to requests from EPA for information regarding releases that was received by the LEPC.

Chapter 5 Release Reporting

- Inform the Michigan SARA Title III Program of the notifications the LEPC has received as a check on reporting compliance.
- Assure that the Michigan SARA Title III Program has accurate LEPC contact information posted on their website.

Criteria for Reporting a Release

Under section 304 of SARA Title III, the term “facilities” includes stationary facilities, motor vehicles, rolling stock, and aircraft.

Releases that must be reported are those of

- Hazardous substances defined under the Comprehensive Environmental Response, Compensation, & Liability Act of 1980 (CERCLA)
- Extremely hazardous substances (EHS) defined under SARA Title III

Each CERCLA hazardous substance and EHS has an associated Reportable Quantity (RQ). These hazardous substances and their associated RQs are included in the List of Lists. If the RQ of a substance is released to the environment (air, water, or ground) in a 24-hour period, the release must be reported. The reported releases are most often accidental releases, but might also include continuous releases (described below).

Reporting Deadlines

- The initial notification must be made to all LEPCs potentially affected by the release, the Council (by calling the PEAS Hotline) and the NRC within **15 minutes** after discovery.
- The written follow-up report must be submitted to the Michigan SARA Title III Program and all LEPCs potentially affected by the release within **7 days** after the release was discovered. The DEQ has a form on their Spill/Release Reporting website that may be used for the follow-up reports.

LEPC Notification

Because the regulation requires facilities to notify their LEPC of releases, it is important that the LEPC has a number for facilities to call for this purpose. Most LEPCs identify 911 as the local number to use for notification.

Facilities are asked to send their written follow-up report to the LEPC at the address posted on the DEQ’s Spill/Release Reporting website. It is important that the LEPC assure that their posted address is correct. Contact the Michigan SARA Title III Program if the address should be changed.

Continuous Releases

Continuous releases are **non-emergency releases** that must be reported to the LEPC pursuant to SARA Title III. If a facility has a release that is not federally permitted and that is continuous and stable in quantity and rate, it can report that release every 24 hours, or it can report the release as a continuous release.

Chapter 5 Release Reporting

Continuous releases require immediate notification of the LEPC, the Council (PEAS hotline), and the NRC. The initial notification should identify the release as a non-emergency continuous release. The LEPC still must keep a record of the initial notification.

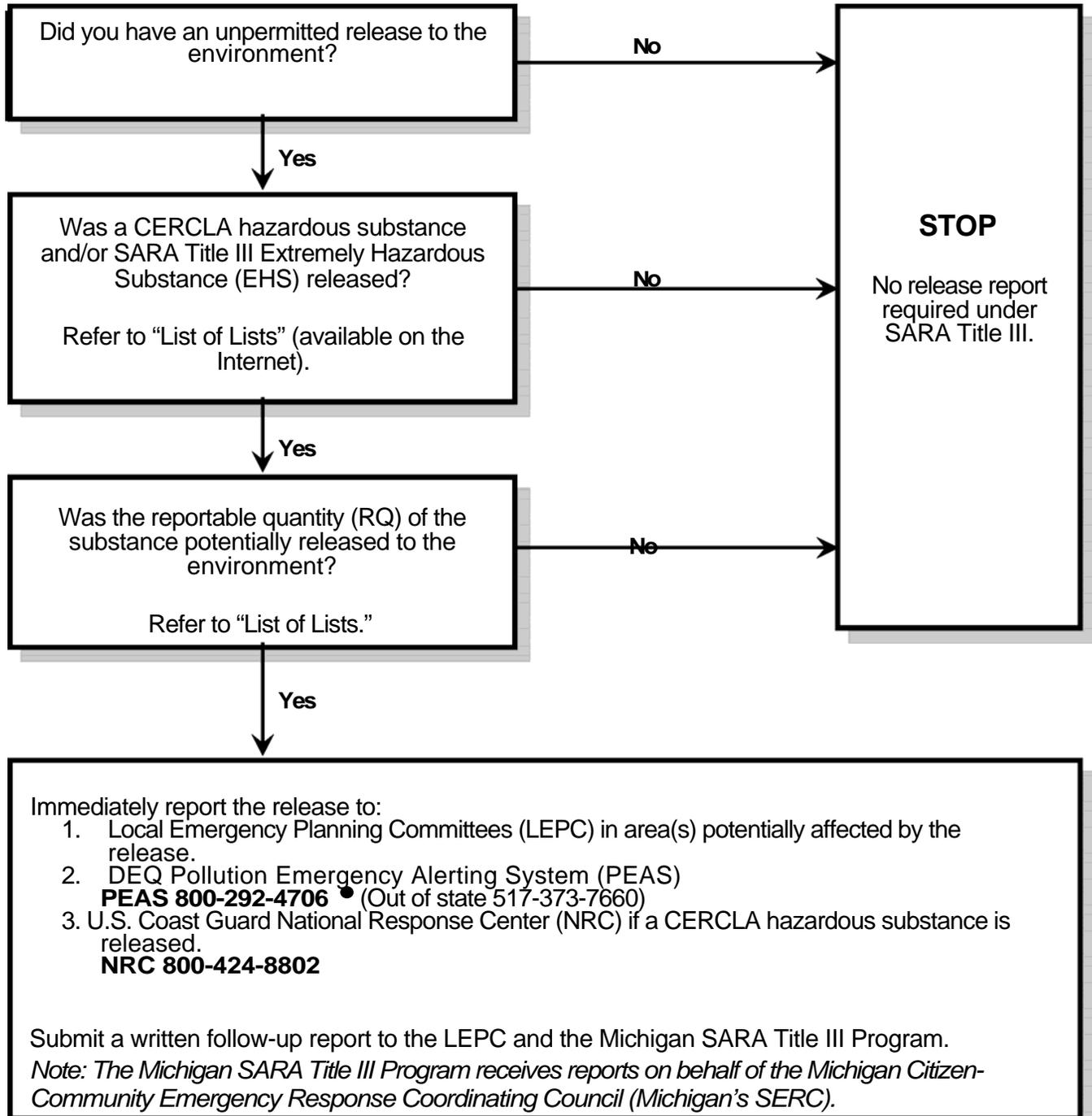
A written follow-up report must be sent to the LEPC, the Council (Michigan SARA Title III Program), and EPA Region 5 within 30 days after the initial notification. A second follow-up report must be sent only to EPA Region 5 within 30 days of the first anniversary of the initial written notification. The follow-up report form required for continuous releases differs from the accidental release report form.

Many LEPCs received continuous release reports from Concentrated Animal Feeding Operations (CAFOs). The CAFOs are required to report emissions to the air of ammonia and hydrogen sulfide if the emissions exceed 100 pounds per day. These hazardous air pollutants are emitted from the animal digestive process and decomposition of manure. The DEQ's Spill/Release Reporting website has information specific to the CAFO release reporting requirements.



Release Reporting SARA Title III – Section 304

*Title III of the Superfund Amendments & Reauthorization Act ("SARA Title III")
is the Emergency Planning and Community Right-to-Know Act (EPCRA)*



CHAPTER SIX

Emergency Planning Notification

Section 302 of SARA Title III requires that certain facilities submit an emergency planning notification to the LEPC and the SERC*. The notification identifies the facility as one for which the LEPC must write an off-site emergency plan pursuant to section 303 of SARA Title III. The notification also identifies the person at the facility who will work with the LEPC to develop this plan.

*The Michigan Citizen-Community Emergency Response Coordinating Council (“Council”) is designated as the SERC in Michigan (see Chapter 2). The Michigan SARA Title III Program in the Department of Environmental Quality (DEQ) receives all reports on behalf of the Council.

Additional Information

Questions regarding the Emergency Planning Notification requirements, or requests for a list of facilities that have submitted this notification (“302 List”) should be directed to the Michigan SARA Title III Program at 517-373-8481 [or deq-ead-sara@michigan.gov](mailto:deq-ead-sara@michigan.gov).

Go to www.michigan.gov/deqemergencyplan for:

- Instructions for facilities to report under SARA Title III section 302
- Contact information for LEPCs (listed under “Related Links”)
- General and regulation-specific emergency planning information for facilities and planners

Go to www.michigan.gov/deqsara, click on the SARA Title III Hazardous Chemical Inventory link for:

- Access to the online reporting program used by facilities to submit Emergency Planning Notifications to the Michigan SARA Title III Program

IMPORTANT: The “302 List” is the official state recognized list of facilities subject to section 302 of SARA Title III. It is used by the Michigan SARA Title III Program to communicate information on SARA Title III to the Council, EPA, and local governments. The 302 List is maintained in an online database by the Michigan SARA Title III Program in the DEQ.

LEPC Tasks

- Receive Section 302 emergency planning notifications. Develop a system for filing these notifications.
- Help assure that the 302 List is accurate. Ask facility owners or operators to submit or update emergency planning notifications as needed. Inform the Michigan SARA Title III Program of any facilities that have shut down.
- Publicize the LEPC address where facilities should send their emergency planning notifications. This task can be met by assuring the next task is complete.
- Assure that the DEQ has accurate LEPC contact information posted on their website.

- Manage the section 302 information for farms (recommended task: see below).

Who Must Submit the Emergency Planning Notification

A facility is subject to the emergency planning notification requirements in SARA Title III if it has an **extremely hazardous substance (EHS)** on site in an amount equal to or greater than its **threshold planning quantity (TPQ)**. (The list of EHSs and their TPQs are in Attachment B.) The TPQ is the total amount in pounds of an EHS present at any one time at a facility at concentrations greater than one percent (1 %) by weight, regardless of location, number of containers, or method of storage.

This regulation applies even if the chemical is on site for only a day. *There are no exemptions for emergency planning notification.*

It is important to realize that a facility that reports an EHS on the Tier Two report might not be subject to section 302. For example, if a facility has 800 pounds of sulfuric acid (TPQ = 1000 lbs) on site it must report the sulfuric acid on the Tier Two report (because the amount is greater than 500 pounds or the TPQ, whichever is lower), but it is not subject to section 302 because the amount of sulfuric acid is less than its TPQ.

Emergency Planning Notification

Under section 302, the owner or operator of a subject facility must complete an **Emergency Planning Notification** to notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) that they are subject to this requirement. The Michigan SARA Title III Program in the DEQ receives all notifications on behalf of the Council (Michigan’s SERC).

This notification should be completed in Tier II Manager TM, the online reporting program used in Michigan. The Michigan SARA Title III Program and LEPCs in the counties of Ingham, Kent, Oakland, Ottawa, and Wayne can receive the section 302 notifications online. Paper copies of the notification should be mailed to all other LEPCs.

View 302 Report
Submission Listing

Facility Name: ESSD
302 Record Number: 5220
Initiated Date: 7/20/2009 1:40:12 PM

Certification Date: 7/20/2009 1:40:21 PM
Certified By: Jim Breuker (President)

Emergency Contact Information

Name: Susan Parker Company Name: SOM
Phone: 517-335-4650 Title: Manager
24 Hr Phone: 555-555-5555 Address: 3333 This Street
Pager: City: That Town
Email: parkers5@michigan.gov State: MI
Exempt from 302 Reporting: Zip: 48484

Chemical Information

CAS	EHS Name	EHS Quantity (lbs)	TPQ Value	Chemical Name
7647-01-0	HYDROGEN CHLORIDE (GAS ONLY)	3000	500	HYDROGEN CHLORIDE (GAS ONLY)

The new online notification identifies the EHS(s) and amounts that make the facility subject to section 302. This information was not previously included in notifications. Facilities can use the same form to show changes to the information, or to show that they are no longer subject to section 302 of SARA Title III.

The notification includes the name and contact information of the Facility Emergency Coordinator. This is the person that will work with the LEPC to develop the off-site emergency response plan.

Reporting Deadline

The Emergency Planning Notification must be submitted within 60 days after the threshold is reached. This is a **one-time** notification. The notification only needs to be edited and recertified when there are significant changes; such as the appointment of a new emergency coordinator or a change in the EHSs.

IMPORTANT: A facility can only be added to the 302 List if the owner or operator of that facility notifies the Michigan SARA Title III Program by submitting a section 302 emergency planning notification. LEPCs cannot add a subject facility to the 302 List unless it is a farm (see below).

LEPC Role in Compliance

If an LEPC finds a facility that is not on the 302 List but might be subject to section 302 (or visa versa), it can contact the owner or operator of that facility and ask them to review their chemical inventory to determine if they meet the requirements. It is important that the owner or operator be given all of the criteria for subject facilities so that an informed decision can be made. Even if the LEPC knows that an EHS has been removed from the facility, the owner or operator must be given the opportunity to review the EHS list to assure that there is not another EHS at the facility.

It is recommended that the LEPC contact a facility first (before the DEQ or EPA) regarding compliance issues.

Example letters and attachments are included at the end of this chapter that can be used by the LEPC for compliance assistance. These letters and attachments are also available in electronic format from the Michigan SARA Title III Program:

- Attachment A = Summary for facilities of section 302 and 303 requirements
- Attachment B = EHS list
- Attachment C = Emergency Planning Notification to be used **only** when the facility cannot submit this online (such as for farms)
- Attachment D = Facility Out of Business form
- Example Letter 1 = Facility not on 302 List but might be subject
- Example Letter 2 = Facility on 302 List but might not be subject

If the facility does not respond to the LEPC, or needs additional information, the LEPC can ask the Michigan SARA Title III Program staff to contact the facility regarding section 302 requirements.

If the facility is subject, it can submit the notification online. If it is not subject, the facility can edit the online report to show that. *The facility should send a paper copy of the new or revised online notification to the LEPC if it is not in one of the 5 counties that can receive the reports online.* The Michigan SARA Title III Program will accept the notification in Attachment C, but the online notification is preferred.

Removing Operating Facilities from the 302 List

The *facility* representative must go online to remove an **operating** facility from the 302 List. The facility representative should check the box that reads “exempt from 302 reporting” in the online notification form. When this notification is certified online, the Michigan SARA Title III Program staff will remove the facility from the 302 List.

The only exception to this is for traditional family farms. If the LEPC has verified that the farm no longer uses or has on site an EHS, the LEPC can follow the instructions for farms (below) to remove them from the 302 List.

Removing Closed Facilities from the 302 List

An LEPC can request that the Michigan SARA Title III Program remove a **closed** facility from the 302 List if the owner or operator cannot be located, and if it is assured that there are no hazardous chemicals on the site. The LEPC may use the “Facility Out of Business” form at the end of this chapter. Alternatively, the LEPC may send an email to the Michigan SARA Title III Program stating that the facility is closed and all chemicals have been removed. The Michigan SARA Title III Program will mark the facility as “inactive.” Marking a facility inactive in the database automatically removes the facility from the 302 List as well as from the list of facilities subject to section 312 (Tier Two) reporting.

Farms

If a traditional family farm is subject to SARA Title III, it is only subject to section 302 for anhydrous ammonia fertilizer or pesticides. Such substances, when used in routine agricultural operations, are exempt from section 312 Tier Two reporting. In an effort to reduce the reporting burden for the farming community, procedures have been developed that allow the LEPC to manage their traditional farms in the online database. The LEPC can add or remove these farms from the 302 List by following the instructions that are posted on the MSP-EMHSD website:

Go to www.michigan.gov/emhdsd, click on “Hazardous Materials” in the left column, and then on “Local Hazardous Materials Planning” in the middle of the page. Scroll down to the document called “Instructions for LEPCs to add farms to Tier II Manager (T2M).”

Traditional family farms can also use the postcards that are on the back page of the MSU Extension Bulletin E-2575, Emergency Planning for the Farm, to notify the Michigan SARA Title III Program and their LEPC that they are or are not subject to section 302. This bulletin is available online at www.michigan.gov/deqemergencyplan. This bulletin contains a template for farm plans that can also be used by the LEPC for the off-site emergency plan.

Some commercial farms and orchards have anhydrous ammonia used for refrigeration or sulfuric acid used in processing. These facilities must also submit a section 312 Tier Two report and should NOT be managed online by the LEPC.

Send all requests to modify the 302 List to the Michigan SARA Title III Program

If a facility cannot edit the online section 302 notification, the Michigan SARA Title III Program can make these changes. Requests to remove closed facilities can be made by the LEPC. Requests to add, remove, or edit operating facilities must be made by the facility (unless it is a farm). All requests to modify the 302 List must be in writing. Please include your phone number or email address.

Requests can be sent by email to deq-ead-sara@michigan.gov

Chapter 6 Emergency Planning Notification

Requests can be sent by U.S. mail to:

Michigan SARA Title III Program
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957

Please do NOT send requests to modify the 302 List to the MSP-EMHSD. If the LEPC has questions regarding the 302 List, it may send an email to the above address or call the Michigan SARA Title III Program at 517-373-8481.

302 Plans

The MSP-EMHSD should receive all correspondence regarding the off-site emergency response plans that LEPCs must write for facilities on the 302 List ("302 Plans"). The MSP-EMHSD tracks completed 302 Plans and provides guidance to LEPCs for writing plans. See Chapter 7 for details.

SARA Title III
Sections 302 & 303
Emergency Planning & Notification
40 CFR Part 355

Look at the list of **extremely hazardous substances (EHSs)** in Attachment B. Does your facility have any of the EHSs on site? Keep in mind that these substances might be ingredients in products that you have. If yes, then your facility might be subject to important requirements designed to help protect you, your community and its emergency responders.

What Facilities are Subject to Emergency Planning Requirements?

A facility is subject to the emergency planning requirements in SARA Title III if it has an EHS on site in an amount equal to or greater than its **threshold planning quantity (TPQ)**. (The TPQs are in pounds and are included in Attachment B.) This amount is the total amount of an EHS present at any one time at a facility at concentrations greater than one percent (1 %) by weight, regardless of location, number of containers, or method of storage.

This regulation applies even if the chemical is on site for only a day. *There are no exemptions for emergency planning.*

Emergency Planning Notification

Under section 302, the owner or operator of a subject facility must complete an **Emergency Planning Notification** to notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) that they are subject to this requirement. The Michigan SARA Title III Program receives all notifications on behalf of the SERC.

This notification should be completed in Tier II Manager™, the online reporting program used in Michigan. The online database was populated with minimal information from the section 302 notifications that were received by the Michigan SARA Title III Program prior to January 2007. If you submitted a section 302 notification in paper copy, you should go online and edit the notification there. Be sure to certify it after you have completed modifications. This will make the revised notification available online to the Michigan SARA Title III Program and to LEPCs in participating counties.

LEPCs in the counties of Ingham, Kent, Oakland, Ottawa, and Wayne can receive your section 302 notifications online. Mail a hard copy of the completed online notification to all other LEPCs.

Go to the Michigan SARA Title III Program web site: www.michigan.gov/deqsara and click on SARA Title III Hazardous Chemical Inventory to access the online reporting program.

The Emergency Planning Notification must be submitted within 60 days after the threshold is reached. After that, you can edit and recertify its notification at any time.

The online notification includes chemical information. If you reported an EHS on your Tier Two report, and the reported amount was equal to or greater than the TPQ, you can "Select Chemical from Tier II" to import that chemical into the section 302 notification. The program will not aggregate EHS amounts. You can manually add an EHS and you can edit the amount if needed.

Edit 302 Report

[Submission Listing](#)

Section 302 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) requires that owners or operators of facilities notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) if they have on site an EHS in an amount equal to or greater than its threshold planning quantity (TPQ).

Make sure you certify the report after completing the information below.

Facility Emergency Coordinator

Name: Title:

Phone: 24 Hr Phone: Pager:

Address: City:

State: Zip:

Email: Retype Email:

Company Name:

Check here if the Facility is Exempt from 302 reporting because it is not storing any EHS chemicals which are over the TPQ

Initiated Date: 11/26/2008 3:14:50 PM

Chemical Information

Select Chemical from Tier II	Search EHS	CAS	EHS Name	EHS Quantity (lbs)	TPQ Value	Chemical Name	
		79-06-1	ACRYLAMIDE	17400	1,000/10,000	ACRYLAMIDE	Delete
		7697-37-2	NITRIC ACID	3500	1,000	NITRIC ACID	Delete
				0			Add

*The Select Chemical from Tier II lookup will only return chemicals existing in the current Tier II data identified as Extremely Hazardous Substance (EHS) with a quantity above its Threshold Planning Quantity (TPQ).

[Submission Listing](#)

If you manually add an EHS, you should select the chemical from the list that appears when you click on "Search EHS."

The notification includes the name and contact information of the Facility Emergency Coordinator. This is the person that will work with the LEPC to develop the off-site emergency response plan.

What If the Facility Is No Longer Subject?

If your facility was once subject to section 302, but has since removed or reduced to below the TPQ the EHS(s) on site, you can report this status change in the online program:

1. Delete any listed EHSs.
2. Check the box that says the facility is exempt from 302 reporting.
3. Certify the report.
4. Mail a hard copy of the revised notification to the LEPC if it cannot receive the report online.

Off - Site Emergency Response Plan

In accordance with section 303 of SARA Title III, the LEPC must write an off-site emergency response plan that addresses the protection of the community in the event that there is a release of an extremely hazardous substance from a facility subject to section 302. To meet this requirement, Michigan LEPCs typically obtain information from the Facility Emergency Coordinators to write plans for each of the facilities subject to section 302. The facility input is important because the off-site response plan must describe the procedures to be followed by the facility once a release is detected. These plans are coordinated with the county or city emergency operations plan or emergency action guidelines. The finished plans are then shared with the local emergency responders.

By law, the owner or operator must promptly provide to the LEPC any information necessary for the development or implementation of the off-site plan upon request by the LEPC. They must also inform the LEPC of any changes occurring at the facility that might be relevant to emergency planning. Reported changes might include the amount or storage location of the EHS, new chemicals, or updated facility contact information.

Related Planning Requirements

The Clean Air Act (CAA) section 112r has facility onsite emergency planning requirements that parallel the SARA Title III off-site emergency planning requirements. Many of the extremely hazardous air pollutants that trigger the development of a Risk Management Plan under the CAA section 112r are also on the SARA Title III list of extremely hazardous substances. The List of Lists (www.epa.gov/emergencies) shows which substances are on both lists. If your facility is subject to SARA Title III section 302, you might want to check the List of Lists to see if it is also potentially subject to the CAA Section 112r. If your facility has extremely hazardous air pollutants that meet or exceed the CAA threshold quantity, you can contact the DEQ Environmental Assistance Center for a referral to staff who can help you determine your requirements under the CAA regulations.

The Part 5 rules, Spillage of Oil and Polluting Materials, were promulgated pursuant to Part 31, Water Resources Protection, of Michigan's Natural Resources and Environmental Protection Act. These rules require that certain facilities develop a pollution incident prevention plan (PIPP). The PIPP can be a stand-alone plan, or it may be incorporated into an integrated contingency plan (ICP). Facilities that develop a PIPP, must notify their LEPC within 30 days after its completion that the plan is completed and that it is available upon request.

The Michigan Fire Prevention Code, Public Act 207, requires that the owners and operators of facilities provide the fire department with the quantities and locations of chemicals specified by the fire chief. The data are used by the fire chief to develop a plan for the protection of fire fighters. The chemicals that must be reported under Act 207 include all hazardous chemicals at the facility in amounts that would be of concern to a responder entering the facility.

Where can you find more emergency planning information for facilities?

On the Internet:

www.michigan.gov/degemergencyplan

The Environmental Assistance Center at
800-662-9278

The Michigan SARA Title III Program
Email: deg-ead-sara@michigan.gov

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*
108054	Acetic acid ethenyl ester	1,000
75865	Acetone cyanohydrin	1,000
1752303	Acetone thiosemicarbazide	1,000/10,000
107028	Acrolein	500
79061	Acrylamide	1,000/10,000
107131	Acrylonitrile	10,000
814686	Acrylyl chloride	100
111693	Adiponitrile	1,000
116063	Aldicarb	100/10,000
309002	Aldrin	500/10,000
107186	Allyl alcohol	1,000
107119	Allylamine	500
20859738	Aluminum phosphide	500
2763964	5-(Aminomethyl)-3-isoxazolol	500/10,000
54626	Aminopterin	500/10,000
504245	4-Aminopyridine	500/10,000
78535	Amiton	500
3734972	Amiton oxalate	100/10,000
7664417	Ammonia	500
300629	Amphetamine	1,000
62533	Aniline	1,000
88051	Aniline, 2,4,6-trimethyl-	500
7783702	Antimony pentafluoride	500
1397940	Antimycin A	1,000/10,000
86884	ANTU	500/10,000
1303282	Arsenic pentoxide	100/10,000
1327533	Arsenic trioxide	100/10,000
1327533	Arsenous oxide	100/10,000
7784341	Arsenous trichloride	500
7784421	Arsine	100
2642719	Azinphos-ethyl	100/10,000
86500	Azinphos-methyl	10/10,000
151564	Aziridine	500
75558	Aziridine, 2-methyl	10,000
98873	Benzal chloride	500
98168	Benzenamine, 3-(trifluoromethyl)-	500
98055	Benzenearsonic acid	10/10,000
100141	Benzene, 1-(chloromethyl)-4-nitro-	500/10,000
584849	Benzene, 2,4-diisocyanato-1-methyl-	500
91087	Benzene, 1,3-diisocyanato-2-methyl-	100
108985	Benzenethiol	500
3615212	Benzimidazole, 4,5-dichloro-2-(trifluoromethyl)-	500/10,000
98077	Benzoic trichloride	100
98077	Benzotrichloride	100
100447	Benzyl chloride	500
140294	Benzyl cyanide	500
15271417	Bicyclo[2.2.1]heptane-2-carbonitrile, 5-chloro-6-(((methylamino)carbonyloxyimino)-(1-alpha,2-beta,4-alpha,5-alpha,6E))-	500/10,000
1464535	2,2'-Bioxirane	500
111444	Bis(2-chloroethyl) ether	10,000
542881	Bis(chloromethyl) ether	100

CAS	EHS NAME	TPQ*
534076	Bis(chloromethyl) ketone	10/10,000
4044659	Bitoscanate	500/10,000
10294345	Borane, trichloro-	500
7637072	Borane, trifluoro-	500
10294345	Boron trichloride	500
7637072	Boron trifluoride	500
353424	Boron trifluoride compound with methyl ether (1:1)	1,000
353424	Boron, trifluoro[oxybis(methane)]-, (T-4)-	1,000
28772567	Bromadiolone	100/10,000
7726956	Bromine	500
74839	Bromomethane	1,000
4170303	2-Butenal	1,000
123739	2-Butenal, (e)-	1,000
1306190	Cadmium oxide	100/10,000
2223930	Cadmium stearate	1,000/10,000
7778441	Calcium arsenate	500/10,000
8001352	Campechlor	500/10,000
8001352	Camphene, octachloro-	500/10,000
56257	Cantharidin	100/10,000
51832	Carbachol chloride	500/10,000
26419738	Carbamic acid, methyl-, O-(((2,4-dimethyl-1,3-dithiolan-2-yl)methylene)amino)-	100/10,000
1563662	Carbofuran	10/10,000
75150	Carbon disulfide	10,000
75445	Carbonic dichloride	10
79221	Carbonochloridic acid, methylester	500
108236	Carbonochloridic acid, 1-methylethyl ester	1,000
109615	Carbonochloridic acid, propylester	500
786196	Carbophenothion	500
57749	Chlordane	1,000
470906	Chlorfenvinfos	500
7782505	Chlorine	100
24934916	Chlormephos	500
999815	Chlormequat chloride	100/10,000
79118	Chloroacetic acid	100/10,000
107073	Chloroethanol	500
627112	Chloroethyl chloroformate	1,000
67663	Chloroform	10,000
542881	Chloromethyl ether	100
107302	Chloromethyl methyl ether	100
3691358	Chlorophacinone	100/10,000
542767	3-Chloropropionitrile	1,000
1982474	Chloroxuron	500/10,000
21923239	Chlorthiophos	500
10025737	Chromic chloride	1/10,000
10210681	Cobalt carbonyl	10/10,000
62207765	Cobalt, ((2,2'-(1,2-ethanediybis(nitrilomethylidyne))bis(6-fluorophenylato))(2-)-N,N',O,O')-	100/10,000
64868	Colchicine	10/10,000
56724	Coumaphos	100/10,000

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*	CAS	EHS NAME	TPQ*
5836293	Coumatetralyl	500/10,000	88857	Dinoseb	100/10,000
95487	o-Cresol	1,000/10,000	1420071	Dinoterb	500/10,000
535897	Crimidine	100/10,000	78342	Dioxathion	500
4170303	Crotonaldehyde	1,000	82666	Diphacinone	10/10,000
123739	Crotonaldehyde, (E)-	1,000	152169	Diphosphoramidate, octamethyl-	100
12002038	Cupric acetoarsenite	500/10,000	298044	Disulfoton	500
506683	Cyanogen bromide	500/10,000	514738	Dithiazanine iodide	500/10,000
506785	Cyanogen iodide	1,000/10,000	541537	Dithiobiuret	100/10,000
2636262	Cyanophos	1,000	541537	2,4-Dithiobiuret	100/10,000
675149	Cyanuric fluoride	100	316427	Emetine, dihydrochloride	1/10,000
108918	Cyclohexanamine	10,000	115297	Endosulfan	10/10,000
58899	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1.alpha.,2.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-	1,000/10,000	2778043	Endothion	500/10,000
66819	Cycloheximide	100/10,000	72208	Endrin	500/10,000
108918	Cyclohexylamine	10,000	106898	Epichlorohydrin	1,000
17702419	Decaborane(14)	500/10,000	2104645	EPN	100/10,000
8065483	Demeton	500	50146	Ergocalciferol	1,000/10,000
919868	Demeton-S-methyl	500	379793	Ergotamine tartrate	500/10,000
10311849	Dialifor	100/10,000	107153	1,2-Ethanediamine	10,000
19287457	Diborane	100	79210	Ethaneperoxy acid	500
19287457	Diborane(6)	100	1622328	Ethanesulfonyl chloride, 2-chloro-	500
110576	trans-1,4-Dichloro-2-butene	500	505602	Ethane, 1,1'-thiobis[2-chloro-	500
110576	trans-1,4-Dichlorobutene	500		Ethanimidothioic acid, N-[[methylamino)carbonyl]	500/10,000
111444	Dichloroethyl ether	10,000	10140871	Ethanol, 1,2-dichloro-, acetate	1,000
542881	Dichloromethyl ether	100	563122	Ethion	1,000
149746	Dichloromethylphenylsilane	1,000	13194484	Ethoprop	1,000
696286	Dichlorophenylarsine	500	13194484	Ethoprophos	1,000
62737	Dichlorvos	1,000	538078	Ethylbis(2-chloroethyl)amine	500
141662	Dicrotophos	100	107120	Ethyl cyanide	500
1464535	Diepoxybutane	500	107153	Ethylenediamine	10,000
814493	Diethyl chlorophosphate	500	371620	Ethylene fluorohydrin	10
297972	O,O-Diethyl O-pyrazinyl phosphorothioate	500	151564	Ethyleneimine	500
71636	Digitoxin	100/10,000	75218	Ethylene oxide	1,000
2238075	Diglycidyl ether	1,000	542905	Ethylthiocyanate	10,000
20830755	Digoxin	10/10,000	22224926	Fenamiphos	10/10,000
115264	Dimefox	500	115902	Fensulfothion	500
309002	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-	500/10,000	4301502	Fluenetil	100/10,000
60515	Dimethoate	500/10,000	7782414	Fluorine	500
2524030	Dimethyl chlorothiophosphate	500	640197	Fluoroacetamide	100/10,000
75785	Dimethyldichlorosilane	500	144490	Fluoroacetic acid	10/10,000
57147	1,1-Dimethyl hydrazine	1,000	62748	Fluoroacetic acid, sodium salt	10/10,000
57147	Dimethylhydrazine	1,000	359068	Fluoroacetyl chloride	10
99989	Dimethyl-p-phenylenediamine	10/10,000	51218	Fluorouracil	500/10,000
2524030	Dimethyl phosphorochloridothioate	500	944229	Fonofos	500
77781	Dimethyl sulfate	500	50000	Formaldehyde	500
644644	Dimetilan	500/10,000	107164	Formaldehyde cyanohydrin	1,000
88857	Dinitrobutyl phenol	100/10,000	23422539	Formetanate hydrochloride	500/10,000
534521	4,6-Dinitro-o-cresol	10/10,000	2540821	Formothion	100
534521	Dinitrocresol	10/10,000	17702577	Formparanate	100/10,000
			21548323	Fosthietan	500
			3878191	Fuberidazole	100/10,000
			110009	Furan	500
			13450903	Gallium trichloride	500/10,000

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*
58899	Hexachlorocyclohexane (gamma isomer)	1,000/10,000
77474	Hexachlorocyclopentadiene	100
4835114	Hexamethylenediamine, N,N'-dibutyl-	500
302012	Hydrazine	1,000
57147	Hydrazine, 1,1-dimethyl-	1,000
60344	Hydrazine, methyl-	500
74908	Hydrocyanic acid	100
7664393	Hydrofluoric acid	100
7647010	Hydrogen chloride (gas only)	500
74908	Hydrogen cyanide	100
7664393	Hydrogen fluoride	100
7722841	Hydrogen peroxide (Conc.> 52%)	1,000
7783075	Hydrogen selenide	10
7783064	Hydrogen sulfide	500
123319	Hydroquinone	500/10,000
13463406	Iron carbonyl (Fe(CO) ₅), (TB-5-11)-	100
13463406	Iron, pentacarbonyl-	100
297789	Isobenzan	100/10,000
78820	Isobutyronitrile	1,000
102363	Isocyanic acid, 3,4-dichlorophenyl ester	500/10,000
465736	Isodrin	100/10,000
55914	Isofluorophate	100
4098719	Isophorone diisocyanate	500
108236	Isopropyl chloroformate	1,000
119380	Isopropylmethylpyrazolyl dimethylcarbamate	500
556616	Isothiocyanatomethane	500
78977	Lactonitrile	1,000
21609905	Leptophos	500/10,000
541253	Lewisite	10
58899	Lindane	1,000/10,000
7580678	Lithium hydride	100
109773	Malononitrile	500/10,000
12108133	Manganese, tricarbonyl methylcyclopentadienyl	100
51752	Mechlorethamine	10
950107	Mephosfolan	500
2032657	Mercaptodimethur	500/10,000
1600277	Mercuric acetate	500/10,000
7487947	Mercuric chloride	500/10,000
21908532	Mercuric oxide	500/10,000
10476956	Methacrolein diacetate	1,000
760930	Methacrylic anhydride	500
126987	Methacrylonitrile	500
920467	Methacryloyl chloride	100
30674807	Methacryloyloxyethyl isocyanate	100
10265926	Methamidophos	100/10,000
62759	Methanamine, N-methyl-N-nitroso-	1,000
107302	Methane, chloromethoxy-	100
624839	Methane, isocyanato-	500
542881	Methane, oxybis[chloro-	100
594423	Methanesulfonyl chloride, trichloro-	500

CAS	EHS NAME	TPQ*
558258	Methanesulfonyl fluoride	1,000
509148	Methane, tetranitro-	500
74931	Methanethiol	500
67663	Methane, trichloro-	10,000
57749	4,7-Methanoindan, 1,2,3,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	1,000
950378	Methidathion	500/10,000
2032657	Methiocarb	500/10,000
16752775	Methomyl	500/10,000
151382	Methoxyethylmercuric acetate	500/10,000
74839	Methyl bromide	1,000
80637	Methyl 2-chloroacrylate	500
79221	Methyl chlorocarbonate	500
79221	Methyl chloroformate	500
60344	Methyl hydrazine	500
624839	Methyl isocyanate	500
556616	Methyl isothiocyanate	500
75865	2-Methylactonitrile	1,000
74931	Methyl mercaptan	500
502396	Methylmercuric dicyanamide	500/10,000
298000	Methyl parathion	100/10,000
3735237	Methyl phenkapton	500
676971	Methyl phosphonic dichloride	100
556649	Methyl thiocyanate	10,000
75796	Methyltrichlorosilane	500
78944	Methyl vinyl ketone	10
1129415	Metolcarb	100/10,000
7786347	Mevinphos	500
315184	Mexacarbate	500/10,000
50077	Mitomycin C	500/10,000
6923224	Monocrotophos	10/10,000
2763964	Muscimol	500/10,000
505602	Mustard gas	500
13463393	Nickel carbonyl	1
54115	Nicotine	100
65305	Nicotine sulfate	100/10,000
7697372	Nitric acid	1,000
10102439	Nitric oxide	100
98953	Nitrobenzene	10,000
1122607	Nitrocyclohexane	500
10102440	Nitrogen dioxide	100
10102439	Nitrogen oxide (NO)	100
62759	N-Nitrosodimethylamine	1,000
62759	Nitrosodimethylamine	1,000
991424	Norbormide	100/10,000
0	Organorhodium Complex (PMN-82-147)	10/10,000
630604	Ouabain	100/10,000
23135220	Oxamyl	100/10,000
78717	Oxetane, 3,3-bis(chloromethyl)-	500
75218	Oxirane	1,000
106898	Oxirane, (chloromethyl)-	1,000
75569	Oxirane, methyl-	10,000
2497076	Oxydisulfoton	500

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*
10028156	Ozone	100
1910425	Paraquat dichloride	10/10,000
2074502	Paraquat methosulfate	10/10,000
56382	Parathion	100
298000	Parathion-methyl	100/10,000
12002038	Paris green	500/10,000
19624227	Pentaborane	500
2570265	Pentadecylamine	100/10,000
79210	Peracetic acid	500
594423	Perchloromethyl mercaptan	500
108952	Phenol	500/10,000
64006	Phenol, 3-(1-methylethyl)-, methylcarbamate	500/10,000
4418660	Phenol, 2,2'-thiobis[4-chloro-6-methyl-	100/10,000
58366	Phenoxarsine, 10,10'-oxydi-	500/10,000
696286	Phenyl dichloroarsine	500
59881	Phenylhydrazine hydrochloride	1,000/10,000
62384	Phenylmercuric acetate	500/10,000
62384	Phenylmercury acetate	500/10,000
2097190	Phenylsilatrane	100/10,000
103855	Phenylthiourea	100/10,000
298022	Phorate	10
4104147	Phosacetim	100/10,000
947024	Phosfolan	100/10,000
75445	Phosgene	10
13171216	Phosphamidon	100
7803512	Phosphine	500
2703131	Phosphonothioic acid, methyl-, O-ethyl O-(4-(methylthio)phenyl) ester	500
50782699	Phosphonothioic acid, methyl-, S-(2-(bis(1-methylethyl)amino)ethyl) O-ethyl ester	100
2665307	Phosphonothioic acid, methyl-, O-(4-nitrophenyl) O-phenyl ester	500
62737	Phosphoric acid, 2-dichloroethyl dimethyl ester	1,000
3254635	Phosphoric acid, dimethyl 4-(methylthio) phenyl ester	500
13194484	Phosphorodithioic acid O-ethyl S,S-dipropyl ester	1,000
56382	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	100
2587908	Phosphorothioic acid, O,O-dimethyl-5-(2-(methylthio)ethyl)ester	500
7719122	Phosphorous trichloride	1,000
7723140	Phosphorus	100
10025873	Phosphorus oxychloride	500
10026138	Phosphorus pentachloride	500
7719122	Phosphorus trichloride	1,000
10025873	Phosphoryl chloride	500
57476	Physostigmine	100/10,000
57647	Physostigmine, salicylate (1:1)	100/10,000
124878	Picrotoxin	500/10,000
110894	Piperidine	1,000
23505411	Pirimifos-ethyl	1,000

CAS	EHS NAME	TPQ*
75741	Plumbane, tetramethyl-	100
10124502	Potassium arsenite	500/10,000
151508	Potassium cyanide	100
506616	Potassium silver cyanide	500
2631370	Promecarb	500/10,000
107120	Propanenitrile	500
78820	Propanenitrile, 2-methyl-	1,000
106967	Propargyl bromide	10
107028	2-Propenal	500
107119	2-Propen-1-amine	500
107131	2-Propenenitrile	10,000
126987	2-Propenenitrile, 2-methyl-	500
107186	2-Propen-1-ol	1,000
814686	2-Propenoyl chloride	100
57578	beta-Propiolactone	500
107120	Propionitrile	500
542767	Propionitrile, 3-chloro-	1,000
70699	Propiophenone, 4'-amino	100/10,000
109615	Propyl chloroformate	500
75558	Propyleneimine	10,000
75569	Propylene oxide	10,000
2275185	Prothoate	100/10,000
129000	Pyrene	1,000/10,000
504245	Pyridine, 4-amino-	500/10,000
140761	Pyridine, 2-methyl-5-vinyl-	500
1124330	Pyridine, 4-nitro-, 1-oxide	500/10,000
53558251	Pyriminil	100/10,000
14167181	Salcomine	500/10,000
107448	Sarin	10
7783008	Selenious acid	1,000/10,000
7791233	Selenium oxychloride	500
563417	Semicarbazide hydrochloride	1,000/10,000
3037727	Silane, (4-aminobutyl)diethoxymethyl-	1,000
75774	Silane, chlorotrimethyl-	1,000
75785	Silane, dichlorodimethyl-	500
75796	Silane, trichloromethyl-	500
7631892	Sodium arsenate	1,000/10,000
7784465	Sodium arsenite	500/10,000
26628228	Sodium azide (Na(N3))	500
124652	Sodium cacodylate	100/10,000
143339	Sodium cyanide (Na(CN))	100
62748	Sodium fluoroacetate	10/10,000
13410010	Sodium selenate	100/10,000
10102188	Sodium selenite	100/10,000
10102202	Sodium tellurite	500/10,000
900958	Stannane, acetoxyltriphenyl-	500/10,000
57249	Strychnine	100/10,000
60413	Strychnine, sulfate	100/10,000
3689245	Sulfotep	500
3569571	Sulfoxide, 3-chloropropyl octyl	500
7446095	Sulfur dioxide	500
7783600	Sulfur fluoride (SF4), (T-4)-	100
7664939	Sulfuric acid	1,000

SARA Title III EXTREMELY HAZARDOUS SUBSTANCES

CAS	EHS NAME	TPQ*
7783600	Sulfur tetrafluoride	100
7446119	Sulfur trioxide	100
77816	Tabun	10
7783804	Tellurium hexafluoride	100
107493	TEPP	100
13071799	Terbufos	100
3689245	Tetraethyldithiopyrophosphate	500
78002	Tetraethyl lead	100
107493	Tetraethyl pyrophosphate	100
597648	Tetraethyltin	100
75741	Tetramethyllead	100
509148	Tetranitromethane	500
6533739	Thallium(I) carbonate	100/10,000
7791120	Thallium chloride TlCl	100/10,000
7446186	Thallium(I) sulfate	100/10,000
10031591	Thallium sulfate	100/10,000
6533739	Thallos carbonate	100/10,000
7791120	Thallos chloride	100/10,000
2757188	Thallos malonate	100/10,000
7446186	Thallos sulfate	100/10,000
2231574	Thiocarbazide	1,000/10,000
556649	Thiocyanic acid, methyl ester	10,000
39196184	Thiofanox	100/10,000
74931	Thiomethanol	500
297972	Thionazin	500
108985	Thiophenol	500
79196	Thiosemicarbazide	100/10,000
5344821	Thiourea, (2-chlorophenyl)-	100/10,000
614788	Thiourea, (2-methylphenyl)-	500/10,000
86884	Thiourea, 1-naphthalenyl-	500/10,000
7550450	Titanium chloride (TiCl ₄) (T-4)-	100

CAS	EHS NAME	TPQ*
7550450	Titanium tetrachloride	100
584849	Toluene-2,4-diisocyanate	500
91087	Toluene-2,6-diisocyanate	100
8001352	Toxaphene	500/10,000
1031476	Triamiphos	500/10,000
24017478	Triazofos	500
76028	Trichloroacetyl chloride	500
1558254	Trichloro(chloromethyl)silane	100
27137855	Trichloro(dichlorophenyl)silane	500
115219	Trichloroethylsilane	500
594423	Trichloromethanesulfonyl chloride	500
327980	Trichloronate	500
98135	Trichlorophenylsilane	500
998301	Triethoxysilane	500
75774	Trimethylchlorosilane	1,000
824113	Trimethylolpropane phosphite	100/10,000
1066451	Trimethyltin chloride	500/10,000
639587	Triphenyltin chloride	500/10,000
555771	Tris(2-chloroethyl)amine	100
2001958	Valinomycin	1,000/10,000
1314621	Vanadium pentoxide	100/10,000
108054	Vinyl acetate	1,000
108054	Vinyl acetate monomer	1,000
81812	Warfarin	500/10,000
129066	Warfarin sodium	100/10,000
28347139	Xylylene dichloride	100/10,000
58270089	Zinc, dichloro(4,4-dimethyl-5(((methylamino)carbonyl)oxy)imino)pentanenitrile)-, (T-4)-	100/10,000
1314847	Zinc phosphide	500

*TPQ = Threshold Planning Quantity in **pounds**. For some solid chemicals, there are two TPQs (e.g. 500/10,000). The lower TPQ applies to solids in powder form, in solution, or in molten form.

**SARA Title III – Section 302
Emergency Planning Notification**

Use this form ONLY if you cannot submit this notification online in Tier II Manager™.

SARA ID (if one has been assigned by the Michigan SARA Title III Program): _____

Facility Name: _____

Facility Address: _____

City: _____ Zip Code: _____

County: _____

Facility Emergency Coordinator: _____

(who will participate in the local emergency planning process as a facility emergency response coordinator)

Emergency Coordinator Telephone: _____

Emergency Coordinator Address (if different from facility address): _____

CHECK ONE:

I have determined that the above facility **does not** have on site an Extremely Hazardous Substance as defined by SARA Title III above the threshold planning quantity and, therefore, **is not** subject to section 302 of the law.

I have determined that the above facility **does** have on site an Extremely Hazardous Substance as defined by SARA Title III, _____, (chemical name(s))

above the threshold planning quantity, and therefore **is** subject to section 302 of the law. In accordance with the law, the owner or operator of this facility shall: (1) inform the Local Emergency Planning Committee (LEPC) of any changes occurring at this facility that might be relevant to emergency planning; and (2) upon request of the LEPC, promptly provide to the LEPC any information necessary for development or implementation of the local emergency plan.

Legible Signature

Title

Date

Please return to:
Michigan SARA Title III Program
Department of Environmental Quality
P.O. Box 30457
Lansing, Michigan 48909-7957
517-373-8481
And Your LEPC

SARA Title III - Section 302 FACILITY OUT OF BUSINESS

*This form may be used by an LEPC to remove a facility from the section 302 List **only** if the facility is **out of business**.**

In accordance with section 302 of SARA Title III, facilities that have extremely hazardous substances on site in amounts equal to or exceeding the threshold planning quantity must notify the SERC and LEPC that they are subject to Emergency Planning. When these facilities go out of business, they sometimes fail to notify the SERC and LEPC that they are no longer subject to section 302. In that situation, if the fire department or LEPC verifies that the facility is **out of business** and the *extremely hazardous chemicals have been removed from the site*, the LEPC may request that the facility be removed from the 302 List that is maintained by the Michigan SARA Title III Program in the DEQ.

The following facility at the noted location is out of business and the extremely hazardous chemicals have been removed from the site. Please remove this facility from the list of facilities subject to section 302 Emergency Planning Notification.

SARA ID No.: _____

Facility Name: _____

Facility Address: _____

Facility City: _____

Submitted by: _____ County/City
Local Emergency Planning Committee

Print & Sign Name: _____
LEPC Chairperson **or** Emergency Coordinator **or** Fire Department Personnel

Date: _____

Please return to:
Michigan SARA Title III Program
Department of Environmental Quality
P.O. Box 30457
Lansing, MI 48909-7957

Or [email deg-ead-sara@michigan.gov](mailto:deg-ead-sara@michigan.gov) (*NOTE: Facilities that are still in business must submit their own certification that they are no longer subject to section 302 Emergency Planning Notification requirements.)

Chapter 6 Emergency Planning Notification

Date

Contact Name

Facility Name

Facility Address

City, State, Zip

Dear Contact Name:

Thank you for submitting your facility's Tier Two Emergency and Hazardous Chemical Inventory ("Tier Two") report required under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) section 312. Based on information provided in this report, your facility might also be subject to "emergency planning notification" as described in section 302 of SARA Title III (see Attachment A).

(*Chemical name*) is an extremely hazardous substance (EHS) and is listed on your Tier Two report. Section 302 of SARA Title III applies to facilities that have an EHS on site in an amount that equals or exceeds its threshold planning quantity (TPQ) (see Attachment B).

Please review your chemical inventory to determine whether or not your facility is subject to section 302 of SARA Title III. Then [*choose one of the following*]

- a) complete the SARA Title III section 302 "Emergency Planning Notification" online and mail a paper copy of the completed form to the (*LEPC name*) by **DATE**.
- b) complete the enclosed SARA Title III section 302 "Emergency Planning Notification" (Attachment C) and return it to the (*LEPC name*) and the Michigan SARA Title III Program in the Department of Environmental Quality by **DATE**.

If you have recently submitted this notification, please contact us at the number below so that we can verify receipt.

For details of the SARA Title III reporting requirements, including how to report online, you may contact the Michigan SARA Title III Program at 517-373-8481, or visit their web site at www.michigan.gov/deqsara. If you have any questions regarding this request, please call (*name*) at (*number*) or send an email to (*email address*).

Sincerely,

Attachments

cc Michigan SARA Title III Program

Chapter 6 Emergency Planning Notification

Date

Contact Name

Facility Name

Facility Address

City, State, Zip

Dear Environmental Coordinator:

According to records held by the Michigan SARA Title III Program, your facility is subject to the “emergency planning notification” requirements described in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) section 302. This regulation applies to facilities that have an extremely hazardous substance (EHS) on site in an amount that equals or exceeds its threshold planning quantity (TPQ). Refer to Attachments A & B for a description of the regulation and a list of the EHSs and their TPQs.

We are requesting at this time that you provide to us updated information for your facility. Please review your chemical inventory to determine whether or not your facility is still subject to section 302 of SARA Title III. Then [choose one of the following]

- a) complete the SARA Title III section 302 “Emergency Planning Notification” online and mail a paper copy of the completed form to the (*LEPC name*) by **DATE**.
- b) complete the enclosed SARA Title III section 302 “Emergency Planning Notification” (Attachment C) and return it to the (*LEPC name*) and the Michigan SARA Title III Program in the Department of Environmental Quality by **DATE**.

For details of the SARA Title III reporting requirements, including how to report online, you may contact the Michigan SARA Title III Program at 517-373-8481, or visit their web site at www.michigan.gov/deqsara. If you have any questions regarding this request, please call (*name*) at (*number*) or send an email to (*email address*).

Sincerely,

Attachments

cc Michigan SARA Title III Program

CHAPTER SEVEN Planning Requirements

Section 303 of SARA Title III requires that Local Emergency Planning Committees develop a comprehensive emergency response plan. The law lists nine elements that, at a minimum, must be included in this plan.

In Michigan a two-phased approach to planning is used:

- The LEPC should coordinate its planning with the existing emergency operations plan or emergency action guideline (EOP/EAG), maintained by the local emergency management coordinator. Of the required elements, those common to all sites should be included in the emergency operations plan.
- The LEPC should develop off-site procedures for each facility to address the required elements that are unique to each site and work with the local emergency management coordinator to make sure that all the off-site community response plans developed by the LEPC are incorporated into the local jurisdiction's EOP.

LEPC Tasks

- 1. Develop a good working relationship between the LEPC and the local fire departments.**
The local fire departments have similar planning responsibilities under the Michigan Firefighter Right-To-Know Law and MIOSHA HAZWOPER regulations. They have already collected much information about the hazards in the community. Also, fire departments are the first responders to a hazardous material incident and therefore must be involved in emergency response planning.
- 2. Develop a good working relationship between the LEPC and local emergency management coordinators.** Each county and many larger cities and townships have appointed local emergency management coordinators. The LEPC should get to know these persons. A list of these coordinators is available through the Department of State Police, Emergency Management and Homeland Security Division. The local coordinator is responsible for the development of the local EOP/EAG, the document the LEPC needs to build on in accomplishing its planning responsibilities. As with the fire departments, the local coordinator has already compiled much information about the hazards in the community and its response procedures.
- 3. Develop a good working relationship with the facility coordinators.** Each site for which planning is necessary is required to name a facility coordinator. These persons are obligated to participate in the planning process. They must inform the LEPC of any changes occurring at the facility and provide information that the LEPC requests as necessary for developing and implementing the plan.
- 4. Research community capabilities.** The LEPC should become familiar with existing resources and expertise. This should entail gathering information from the emergency management coordinator, local health department, fire departments, industrial groups, hospitals and EMS organizations and hazardous material response teams. The LEPC needs to have a good background on local hazardous material incident response capabilities before

the development of procedures can take place. In addition, the LEPC should be informed on the response procedures of state and federal agencies.

5. **Review and update, if necessary, the community resource manual.** One of the elements listed in the law requires that the LEPC identify resources that can be used during a hazardous material response. The local emergency management coordinator is responsible for maintaining a comprehensive list of resources in the community. The LEPC should review this list and make suggestions for revision, as necessary, based on the information it acquired in step 4. Section 303 (b) of the law requires that the LEPC evaluate the need for additional resources and recommend a means for providing them. The resource list also should contain sources of other resources which are not necessarily available in the community, but which may be needed during a response. Once the LEPC has reviewed the resource list it must decide the best place to list resources. It can simply reference the resource list itself if it feels it adequately meets the responders' needs. Or, the LEPC may choose to insert a specific list in each site-specific procedure it develops.
6. **Review and suggest revisions, if necessary, to the Emergency Operations Plan/ Emergency Action Guideline.** The local emergency management coordinator should have developed a hazardous material incident response section within the community's EOP/EAG. The LEPC should review this section, suggest revisions as necessary based on the information it has collected in step 4, above, and develop the site-specific procedures based on the general policy found in the EOP/EAG. It is the local emergency management coordinator's responsibility to keep the EOP/EAG up to date.
7. **Obtain a copy of the Section 302 list.** SARA Title III, Section 302 requires that facilities with one or more "extremely hazardous substance" above a certain threshold amount make notification to the Michigan Citizen-Community Emergency Response Coordinating Council. The Department of Environmental Quality maintains this listing for the Council. The list is updated continuously as new sites are added and previously listed sites are removed. The LEPC should contact the DEQ if it is aware of errors or omissions. See Chapter 5 for the list of extremely hazardous substances and each threshold planning quantity. All facilities, farms, private industry, and sites owned by public agencies are subject to this reporting requirement. These are the facilities for which the LEPC must develop off-site procedures.
8. **Compile existing information about facilities.** The first thing the LEPC should do when beginning to plan is to acquire information from the fire departments. Each fire department is required to perform a survey of each site in the community at which chemicals are located. The LEPC should look at these surveys and sort out the Section 302 sites from them. They should use this information for preliminary planning. The LEPC will need additional information and it can develop its own survey form to send to facilities in the community, as described in step 9. The Section 302 sites are the high priority planning sites for which LEPC planning is required.
9. **Develop facility questionnaires.** Develop a form asking for the additional information needed. The LEPC may choose to develop one form for industrial sites and another for farms. A sample questionnaire is included in this chapter. The LEPC has the authority to request any information it feels it needs in accomplishing its duties. This is authorized in SARA Title III, Section 303 (d).
10. **Send out questionnaires.** Use the most current DEQ computer printout of Section 302 facilities as a mailing list. This printout is compiled using the information reported by these facilities. Some items on the printout may be outdated since there is no requirement for update reporting. Before the LEPC sends out the questionnaires it should verify the list. The DEQ list also includes the name of a facility coordinator. This coordinator is required to be appointed by the facility as a contact for LEPCs. This name should also be verified. Report new information to the DEQ.

- 11. Perform community outreach.** Use the fire department surveys and other knowledge of the community to identify other facilities that may be subject to the reporting requirements. The LEPC can make direct contact with these facilities, or the DEQ will send a letter of inquiry if requested by an LEPC. A facility may be unaware of its reporting requirements under Section 302. Use this opportunity to provide information to the DEQ for updating the official Section 302 list. In jurisdictions where there are farms that may have EHSs on site, the Michigan State University Extension program and the Michigan Department of Agriculture's Michigan Emergency Tube program have partnered with the EMHSD to provide farmers guidance on emergency planning for the farm. Extension Bulletin E-2575 was developed and is available, for a nominal fee, for use in developing farm plans. This document, once completed, provides the LEPC with nearly all the information it needs to complete an off-site response plan for applicable farms. Local MSU Extension offices and the Department of Agriculture's Environmental Stewardship Division (517-373-3328) can be contacted for additional information.
- 12. Perform a vulnerability analysis for each facility.** Using the survey and other information, figure the worst case incident scenario that could occur at each of these facilities. Or, instead of using a worst case scenario, the LEPC may want to modify its results based on the "most probable" incident.
- 13. Rank the facilities.** Once a vulnerability analysis has been completed for each facility, the LEPC should study the results and rank the facilities, starting with the one that poses the greatest risk to public health and safety. One facility should be identified as the first facility for which an off-site site-specific procedure will be developed. Ideally, this should be the facility that poses the greatest threat.
- 14. Call together the relevant parties.** At a minimum, the fire chief of the jurisdiction in which the site is located, the facility emergency coordinator, and the local emergency management coordinator should be involved with the LEPC in developing the site-specific procedure. These are the primary response entities. They must have input into developing the plan since they will be the ones who must use it. It is also recommended to call on the chief executive of the jurisdiction to brief this person on the project and gain support.
- 15. Become familiar with plan review standards.** "SARA Title III Plan Submittal Procedures" contains plan standards and is available upon request from the Michigan State Police, Emergency Management and Homeland Security Division. This information can also be found on State Police website: www.michigan.gov/emhsd. The Michigan Citizen-Community Emergency Response Coordinating Council is required to review all plans which are developed.
- 16. Begin developing a model plan for a facility.** The Guidance For Community Hazmat Response Plans, EMHSD PUB-308, may be used as a guide in developing off-site plans. The format contained in this workbook is not required; it is provided simply for guidance. The LEPC should decide on content and format and proceed accordingly.
- 17. Divide up the work.** The LEPC can write the site-specific procedure in a number of ways. It can divide into subcommittees and assign a portion of the procedure to each subcommittee. Or, it can assign one person to write it with review and revision privileges retained by the LEPC. In any case, it must be remembered that the intent of the law is to have all parties who may be involved in the response participate in the writing of the plan.
- 18. Coordinate with other jurisdictions.** The law requires that procedures be included for coordinating with other jurisdictions when the vulnerability zone overlaps jurisdictional boundaries. The LEPC may need to hold a joint meeting with another LEPC to work out issues of direction and control, protective action orders, etc.
- 19. Exercise the plan.** It is recommended that the LEPC hold an exercise after it has developed a draft of the site-specific procedure. Often problems with a plan do not become apparent until

its use is attempted. An exercise tests the plan. Any exercise should be coordinated with the local emergency manager. An exercise can be simple or complex. See Chapter 10 for details.

- 20. Get the plan signed.** The site-specific procedure should be signed by several parties, as shown on the sample title page in the [Guidance For Community Hazmat Response Plans](#), EMHSD PUB-308. This signifies that these persons have participated in the plan's development and, more importantly, that they agree with the procedures contained within it.
- 21. Submit the plan to the Michigan Citizen-Community Emergency Response Coordinating Council.** When the LEPC is satisfied that the site-specific procedure is adequate, it submits it to the Council. This is done using the plan submittal sheet and the plan review guide. Both must be completed before submittal. The site-specific procedure is sent to the Department of State Police, Emergency Management and Homeland Security Division District Coordinator. The District Coordinator reviews the plan with emphasis on the emergency operations plan/emergency action guideline (EOP/EAG). The district coordinator then forwards the plan to the Emergency Management and Homeland Security Division central office for further review of the site-specific procedure. The Council reviews and comments on the plans but the Council has no authority to "approve" plans.
- 22. Incorporate comments.** The LEPC should consider the comments as helpful tools for improving its plan. It can incorporate changes to the plan immediately or wait until the next annual review cycle.
- 23. Annually review and update the plan.** Section 303 (a) of SARA Title III requires the LEPC to review its plans annually, or more frequently if changes occur. It is recommended, at a minimum, that the LEPC annually review the emergency operations plan/emergency action guidelines that incorporate the LEPC's off-site community response plan(s). This should be done with the emergency management coordinator, fire chief, and facility emergency coordinator. Suggested changes can then be included in the EOP/EAG and/or the site-specific procedures.
- 24. Request RRT review.** The LEPC may request that the Regional Response Team, co-chaired by the EPA and the U.S. Coast Guard, review and comment on its plans. This is done by submitting the plan through the Michigan Citizen-Community Emergency Response Coordinating Council with this request attached.
- 25. Give Public Notice and Hold a Meeting.** The LEPC must publish a notice stating that the plan is available for review. It must also hold a public meeting to discuss the plan. The LEPC should incorporate comments from these sources into the plan.

LOCAL EMERGENCY PLANNING COMMITTEE FACILITY QUESTIONNAIRE

INTRODUCTION

Each facility that has reported an Extremely Hazardous Substance (EHS) in an amount which exceeds its Threshold Planning Quantity (TPQ) as outlined in Section 302 of SARA Title III is being asked to complete this document. The questionnaire should benefit your internal emergency planning and will be the first step in a cooperative planning process involving your facility, the local fire department and the Local Emergency Planning Committee.

Please complete this document and return to:

I. FACILITY IDENTIFICATION

A. Facility Name:

B. Dept./Division where hazardous materials are kept:

C. Street Address:

D. Between Cross Streets: _____ and _____

E. City: _____ Zip Code _____

F. Township: _____ Section # _____

G. Facility Owner/Manager: _____ Office Phone: _____

H. Facility Emergency Coordinator, Alternate, and Phone Numbers

1. Coordinator Name:

Home Phone: _____ Office: _____

24 Hour Phone: _____

2. Alternate Name:

Home Phone: _____ Office: _____

I. Nature of Business: ___ Manufacturing ___ Storage ___ Retail Sales ___ Agriculture

___ Other

II. CHEMICAL INFORMATION

A. EHS Chemical Inventory

CHEMICAL INVENTORY - Extremely Hazardous Substances

<u>CAS #</u>	<u>Chemical Name</u>	<u>Storage Location</u>	<u>Method of Storage</u>	<u>Average Amount</u>	<u>Maximum Amount</u>	<u>Frequency/ Method of Shipment</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

B. Other Chemical Inventory

CHEMICAL INVENTORY - Other Chemicals of Concern

<u>CAS #</u>	<u>Chemical Name</u>	<u>Storage Location</u>	<u>Method of Storage</u>	<u>Average Amount</u>	<u>Maximum Amount</u>	<u>Frequency/ Method of Shipment</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

C. Chemical Location Map

Include a facility map(s) illustrating buildings and chemical locations within the buildings.

III. CHEMICAL RELEASE DETECTION AND PROCEDURES

Describe facility methods for detecting a release and the procedures followed once a release has been detected.

1. Include equipment (automatic sensors, etc.) that has been installed, or describe the method used to detect releases, e.g., sight and smell by employees or security.

Chapter 7: Planning Requirements

2. Include personnel that have this as one of their duties (i.e., security patrols, etc.). Describe the training they have had, their capabilities, 24 hour operations, the procedures they follow, etc.
3. Describe the steps that take place at the facility once a release has been detected. Who is notified? What does this person do? Etc.

IV. OTHER FACILITIES THAT MAY CONTRIBUTE ADDITIONAL RISK

List other facilities nearby which store or manufacture hazardous substances that may be affected by a release causing the situation to escalate.

A. Name of Facility:

B. Address:

C. Telephone Number:
(____) _____

D. Facility Emergency Coordinator:

E. Distance from primary facility:

F. Conditions that may cause additional risk (*fire, runoff, and incompatible substances*):

V. OTHER AREAS OF CONCERN

List other areas, structures, etc., such as water intakes, storm drains, environmentally sensitive areas, rivers, etc., which could contribute additional risk or be subject to risk due to an incident at this site.

A. Utilities

1. Gas Lines _____

2. Electric _____

3. Water Lines _____

4. Sanitary Sewers

5. Storm Sewers _____

6. Water Supply Reservoirs

Chapter 7: Planning Requirements

B. Natural Amenities

1. Lakes or Streams _____

2. Parks _____

3. Other (schools, daycare centers, adult foster care homes, nursing homes, etc.) _____

C. Artificial Amenities

1. Shopping Malls _____

2. Hotels _____

3. Highways or Public Transportation _____

4. Railroads _____

5. Airports _____

6. Other Industries _____

7. Other _____

VI. RESPONSE PROCEDURES

Describe briefly the procedures the facility will implement in the event of a release.

VII. NOTIFICATION

A. Describe employee alert and warning procedures.

B. Describe any public alert and warning equipment and procedures available.

C. Describe any ongoing public/employee education process.

VIII. FACILITY EMERGENCY RESOURCES/EQUIPMENT

A. <u>Chemical Emergency Monitoring Equipment</u>	<u>Quantity</u>
weather instrument _____	
pH meters (indicate fixed or portable)	_____
combustible gas indicator	_____
colorimetric indicator tubes (i.e., draeger tubes)	_____
radiation detector _____	
chlorine kits (A.B.C.)	_____
oxygen concentration meter	_____
other monitoring equipment _____	_____

B. <u>Personal Protective Equipment</u>	<u>Quantity</u>
positive pressure respirators	_____
SCBA	_____
SCBA tanks (duration)	_____
mobile cascade _____	
cascade with compressor	_____
fully encapsulated suits (indicate type)	_____
full protective turnout gear	_____
boots and gloves _____	
helmets with eye protection	_____
other _____	_____

C. <u>Trained Emergency Response Personnel</u>	<u>Quantity</u>
First Responder Awareness	_____
First Responder Operations	_____
Specialist/Technician	_____
Emergency Medical Employees	_____
Other Expertise (chemists, engineers, etc.)	_____

D. <u>Equipment/Supplies</u>	<u>Quantity</u>
foam (indicate type) _____	
sand	_____
fire brigade:	
pumper	_____
ladder truck _____	
tanker	_____
rescue squad _____	
EMT	_____
paramedic _____	
other _____	_____

off-road vehicles _____	
communications vehicles	_____

Chapter 7: Planning Requirements

multi-purpose vehicles _____
portable radios _____
other _____

E. Is the facility willing to share any of the above equipment/supplies for an emergency not involving their facility? Equipment and supplies available for use will be listed in the County's Resource Manual.

Within your community _____ Yes _____ No
Within (county name) _____ Yes _____ No

If yes: which equipment/supplies _____ All (or) _____

Does facility expect compensation? _____ Yes _____ No
(attach any conditions for compensation)

F. Does the facility have training resources/programs?

a. Staff _____ Yes _____ No

b. Public use _____ Yes _____ No

c. Describe: _____

G. Identify additional professional/technical resources that may be called upon by the facility to support regular staff in the event of an accident:

<u>Name</u>	<u>Organization</u>	<u>Telephone</u> <u>Home/Work</u>	<u>Specialty</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

H. Identify emergency equipment/supplies the facility has made available to your community or the entire County. This information can be integrated into the County Resource Manual.

_____	_____
_____	_____
_____	_____
_____	_____

I. Mutual aid agreements the facility has with either private or public emergency response personnel:

<u>Company Name</u>	<u>Contact Person</u>	<u>Telephone</u> <u>Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

J. Hazardous Materials Standard Operating Procedures (SOP):

Chapter 7: Planning Requirements

HazMat Emergency Response SOP _____
HazMat Decontamination SOP _____
HazMat Medical Surveillance SOP _____

Other emergency response plans which deal with HazMat _____

(Include copies of the facility response procedures.)

K. Contractor clean-up companies the facility has identified:

<u>Company Name</u>	<u>Contact Person</u>	<u>Telephone Number</u>
---------------------	-----------------------	-------------------------

_____	_____	_____
-------	-------	-------

CHAPTER EIGHT Other Planning Requirements

There are three other related laws dealing with hazardous material planning. They are:

- The Michigan Emergency Management Act;
- The Michigan Firefighter Right-to-Know Act; and
- The Michigan Occupational Health and Safety Act (MIOSHA) Hazardous Waste Operations and Emergency Response rules (HAZWOPER).

The Michigan Emergency Management Act, Act 390, P.A. 1976, as amended by Act 90, P.A. 1990, has the following provisions as it relates to emergency planning:

- Each county, and municipalities of 25,000 or more in population, must appoint an emergency management coordinator who is responsible for coordinating all hazard mitigation, preparedness, response, and recovery in the jurisdiction. Municipalities of 10,000 or more population may appoint a coordinator.
- In order to be eligible for disaster contingency fund aid, the jurisdiction must have a current and adequate emergency operations plan. This plan includes a section on hazardous material incident response.
- The law contains numerous other provisions for declaring state and local states of emergency, local and state emergency powers of chief executives, and procedures for disaster assessment and response. In order to obtain a copy of this act, contact the Department of State Police, Emergency Management and Homeland Security Division.
- Other applicable MIOSHA regulations that LEPCs could consider, such as Hazard Communication and Hazardous Waste Operation and Emergency Response, can be found on the MIOSHA section of the Department of Energy, Labor and Economic Growth's (DELEG) web site at <http://www.michigan.gov/deleg>.

The attached DELEG (formerly DLEG) Fire Marshal Bulletin 9 describes the Firefighter Right-to-Know and HAZWOPER laws. This bulletin discusses how these two laws relate to SARA Title III. This bulletin was the most current one available at the time of this printing. For current versions and updates of this document, go to the "Agencies and Commissions", "Bureau of Fire Services" on the DELEG website, referenced above.

LEPC Tasks:

- Become familiar with each of these laws.
- Work with fire departments to share information and assist each other in similar planning responsibilities.
- Coordinate with emergency management coordinators appointed within the LEPC emergency planning district. Share information and assist each other in formulating hazardous materials response procedures.



Department of Energy, Labor and Economic Growth
Bureau of Fire Services

Fire Marshal Bulletin – 9

Fire Department Hazardous Material Emergency Planning Responsibilities

This document replaces, expands, and provides in one document a summary of the three requirements regarding emergency planning for a hazardous material incident. This bulletin was jointly developed by the Department of State Police, and former Departments of Labor and Public Health in 1987 and was revised in 1994 as a result of an Attorney General Opinion.

The three emergency planning requirements that fire departments and/or the communities they serve must meet are: 1) Firefighter Right-to-Know, 2) Hazardous Waste Operations and Emergency Response (HAZWOPER), and 3) Superfund Amendments and Reauthorization Act (SARA) Title III.

Each of these requirements is explained in detail below.

A. Firefighter Right-to-Know

Background:

Section 14i of Act 154, as amended, the Michigan Occupational Safety and Health Act requires that the chief of an organized fire department prepare and disseminate to each firefighter a plan for executing the department's responsibilities with respect to each site within their jurisdiction where hazardous chemicals are used or produced. There are no exemptions based on the quantity of chemical at the site. The purpose of this act is to ensure firefighter safety.

The administration and enforcement of this provision is under the jurisdiction of the Department of Energy, Labor & Economic Growth (DELEG), Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety Division (GISHD), (517) 322-1831.

Section 5p of the Michigan Fire Prevention Code (Act 207, as amended) requires that a firm handling hazardous chemicals provide the following information upon request of the fire chief:

- A list of the hazardous chemicals on site and a material safety data sheet (MSDS) for each chemical on the list.

- A description of the quantity and location of any hazardous chemical specified by the fire chief after a review of the list.

Steps for Implementation:

1. As a first step, the fire chief surveys all sites within the fire jurisdiction which may have hazardous chemicals on site. The purpose of the survey is to gather information on the chemicals at each site and to determine whether the site uses or produces hazardous chemicals. The survey is used as a tool for gathering the information the chief is authorized to obtain under Act 207 as described above. A suggested letter which the chief may send to each site, along with the survey form, is included as Attachment A. The survey form is included as Attachment B. Site location information, mailing addresses, etc., may be obtained from tax rolls, building inspectors, etc.
2. The survey form lists the chemical types and specifies quantities for each. Even though a plan is required at a site which uses or produces hazardous chemicals, regardless of quantity, the quantities at a site will determine if a site-specific plan must be developed or if the site can be addressed in a general plan. This is explained in further detail below.
3. The fire chief must make every effort to obtain completed surveys from each site. If a site refuses to cooperate, the chief should follow up with a second letter of request. A sample follow up letter is included as Attachment C.
4. If the site continues to be uncooperative, the chief may refer the case to the Department of Labor & Economic Growth, MIOSHA. The referral form to be used by the fire chief is included as Attachment D. MIOSHA may cite the location for failure to be in compliance with the MIOSHA Hazard Communication Standard.
5. The fire chief should keep a copy of each completed survey, even those returned showing that few or no hazardous chemicals are present at the site. In addition, the chief must keep a file of "no responses" and a file of the follow up correspondence written in an attempt to obtain a response.
6. The fire chief should have surveys on file that are not older than five years. Sites are requested to update their survey form as conditions change on the site. However, if no update has been submitted within the last five years, the chief must solicit an updated survey. Current information must be kept on file to fulfill the requirements of the law.
7. In addition, the fire chief must survey new or changed sites (change of ownership, expanded, conducting new business, etc.) as they occur. Information on new sites and additions to sites may be obtained with the assistance of the building inspector, zoning authority, tax rolls, etc.
8. When the surveys are returned, the fire chief must first separate those sites which use or produce hazardous chemicals from all others. These are the sites for which a plan (either site-specific or general) is required.
9. The chief must further separate the user and producer sites according to hazardous chemical quantity. For those sites which use or produce hazardous

chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. See #10 below. Other sites with hazardous chemicals under the specified quantities can be addressed by a general plan. See #11 below.

10. For those sites which use or produce hazardous chemicals at or above the specified quantities, the fire chief must develop a site-specific plan. This should be the chief's planning priority. To comply with the Firefighter Right-to-Know requirements:
 - a. Develop a site-specific plan for each site. See Attachment E for the list of planning elements which should be included in this plan.
 - b. Obtain more detailed information about each site as necessary to address the elements in Attachment E. (The survey form is used to determine the sites for which site-specific plans are necessary. Now additional information needs to be obtained for planning purposes.) The chief may request additional information under the authority of Act 207 as described above in the introduction. The chief may also use the information which is provided through the Superfund Amendments and Reauthorization Act (SARA) Title III reporting requirements. (See Section C below, starting on page 5.)
 - c. The Department of State Police, Emergency Management and Homeland Security Division publication 308, Guidance for Community Hazmat Response Plans, contains worksheets which may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning elements cross referenced to pages in the workbook. Copies of this workbook are available through Local Emergency Planning Committees (LEPCs) or the Michigan State Police, Emergency Management and Homeland Security Division. (See Section C starting on page 5.)
 - d. The fire chief should work with the Local Emergency Planning Committees (LEPCs) which exist within each county and in many larger municipalities. The LEPC must develop hazardous material emergency response plans for certain sites. The fire chief and the LEPC should cooperate in the development of these plans. Appropriate portions of these plans as listed in Attachment F will satisfy the Firefighter Right-to-Know requirements. (See Section C starting on page 5 for more information on LEPC requirements.)
 - e. Inform all firefighters of the existence of the Firefighter Right-To Know plans and their location. Make them available upon request.
 - f. Train all potentially affected firefighters in the procedures developed for responding to the specific site. These procedures should have been developed in conjunction with site personnel and commensurate with the level of training accomplished by firefighters. In addition, the fire chief should be aware that there are other firefighter training requirements in MIOSHA Safety Standards Parts 73 and 74 (Firefighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).

11. The fire chief can incorporate those sites which use or produce hazardous chemicals below the specified quantities into a general plan. To comply with the Firefighter Right-to-Know requirements:
 - a. Maintain a current copy of all survey forms in a systematic manner.
 - b. Inform firefighters of the existence of these forms and their location. Make them available upon request.
 - c. Train firefighters for initial operational response, informing them of procedures found in the DOT Emergency Response Guidebook or other response plan the community has developed. In addition, the fire chief should be aware that there are other firefighter training requirements in MIOSHA Safety Standard Parts 73 and 74 (Firefighting) and MIOSHA Hazardous Waste Operations and Emergency Response Standard (HAZWOPER).
12. If a hazardous material response team is called in through a mutual aid agreement, the host fire district is obligated to provide site information to the team while en route or upon arrival at the scene. Plans do not need to be distributed to mutual aid agencies prior to response.
13. Through these steps the fire chief has developed a plan (either general or site-specific) for those sites which use or produce hazardous chemicals as required by law. The other survey forms which show that the site is neither a user nor a producer must be retained as evidence of response. They may also be used for other local planning needs as the chief sees fit.
14. The preceding steps show how to comply with the Michigan Firefighter Right-to-Know law. (See Attachment G for a flow chart of this process.) It is not mandatory that these steps be followed. The fire chief may choose another method to comply. However, all of the elements discussed above must be included in Firefighter Right-to-Know plans.

B. MIOSHA Hazardous Waste Operations And Emergency Response (HAZWOPER)

Background:

Since the enactment of the Firefighters Right-to-Know legislation which was described above, the state and federal governments have also promulgated rules to ensure firefighter and other emergency responder safety. The Superfund Amendments and Reauthorization Act (SARA) Title I requires the Occupational Safety and Health Administration (OSHA) to promulgate rules governing employer emergency planning and training for hazardous material responders. Federal OSHA final rule 29 CFR 1910.120 was promulgated in March 1990. Since Michigan is a state plan state, MIOSHA must also promulgate rules which are at least as strict as the federal rule. These Michigan regulations became effective October 31, 1991. They mirror the federal rule. The enforcement of this requirement is handled by DELEG, MIOSHA, GISHD (517) 322-1831. Part of this rule requires employers to train all employees who may encounter or respond to a hazardous material incident. Certain levels of training are required depending upon the anticipated level of involvement. A uniform

training curriculum has been developed and is being offered statewide. Information on these training requirements is not within the scope of this Bulletin. Contact the DELEG, MIOSHA, GISHD for more information on this topic.

The following is a summary of the planning requirements.

Steps for Implementation:

1. The rules state that any employer who may involve its personnel in a hazardous material incident must develop an emergency response plan.
2. See Attachment E for the list of planning elements which must be included in the MIOSHA plan.
3. The plan required under the MIOSHA rules and the plan required under Firefighter Right-to-Know requirements described above in Section A are both to ensure emergency responder safety. Therefore, one plan for each site can be developed to satisfy both requirements, assuming the required planning elements are included.
4. Some elements that are required in MIOSHA plans are generic and do not need to be included in site-specific plans. These general planning elements should be included in the department's internal standard operating procedures. Internal procedures should include detailed incident command system information, information on decontamination, use of personal protective gear, etc.
5. Site-specific plans and procedures must be available to firefighters through CAMEO or some other computer or microfiche system or they must be available in a hard copy file at the workstation.
6. The Michigan State Police, Emergency Management and Homeland Security Division's Planning Guidance described above in Section A may be used in developing site-specific plans. Refer to Attachment F for a matrix of the planning items cross referenced to pages in the workbook.

C. Superfund Amendments and Reauthorization Act (SARA) Title III

Background:

SARA Title III federal legislation mandates that Local Emergency Planning Committees (LEPCs) be established by a state commission. The LEPC must be made up of a number of community organizations, including the fire service. These LEPCs are required to develop site-specific emergency response plans for those sites within their jurisdiction which have one or more "extremely hazardous substance" above a given threshold quantity. These plans are population protection oriented. The law states that the site owner must cooperate in the development of the plans by appointing a facility emergency coordinator and providing any information the LEPC deems is necessary in order to fulfill its planning responsibilities. Another part of the law requires the reporting of chemical inventories and the submission of MSDSs to fire

departments and LEPCs. Emergency release notification requirements are also part of the law as well as community right-to-know provisions.

In Michigan, the Department of Environmental Quality (DEQ) manages the reporting and notification requirements of SARA Title III. The Department of State Police, Emergency Management and Homeland Security Division, manages the planning elements of the law and chairs the State Emergency Response Commission (SERC), otherwise known as the Michigan Citizens Community Emergency Response Coordinating Council (MCCERCC). The MCCERCC appoints LEPC members who are recommended by their local jurisdiction. For more information on SARA Title III contact the Department of Environmental Quality, Michigan SARA Title III Program at (517) 373-8481 or the Department of State Police, Emergency Management and Homeland Security Division at (517) 333-2749.

Steps for Implementation:

1. The fire chief of the department which has jurisdiction over the site should participate with the LEPC in the development of these site-specific standard operating procedures.
2. See Attachment E for the list of planning elements which must be included in the LEPC plan.
3. By completing these procedures and distributing appropriate portions to firefighters the chief's firefighter safety requirements as described under Sections A and B above are partially satisfied. (Internal procedures and training must still be completed to fully satisfy firefighter safety requirements.)
4. The Michigan State Police, Emergency Management and Homeland Security Division's guidance, described above was developed to assist LEPCs in developing these site-specific plans. These workbooks have been distributed to LEPCs. See Attachment F for a matrix of planning items cross referenced to pages in the workbook.
5. The site-specific plans should be considered part of the all-hazard Emergency Operations Plan developed for each jurisdiction. The Emergency Operations Plan should reflect the overall policy the jurisdiction will follow in responding to an incident. All other plans and procedures should be consistent with the Emergency Operations Plan. The Emergency Management Coordinator for each jurisdiction maintains this plan.
6. The Emergency Management Coordinator appointed for each jurisdiction is also part of the LEPC and is responsible for assisting in the development of the off-site response plans.

Conclusion:

There are three emergency planning requirements: Firefighter Right-to-Know, MIOSHA rules, and SARA Title III. Each of these has been explained in the sections above. Each requires that specific items be included in plans. However, many of the required planning elements are similar or duplicated. Attachment E provides a specific listing of planning elements required under each law for informational purposes.

Chapter 8 Other Planning Requirements

Attachment F is a summary of the required items cross referenced to a page in the workbook on how to satisfy that item.

The fire chief can meet these requirements by developing the following documents and ensuring the required planning elements are incorporated:

1. Site-specific firefighter safety plans for all sites within the fire district which use or produce hazardous chemicals at or above the quantity specified on the survey form.
2. Good internal standard operating procedures for the department.
3. Participate with the Local Emergency Planning Committee (LEPC) in the development and completion of site-specific procedures for Title III sites.
4. Ensure that all plans are consistent with the overall policy for responding to a hazardous material incident as described in the jurisdiction's Emergency Operations Plan.
5. Retain on file a copy of the survey form for all other sites.

For additional information or questions contact the Bureau of Fire Services
(517)-241-8847

Please be advised as a recipient of State Fire Marshal Bulletins, you are free to treat the contents as a news release in your name to the local news media or any other means of circulation.

Attachment A

Bulletin 9 - Fire Department Hazardous Material Emergency Planning Responsibilities (Rev. 9-09)

Date: _____

Firm Name: _____

Address: _____

Dear Facility Owner/Operator:

Section 14i of the Michigan Occupational Safety and Health Act, Act No. 154 of the Public Acts of 1974, as amended, requires that each fire chief prepare and disseminate to each firefighter information on facilities within their jurisdiction that use or produce hazardous chemicals.

The Michigan Fire Prevention Code, Act No. 207, P. A. of 1941, as amended, requires that any firm handling hazardous chemicals provide information to the fire chief upon request. This allows the fire department to gather information on each chemical so that the requirements of Act No. 154 can be met.

To assist our department in fulfilling its responsibilities under Act No. 154, we are requesting that you complete the enclosed survey. If your firm does not use or produce any hazardous chemicals (see attached definitions), you still need to complete the form. This information can be beneficial to you and your firefighting personnel when responding to a fire or other emergency at your facility.

If the information you provide indicates that your firm is a user or producer of hazardous chemicals and the chemicals on site meet or exceed the specified quantities, we will be contacting you for further information. This may include material safety data sheets (MSDS); a listing of the hazardous chemicals by name, along with the greatest amount that may be located on site at one time; and the actual locations of the chemicals at your facility.

Please complete the survey and forward to *(insert your department's address)* within ten days. All surveys, including negative responses, will be kept on file for future use and to satisfy Act No. 154 requirements. If there is a change concerning the use, production or quantity of hazardous chemicals at your firm in the future, please contact this department so that we may update our files.

If you have any questions, please contact *(insert name of department's contact)* at *(insert department's phone number)*. Thank you for your cooperation.

Fire Chief

Fire Department

Attachment B

Bulletin 9 - Fire Department Hazardous Material Emergency Planning Responsibilities (Rev. 9-09)

Chemical Survey

Information: This survey is requested to determine the quantity of specific chemical groups used, produced or stored in your facility. Fire Chiefs are required to collect chemical data under the Michigan Occupational Safety and Health Act, PA 154 of 1974, as amended, and the Fire Prevention Code, PA 207 of 1941, as amended.

Instructions: Indicate below whether your site uses or produces any of the chemical types listed. Check all the categories that apply when a chemical has more than one characteristic, (example: both a Class 3 flammable and a Class 6 poison), see definitions. Each chemical group listed in this survey includes a specified quantity. Indicate the quantity category for each chemical group on your site. To complete this survey, you may need to reference Material Safety Data Sheets, SARA Title III reporting forms, along with the attached definitions.

(Note: You must complete each line. Do not leave blanks. If you do not use a chemical group listed, mark "DO NOT HAVE" box.)

When substantial changes occur in the quantity or type of chemical use, manufacture or related storage, a revised survey must be submitted to the Fire Chief. In addition, a revised survey will be requested periodically as the Fire Chief determines necessary, but a least once every five years.

This survey may be followed-up with a request for more detailed information. This may include a request for Material Safety Data Sheets, chemical lists maintained under the Employee Right to Know provisions of MIOSHA and other information.

Please return this questionnaire as indicated in the attached cover letter.

This site is: (please circle one)

Chemical User - (Chemicals used in activities on site)

Chemical Producer - (Chemicals manufactured at this site, includes packaging)

Other - Circle this box if chemicals are stored on site, but not used or produced. Please Specify (Examples: service station, retail store, storage facility)

Chapter 8 Other Planning Requirements

	Date Completed: _____
Name of Premises:	_____
Site Address:	_____

Site Telephone:	_____

Emergency Contacts: (Include Private Alarm/Security Companies)		
Name/Title	Business Telephone	Home Number
.	.	.
.	.	.
.	.	.

Respond based on the maximum quantity you would have on-site, including storage, at any one time during the year.

Check 1 Box for Each Category				
Chemical type	Specified quantity	Have at or Above Specified Quantity	Have but Below Specified Quantity	Do Not Have
Class 1				
Explosives & Blasting Agents (Not including Class C Explosives)	Any Quantity			
Class 2				
Poison Gas	Any Quantity			
Flammable Gas	100 gal. water capacity			
Non-Flammable Gas	100 gal. water capacity			
Class 3				
Flammable Liquid	1,000 gallons			
Combustible Liquid	10,000 gallons			
Class 4				
Flammable Solid (Dangerous when wet)	100 lbs.			

Chapter 8 Other Planning Requirements

Flammable Solid	500 lbs.			
Spontaneously Combustible Material	100 lbs.			
Class 5				
Oxidizer	500 lbs.			
Organic Peroxide	250 lbs.			
Class 6				
Poison	500 lbs.			
Irritating Material: Liquid	1,000 gal.			
Irritating Material: Solid	500 lbs.			
Class 7				
Radioactive Material (Yellow III Label)	Any Quantity			
Class 8				
Corrosives: Liquid	1,000 gal.			
Corrosives: Solid	500 lbs.			
No DOT Category				
Known Human Carcinogen	Any Category			

Please return within ten days to the official indicated in the cover letter attached to this survey.

HAZARDOUS CHEMICAL DEFINITIONS

Carcinogen - A chemical is considered to be a carcinogen if: 1) it has been evaluated by the International Agency for Research on Cancer (IARC) and found to be a carcinogen or potential carcinogen; or 2) it is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition), or 3) it is regulated by OSHA as a carcinogen.

Combustible liquid - Any liquid having a flashpoint at or above 100 degrees F (37.8 degrees C), but below 300 degrees F (93.3 degrees C), except any mixture having components with flashpoints of 200 degrees F (93.3 degrees C), or higher, the total volume of which make up 99 percent or more of the volume of the mixture.

Corrosives - liquid and solid - Any liquid or solid that causes visible destruction or irreversible damage to human skin tissue. Also, it may be a liquid that has a severe corrosion rate on steel.

Explosives and blasting agent - (not including Class C explosives) - "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature. "Blasting Agent" means a material designed for blasting. It must be so insensitive that there is very little probability of: 1) accidental explosion, or 2) going from burning to detonation.

Flammable liquid - Any liquid having a flashpoint below 100 degrees F (37.8 degrees C), except any mixture having components with flashpoints of 100 degrees F (37.8 degrees C) or higher, the total of which makes up 99 percent or more of the total volume of the mixture.

Chapter 8 Other Planning Requirements

Flammable gas - A gas that can burn with the evolution of heat and a flame. Flammable compressed gas is any compressed gas of which: 1) a mixture of 13 percent or less (by volume) with air is flammable, or 2) the flammable range with air is under 12 percent.

Flammable solid - A solid, other than a blasting agent, or explosive, that is liable to cause fire through friction, absorption or moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard.

Flammable solid (dangerous when wet) - Water Reactive Material (Solid) - Any solid substance (including sludges and pastes) which react with water by igniting or giving off dangerous quantities of flammable or toxic gases. (Sec.171.8)

Irritating material - liquid and solid - A liquid or solid substance which, upon contact with fire or air, gives off dangerous or intensely irritating fumes.

Non-flammable gas - Any compressed gas other than a flammable compressed gas.

Organic peroxide - An organic compound that contains the bivalent -O-O structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer - A chemical that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases. Example being: chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily.

Poison - Less dangerous poisons, toxic - substances, liquid or solids (including pastes and semi-solids) so toxic to man that they are a hazard to health during transportation.

Poison gas - Extremely dangerous poisons, highly toxic poisonous gases or liquids - a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life.

Radioactive material (yellow 111 label) - Any material, or combination of materials, that spontaneously gives off ionizing radiation.

Spontaneously combustible material - (Solid) A solid substance (including sludges and pastes) which may undergo spontaneous heating or self-burning under normal transportation conditions. These materials may increase in temperature and ignite when exposed to air.

Attachment C

Bulletin 9 - Fire Department Hazardous Material Emergency Planning Responsibilities (Rev. 9-09)

Firm Name	_____	Date_____
Address	_____	

Second Request

Dear Facility Owner/Operator:

The attached survey has been previously sent to your firm. To date we have not received a completed form. Please complete the survey as accurately as possible and return it to my office within ten days. Note that you must complete and return the survey even if you respond "do not have" to all categories.

Fire Chiefs are required to collect chemical data under the Michigan Occupational Safety and Health Act, P. A. 154 of 1974, as amended, and the Fire Prevention Code, P.A . 207 of 1941, as amended. The information to complete this form should be readily available from your firm's records and materials you maintain for your Employee Right-to-Know Program as required by Act 154.

The requested information will be used to assure our firefighters are prepared for any chemical hazards they may encounter if called to your facility. It will result in increased safety for our firefighters and better fire protection for your firm.

Failure to respond to this survey may result in a referral to the Michigan Occupational Safety and Health Administration (MIOSHA) for follow-up action. A comprehensive hazard communication program is required by Act 154. If you have been unable to obtain Material Safety Data Sheets for chemicals used at your facility, you may contact MIOSHA for assistance.

Thank you.

Fire Chief

Fire Department

Attachment D

**Bulletin 9 - Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)**

**Hazardous Chemical Referral to:
Michigan Department of Energy, Labor, & Economic Growth
Michigan Occupational Safety & Health Administration
General Industry Safety Division
7150 Harris Drive
P. O. Box 30643
Lansing, Michigan 48909-8143**

Referral From (Fire Department Name)		
Street Address, City, Zip Code		
PLEASE COMPLETE AS MUCH INFORMATION AS POSSIBLE		
Name of Employer Firm Telephone No.		
Job Site Street Address, City, Zip		
Nature of Business	SIC #	No. Of Employees
Location of Hazard If Known (Building, Floor, Dept. No., Section)		
Contact Person Title		
Exposure in Question (describe contaminant or hazards suspected)		

Remarks		

Has the firm been informed that this referral is being made? (Please circle one) Yes No		
Investigation Results and Action Taken (to be used by MIOSHA to respond to your referral)		

Signature

Attachment E

**Bulletin 9 - Fire Department Hazardous Material
Emergency Planning Responsibilities (Rev. 9-09)**

REQUIRED PLANNING ELEMENTS

Firefighter Right-to-Know

Each site-specific plan should include the following:

1. An emergency call list.
2. A site map. (For large sites it may be necessary to have a map for particular sections, in addition to a general map.)
3. A list of chemicals on site and their quantities.
4. A response data information sheet listing specific information about each chemical.
5. Specific response procedures for the site.
6. A description of the training necessary for responding to an incident at the site.

MIOSHA HAZWOPER

This plan must include the following:

1. Planning and coordination with outside parties.
2. Personnel roles, lines of authority, and communication.
3. Emergency recognition and prevention.
4. Safe distances and places of refuge.
5. Site security and control.
6. Evacuation routes and procedures.
7. Decontamination procedures.
8. Emergency medical treatment and first aid.
9. Emergency alerting and response procedures.
10. Critique of response and follow-up.
11. Personal protection equipment and emergency equipment.

SARA Title III

The LEPC plan must include the following (as summarized):

1. Identification of facilities subject to the emergency planning requirements and identification of transportation routes likely to be used in transporting hazardous substances.
2. Methods and procedures to be followed by facility owners and local responders.
3. Designation of a facility emergency coordinator and a community emergency coordinator.
4. Procedures for providing notification by the facility and the community emergency coordinator to emergency personnel and the public.
5. Methods for determining the occurrence of a release and the area likely to be affected.
6. A description of emergency equipment and facilities in the community and at the facility.
7. Evacuation plans.
8. Training programs.
9. Methods and schedules for exercising the plan.

Attachment F - Bulletin 9**Fire Department Hazardous Material****Emergency Planning Responsibilities (Rev. 9-09)****Required Planning Elements****Cross Referenced To The Michigan State Police, Emergency Management and Homeland Security Division's Haz/Mat Planning Guidance**

Although the workbook was developed to meet SARA Title III requirements, it may be used as an example in developing other hazmat planning documents. The local fire department is responsible for ensuring all necessary information pertaining to the requirement is met. Therefore, information and/or detail may be needed in addition to what is suggested on the Guidance pages referenced below.

Planning Element	Firefighter RTK	OSHA	SARA Title III
Site Map	pg. 9	.	pg. 9
Chemical List	pg. 8, 9	.	.
Chemical Response Info.	pg. 8, 10	pg. 8, 10	.
Facility Coordinator	.	.	pg. 8
Transportation Routes	.	.	pg. 10
Notification by Site	.	.	pg. 10
Facility Procedures	.	.	pg. 9
Facility Resources	.	.	pg. 9
Release Recognition and Prevention	.	pg. 9 + internal procedures	pg. 9
Emergency Call List	pg. 8, 10	pg. 8, 10	pg. 10
Personnel Roles	.	pg. 8 + internal procedures	.
Incident Command	.	pg. 7, 8 & 10 + internal procedures + local EOP/EAG	
Personal Prot. Equip.	.	8, 10 + internal procedures	.
Safe Distances	.	pg. 8 internal procedures	.
Site Security	.	pg. 9, 10	.
Decontamination	.	8 + internal procedures	.
Medical Treatment	.	8 + internal procedures	.
Community Coordinator	.	.	pg. 7
Community Resources	.	pg. 10	pg. 10

Chapter 8 Other Planning Requirements

Response Procedures	pg. 10	pg. 10	pg. 10
Public Warning	.	.	pg. 10
Risk Area Determination	.	.	pg. 8, 9
Evacuation Plan	.	pg. 9	pg. 9 + local EOP/EAG
Critique of Response	.	Fire Department internal procedures	.
Training Programs	pg. 9, 10 internal procedures	.	pg. 9, 10 + internal procedures
Exercise Schedule	.	.	pg. 7 + local EOP/EAG
	.	.	.

* The local Emergency Operations Plan (EOP)/Emergency Action Guidelines (EAG) is available at the local Emergency Management office.

CHAPTER NINE

Community Right-To-Know Requirements

SARA Title III requires several actions to encourage public involvement. These include:

- Designation by the LEPC of an official to serve as coordinator for information
- Development of procedures for receiving and processing public requests for information
- Posting of notices of meetings and making the emergency response plan and facility reports available to the public
- Public meetings to discuss the emergency response plan

LEPC Tasks:

- Appoint someone to serve as information coordinator. At a minimum, this person will be responsible for filing all Section 302, 304, 311 and 312 reports and for making these available upon request. This person could also fulfill the larger role of coordinating all public outreach activities initiated by the LEPC as identified below under additional optional tasks.
- Ensure that the LEPC bylaws, which are required to contain the following, are carried out: provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.
- Develop written procedures for handling the receipt and processing of requests for information from the public. These procedures should follow the Michigan Freedom of Information Act. Usually the LEPC adopts existing procedures from the county or municipality.
- Fulfill requests from the public for MSDSs (Section 311). If the facility has only submitted a list of chemicals to comply with Section 311 and the person wants an actual MSDS, the LEPC must request, obtain and provide an MSDS from the facility.
- Fulfill requests from the public for Tier forms (Section 312). If the facility has only submitted a Tier One form and the person wants Tier Two information, the LEPC must request, obtain and provide the Tier Two form from the facility. The facility has 30 days to provide a Tier Two form from the LEPC. Do not provide the specific chemical location if the facility has used the Confidential Location Information Form (see next bullet).
- Ensure a system is in place for handling confidential facility information. The LEPC may wish to "red mark" the Tier forms and site-specific plans that contain confidential information and block out certain information in the plans that are placed in libraries, etc. If the requested Tier Two report was submitted online and contains confidential location information, the LEPC may contact the Michigan SARA Title III Program for a copy of the report with the confidential information excluded.
- Make sure the emergency release notifications are logged and available for public distribution.
- Publish annually in local newspapers that the plan, reporting forms, and emergency release follow-up notices are available for public review at a designated location.
- Become familiar with the Michigan Freedom of Information Act. In summary, it states that the public has a right to inspect, copy, or receive items through an oral or written request. The desired document(s) must be clearly identified. The public shall be furnished with a reasonable opportunity for inspection of documents during usual business hours. A fee may be charged but must be limited to costs for actual search, duplicating, and mailing, including labor. The request must be responded to within 5 business days after the day the request is received. If an extension

Chapter 9 Community Right-To-Know Requirements

is necessary, this must be so stated within the 5 days. The extension can be no more than 10 business days. Trade secret and confidential provisions apply.

- Hold a public meeting to discuss the plan. Remember the Open Meetings Act and Americans with Disabilities Act requirements when considering a location.

Additional Optional Tasks:

- Develop a package to be mailed to all businesses and industries in the community describing the provisions of the law and asking their support in complying.
- Develop a package to be mailed to all farms in the community describing the provisions of the law and asking their support in complying.
- Form neighborhood "citizen action committees" around each Section 302 facility for which emergency planning is necessary, and involve this group in the development of the site-specific procedures.
- Speak at various service groups and other association meetings about Title III and the LEPC's activities. Such groups should include neighborhood associations.
- Develop a pamphlet to be distributed to citizens outlining the hazards in the community and the provisions contained in the emergency plan, including expected public actions.
- Develop a slide show, public service TV or radio announcements, and written articles for the newspaper describing the LEPC, its function, and the actions the public should take in the event of an emergency.
- Develop a local press release dealing with the toxic chemical release data collected and compiled by the DEQ.
- Hold a "Hazardous Material Awareness Week" and set up displays in malls, schools, etc., issue press releases, invite the public to view a response exercise at a facility.
- Hold a facility coordinators conference.
- Hold a conference of potentially affected institutions (schools, hospitals, factories, stadiums, etc.) located within the vulnerable zone of 302 facilities.
- List the LEPC phone number in the telephone directory.
- Develop an LEPC web page.

CHAPTER TEN Training Requirements

This chapter provides information on:

- Training for LEPC members
- Training for emergency responders in the community

Training For LEPC Members

- The Michigan State Police, Emergency Management and Homeland Security Division offers a very informative course for members of an LEPC. There is no cost to attend the course. *Introduction to Emergency Management* is usually held in Lansing. The Michigan State Police, Emergency Management and Homeland Security Training Center (EMHSTC) also provides training courses for LEPC members for a fee. The training center offers a two-day course, *Emergency Response Planning for Hazmat incidents*, which is highly recommended for LEPC members. Contact the local emergency management coordinator for information.
- The Michigan State Police, Emergency Management and Homeland Security Division is available for on-site briefings, if requested. Contact your area's MSP-EMHSD District Coordinator for assistance.

Training For Emergency Responders

- Training for emergency responders must comply with state and federal standards. SARA Title I requires the Occupational Safety and Health Administration (OSHA) to make known rules governing employer emergency planning and training for hazardous materials responders (HAZWOPER). Michigan is a state plan state, which means that the Michigan Occupational Safety and Health Administration (MIOSHA) must make known the rules that are at least as strict as the federal rules. These Michigan rules became effective October of 1991 and are currently known as DELEG standard Part 432.
- These rules state that employers are responsible for training their employees to a level commensurate with duties expected to be performed by the employees.
- Michigan created the "Hazardous Materials Training Curriculum Committee" to develop a curriculum based on the MIOSHA rule and on the National Fire Protection Association (NFPA) 472 standard for training.

The curriculum is as follows:

- First Responder Awareness - a 4-6 hour course for responders likely to be first on the scene of a hazardous material incident. It is the policy of MIOSHA that at least all police, fire and emergency medical service personnel are trained to this level.
- First Responder Operations - a 24-hour course for those emergency responders who may be required to deal with a release of hazardous materials. It is the policy of MIOSHA that all firefighters be trained to at least this level.
- Hazardous Material Technician - an 80-hour course (broken down into two 40-hour courses) for those individuals who respond to releases for the purpose of stopping the release. All public sector HAZMAT team members should be trained to this level.

Chapter 10 Training Requirements

- Hazardous Materials Specialist - a response person who will respond with and provide support to hazardous material technicians, and whose duties require a more directed or specific knowledge of the various substances & containers to which they may be called upon to mitigate. Selected HAZMAT team members must be trained to this level. Training courses are required in addition to the 80-hours of technician training to meet these specific requirements (CAMEO, Marplot, ALOHA, Hazmat Branch/Safety Officer, Transportation Specialist).
- Unified Incident Command System - a 16 hour course which must have been completed by all incident commanders of a hazardous materials incident. All fire chiefs and command officers who may take command of an incident beyond that of an awareness level, must take this course.
- Annual refresher training -
 - Those employees who are trained in accordance with the provisions of these HAZWOPER rules shall receive annual refresher training of sufficient content and duration to remain competent with respect to their duties and functions or shall demonstrate competency in those areas at least annually.
 - A statement shall be made of the training or competency and, if a statement of competency is made, an employer shall keep a record of the methodology used to demonstrate competency.

Other courses offered include:

- Chemistry of Hazardous Materials - two 32-hour courses (Chemistry I and Chemistry II) provide the basic knowledge required for evaluating the potential hazards and behaviors of materials considered hazardous.
- Train-the-Trainer Courses - First Responder Awareness and First Responder Operations courses are taught in a "train-the-trainer" mode to qualified participants. It is also recommended that all trainers be trained to at least one level above that which they are teaching.

It is the intent to provide these courses at a minimal fee. The Awareness and Operations courses are offered to firefighters in the field through the Firefighters Training Council. Contact the Firefighters Training Council at (517) 373-7981. The Technician and advanced level courses are held at the Michigan State Police, Emergency Management and Homeland Security Training Center (EMHSTC) in Lansing and may be presented on location upon request. Contact the EMHSTC at (517) 322-1190 for further information.

LEPC Tasks:

- Make sure all LEPC members are trained in SARA Title III, basic LEPC duties, and planning methodologies.
- Include in the plan a description of training programs and a schedule of training for emergency responders.
- In order to accomplish #2 above, survey all police, fire, EMS, and other personnel in the emergency planning district to ascertain their level of training, the programs through which they received this training, and the schedule of each organization's training.

Optional Additional LEPC Tasks:

- Coordinate all training for emergency responders.
- Based on the results of the survey, make recommendations for training and programs.
- Encourage that "train-the-trainers" be present in the district who can train all personnel to the necessary minimum levels.

Chapter 10 Training Requirements

- Research the community's capability to fully mitigate an incident (Hazardous Material Technician). Work to develop this capability either within the district or outside the district through a negotiated agreement.

CHAPTER ELEVEN

Exercising Requirements

Definition

An exercise is a test of the written emergency plan. It can be as simple as holding a meeting to discuss the response or as complex as actually deploying equipment and personnel in the field.

Purpose

The purpose of the exercise is to react to a situation as it is written in the plan. This reaction tests the procedures for any omissions or unworkable concepts. The plan is then altered based on the exercise results. Exercising is also a form of training whereby emergency responders gain experience in operating from the planned procedures.

Types

There are many different types of exercises. They include:

- Tabletop - The emergency responders are called together and given a hypothetical situation. They discuss their response "around the table".
- Functional - A select group of emergency responders, responsible for a specific area of the response, come together to test their procedures. Examples include: hazardous material response team patching a leak; setting up and operating a shelter; treating a victim of chemical contamination.
- Full scale - All emergency responders come together and are given a hypothetical situation. They operate out of the designated emergency coordination facility, testing communications, coordination, and each agency's procedures. This includes field activity.

Other exercise types are Seminars, Workshops, Games and Drills.

Assistance

The Emergency Management and Homeland Security Division has staff available for assisting with developing, conducting and evaluating exercises.

LEPC Tasks:

- Decide on an exercise policy for the emergency planning district (i.e., what type, how often, etc.).
- Work with local emergency management coordinators to develop a method and schedule for exercising off-site response plans.

Additional Optional LEPC Tasks:

- At each facility for which site-specific procedures are developed, hold a small tabletop exercise annually. At a minimum the local emergency management coordinator, local fire chief, and facility emergency coordinator should be involved. These persons can review the plan and discuss operating procedures. This "exercise" can also fulfill the annual plan review and update

Chapter 11: Exercising Requirements

requirement in that this group can forward plan changes they think are necessary to the LEPC.

- Annually, the LEPC should choose one facility for which site-specific procedures are developed and hold a full-scale exercise. This exercise should involve all emergency responders and should be located at the emergency coordination facility identified in the plan. They should respond to a hypothetical situation at the site as they would in real life. The facility should be involved in developing the scenario. Often this exercise is held in conjunction with the facility exercising its own procedures. Response teams can be deployed to the site to test "hands on" procedures.
- Develop a four year exercise schedule identifying which facilities and fire departments are scheduled for exercises in which year. This allows all involved to plan ahead. By cooperating together in developing this long-range plan, many needs can be met simultaneously.

CHAPTER TWELVE

Answers to Frequently Asked Questions

Q. If I become an LEPC member, will I be held personally liable if something goes wrong during a response when the responders followed a plan I helped develop?

- A. This is an issue in many states. In Michigan, the Attorney General has indicated that there are two reasons it cannot provide a definitive answer to this question: (1) no reported cases exist concerning the liability of individuals acting in accordance with the planning provisions of EPCRA, and (2) the question of whether a member is liable depends on the specific facts of an individual case. Generally, it would appear that since LEPC members are appointed by a state commission, they are agents of the state and are under the same immunities as state employees, if all the following are met:
1. They are acting within the scope of their authority;
 2. The governmental agency is engaged in the exercise or discharge of a governmental function;
and
 3. The individual's conduct does not amount to gross negligence resulting in injury or damage.

Q. What if the county does not have an active LEPC?

- A. The federal law, SARA Title III, states that the state commission must create emergency planning districts and appoint LEPCs in each district. This has been done in Michigan. Further, the law states that LEPCs shall perform certain functions. If the LEPC is not active, it is failing to abide by the law. Obviously, it is better to meet as an LEPC and try to fulfill the intent of the law than to do nothing. In the past, the MCCERCC (when it was the SERC) adopted the stance that it would consider appointing the county commission as the LEPC if there was no LEPC in the designated jurisdiction.

Q. We have a few members we would like to see taken off the LEPC. How can we accomplish this?

- A. It is the policy of the Michigan Citizen-Community Emergency Response Coordinating Council to rely on local input for LEPC membership nominations. Members can be added or removed by submitting a form for this purpose to the EMHSD. The form and instructions for completing it can be found on the EMHSD website.

Q. I know there are more 302 sites in my jurisdiction than those on the DEQ list. What should I do?

- A. Perform community outreach, informing sites of their responsibilities. Alternatively, the LEPC can inform the Department of Environmental Quality (DEQ) of possible sites and the DEQ will make inquiries for the LEPC. The site itself must make the official notification; the LEPC cannot do it for them.

Q. Who should be trained for Hazmat response in the county?

- A. Per Part 432 "R 325-52133 Emergency Response Training" of the DELEG Occupational Health Standards: "Employees who participate or are expected to participate in emergency response shall be trained in accordance with the requirements of this rule. Training shall be based on the duties and functions to be performed by each responder of an emergency response organization. The skill and knowledge levels required for all new responders, those hired after the effective date of these rules, shall be conveyed to them through training before they are permitted to take part in

actual emergency operations on an incident.” See Chapter Ten for specific levels of training and competencies.

Q. Our LEPC cannot get anything done at LEPC meetings because we usually cannot get a quorum. What can we do?

A. First, much can be accomplished through subcommittees. In fact, the majority of the real "work" is usually done in the subcommittee. Second, the LEPC bylaws should be re-examined since the requirement for a quorum may be too strict. The bylaws should also provide for replacement of an LEPC member after a certain number of unexcused absences. However, the overriding factor is that the LEPC members apparently do not feel it is important to attend LEPC meetings. The membership should be changed or a more useful meeting should be conducted.

Q. Our fire department has no training. Where do they get it?

A. The Firefighters Training Council advocates that each county establish a training committee, responsible for overseeing all Hazmat training within the county. This committee should send designated persons to the train-the-trainer courses offered through the Emergency Management and Homeland Security Training Center. These persons then return to the community to train other personnel. Some funding is available to pay for instructors (through the FFTC) and materials; courses are no longer offered free of charge.

Q. Our community has very little capability to respond to a Hazmat incident. Why should we develop a plan?

A. The less capability a community has, the more reason there is to develop a plan. Accidents will happen and the community must be prepared to handle them. Through planning, the community identifies shortfalls and makes provisions to correct them, either through further training and equipping of existing responders or through arrangements with neighboring jurisdictions or the private sector.

Q. Our hospital and EMS staff are not trained nor do they have the facilities to respond to victims of a Hazmat incident. What should we do?

A. If an EMS unit or hospital personnel respond to an incident, they must have the appropriate training according to MIOSHA. A First Responder Operations course is available through the Emergency Management and Homeland Security Division. It is recommended that someone from the area be trained to the technician level and attend the First Responder Operations Train-the-Trainer course so that they can train others within the area. If such organizations indicate they will not respond due to the cost of training, a cooperative effort on the part of the LEPC, industry, all hospitals and EMS organizations in a region may be necessary. By sharing the effort, this requirement may be less costly.

Q. A facility in our town is not cooperating. What can we do?

A. The DEQ can assist with inquiries and ultimately referral to the EPA for enforcement action, if necessary. Also, other agencies such as the Michigan Chemical Council may be able to assist.

Q. How can we get the elected officials interested in getting the LEPC active?

A. The Department of State Police, Emergency Management and Homeland Security Division is available to discuss the requirements of the law either individually or through a public officials' conference. Michigan Citizen-Community Emergency Response Coordinating Council members may also assist with direct contact, based on request. Local emergency management coordinators are appointed by the chief executive and should be instrumental in convincing public

officials of the importance of the LEPC. Often, citizen groups and the news media provide a good motivating factor.

Q. We did our vulnerability zone analysis and it extended out 5 miles. How can we plan to evacuate this large an area?

A. Depending upon the formula you choose to use, this is often the worst case scenario. It may be helpful to run both a worst case and a "most probable" scenario. Planning can be done for both. These analyses are to provide the planners with a preliminary picture of the area that could be affected. Obviously, tailoring of this area needs to be done at the time of the incident. Also, keep in mind that evacuation is not the only protective action. Often, in-place shelter is the better choice.

Q. Is there funding available for LEPC activities?

A. There is some funding available through the Hazardous Material Emergency Preparedness (HMEP) grant program from the U.S. Department of Transportation. It is administered by the Emergency Management and Homeland Security Division.

Q. There are 302 sites on the DEQ list in my jurisdiction that should not be on the list. What should I do?

A. See Chapter Six for procedures.

CHAPTER THIRTEEN

References and Sources of Additional Information

ORGANIZATIONS:

Department of Environmental Quality (DEQ), Michigan SARA Title III Program: Provides information on Title III reporting requirements, receives and processes all reports submitted pursuant to SARA Title III; maintains historical database of Title III reports; provides workshops and training for facilities, LEPCs, and responders; responsible for enforcement of Title III regulations in cooperation with EPA. Contact (517) 373-8481.

Department of State Police, Emergency Management and Homeland Security Division: Oversees local emergency management programs; provides direct assistance to local government via district coordinators located across the state; reviews Hazmat plans; provides Hazmat planning services; provides training for first responders, local emergency managers, public officials, and members of volunteer organizations on the design and evaluation of exercises, CAMEO air dispersion modeling, GIS mapping, Hazmat first responder courses; and manages the Michigan Emergency Management and Homeland Security Training Center. Contact (517) 336-6198.

Department of State Police, Traffic Safety Division: Provides for the coordination of the immediate response to transportation related Hazmat incidents through Hazmat officers located throughout the state; available for technical advice; provides information on routing and transportation regulations regarding hazardous materials. Contact (517) 336-6195.

Environmental Protection Agency (EPA): Responsible for Title III at the federal level; available for CAMEO training; enforcement of Title III regulations; making policy decisions; responding to inland spills when beyond state and local capability; co-chair of the federal Regional Response Team. Contact Region V EPA (Chicago) at (312) 886-2000 or 1-800-621-8431.

Environmental Protection Agency, EPCRA Call Center: Provides information on Title III issues. Contact 1-800-424-9346.

Michigan Chemistry Council: Available to assist in identifying facilities and facility coordinators. Contact (517) 372-8898.

Michigan Citizen-Community Emergency Response Coordinating Council: Oversees LEPC implementation of Title III; assists LEPCs in getting organized; refers enforcement actions to EPA; reviews and comments on local plans; maintains community-right-to-know records and fulfills requests for information. Contact (517) 336-6198.

Michigan Firefighters Training Council: Establishes fire fighting training standards, courses, and curriculum development, training program delivery, and professional certification; offers field delivery of the first two levels of Hazmat first responder courses. Contact (517) 322-5454.

The Bureau of Fire Services within the Department of Energy, Labor and Economic Growth, General Industry Safety Division: Provides information on firefighter right-to-know planning and fire department and other organization safety regulations. Contact (517) 322-1831.

Michigan Railroads Association: Available to assist in identifying the rail carrier and/or commodities being transported on a specific line. Contact (517) 482-9413 or 9225.

Michigan Trucking Association: Available to assist in identifying major trucking firms operating in the community. Contact (517) 321-1951.

National Response Center: Responsible for receiving reports of Hazmat spills; available for technical advice. Contact 1-800-424-8802.

National Response Team (NRT): Provides advice on emergency planning through planning guidance documents; provides technical assistance on Hazmat incidents after Regional Response Team requests assistance.

National Safety Council: Provides for the distribution of Computer Aided Management of Emergency Operations (CAMEO). Contact 1-800-621-7615.

Regional Response Team (RRT): Provides advice and technical assistance on Hazmat incidents through 14 federal agencies and state representatives that are part of this team; responsible for reviewing Title III plans based on request; establishes cleanup policy and maintains the federal Regional Contingency Plan. Contact FEMA or EPA listed above or RRT for Region V at (312)-353-9176.

United States Coast Guard: Responsible for responding to spills on navigable waterways; provides technical advice; co-chair of the federal Regional Response Team. Contact (216) 902-6118/6117, 9th District, Cleveland.

APPENDIX A Glossary

Following are terms used in this document that may need further explanation:

302 List – Official list of facilities subject to SARA Title III section 302 (having an extremely hazardous substance in an amount equal to or exceeding its threshold planning quantity) maintained by the Michigan SARA Title III Program in the DEQ.

Annex - A part of the Emergency Operations Plan that provides detail on how particular tasks identified in the basic plan will be accomplished. Each annex represents a work group (i.e., fire, health, communications, etc.).

Appendix - A supporting part attached to each annex to the Emergency Operations Plan. The appendixes provide detail on a *hazard specific* basis. There are generally four appendixes. They are: nuclear power plant accident appendix (only for jurisdictions in a primary emergency planning zone of a nuclear power plant), national security appendix, natural disaster appendix, and technological disaster appendix.

Basic Plan - The basic plan is the first part of the Emergency Operations Plan that provides a summary of how the jurisdiction operates during an emergency or disaster. It is the foundation of the plan and has various supporting annexes.

CAMEO - See Computer-Aided Management of Emergency Operations below.

Command Post (CP) - A base of operations established by the incident commander of the local fire department at the site of a hazardous materials incident.

Community Emergency Coordinator - The person appointed by the local emergency planning committee (LEPC) pursuant to SARA, Title III who makes determinations necessary to implement plans and who receives emergency notification of releases.

Computer Aided Management of Emergency Operations (CAMEO) - CAMEO, a computer software package, contains chemical nomenclature and response information for 3,311 commonly transported chemicals; an air dispersion model to assist in evaluating release scenarios and evacuation options; a mapping capability; and several easily adaptable databases and computational programs that address the emergency planning provisions of Title III of the Emergency Planning and Community Right-to-Know Act of 1986.

Council – Michigan Citizen-Community Emergency Response Coordinating Council.

DEQ - Department of Environmental Quality

EHS - See Extremely Hazardous Substance below.

Emergency Management Act - An act to provide for mitigation, preparedness, response, and recovery from natural and human-made disasters within the State of Michigan. Act No. 390 of 1976, as amended.

Appendix A: Glossary

Emergency Management Coordinator - The person appointed in each county and some municipalities pursuant to Act No. 390 of 1976, as amended, to coordinate all-hazard mitigation, preparedness, response, and recovery services within the jurisdiction.

Emergency Operations Center (EOC) - The pre-designated facility, established by the emergency management coordinator, from which government officials coordinate emergency response.

Emergency Operations Plan (EOP) - The all-hazard plan developed and maintained by an emergency management program for the purpose of organizing and coordinating the community's emergency/disaster response. An EOP usually consists of a basic plan and various supporting annexes and appendixes.

Emergency Planning District - The geographic area designated by the Michigan Citizen-Community Emergency Response Coordinating Council as the area in which plans must be developed for response to a hazardous material incident. In Michigan, each county has been designated as a district and municipalities over 10,000 may petition the Council to be designated as a district. There are 88 districts designated in Michigan.

Emergency Response Plan - As referenced in SARA Title III, "Emergency Response Plan" means the document developed by an LEPC which includes the requirements referenced in Section 303 (see Chapter 1 of this book for a summary). As practiced in Michigan, a plan is usually developed for each applicable site.

Emergency Action Guidelines (EAG) - See Emergency Operations Plan above.

EPCRA - The Emergency Planning and Community Right-to-Know Act. See SARA.

Extremely Hazardous Substance (EHS) – A substance contained within the list of 355 substances published in 40 CFR Part 355 Appendix A pursuant to section 302 of SARA Title III.

Facility Emergency Coordinator - The facility representative for each facility subject to section 302 of SARA Title III (having an EHS in an amount exceeding its threshold planning quantity), who participates with the LEPC in the emergency planning process for that site.

HAZWOPER – Hazardous Waste Operations and Emergency Response rule requires the fire chief to provide necessary training to firefighters to develop emergency response plans for each facility within their jurisdiction that handles hazardous substances above certain thresholds.

Incident Command System (ICS) - The combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure with responsibility for management of assigned resources to effectively accomplish stated objectives at the scene of an incident. According to HAZWOPER, all Hazmat incidents must be managed by an incident command system. Several models are available.

Incident Commander (IC) - The individual (normally the ranking fire officer on scene) responsible for the management and coordination of all hazardous materials incident operations.

Local Emergency Planning Committee (LEPC) - The committee appointed by the Michigan Citizen-Community Emergency Response Coordinating Council, as required by Title III of SARA, to perform local emergency planning and community right-to-know activities. Committees are appointed in each emergency planning district in the state and are required to have representation from a variety of groups.

Material Safety Data Sheet (MSDS) – A document that includes the description of a material, including the manufacturer's name, the chemical's synonyms, trade name, chemical family, hazardous ingredients, physical data, fire and explosion hazard data, health hazard data, reactivity data, spill or leak procedures, special protection information, and special precautions about that material required by OSHA regulations. MSDSs must be available for hazardous materials.

Michigan Emergency Management Plan (MEMP) - The all-hazard plan for State of Michigan government operations developed pursuant to Act 390 of 1976, as amended, for the purpose of coordinating the emergency management activities of mitigation, preparedness, response and recovery within the state.

Michigan Citizen-Community Emergency Response Coordinating Council - The Council appointed by the Governor pursuant to SARA Title III to carry out the emergency planning and community right-to-know activities in the State of Michigan, as authorized. Otherwise known as the Council and previously known as the State Emergency Response Commission (SERC).

Michigan Hazardous Waste Operations and Emergency Response (HAZWOPER) - State safety and health standards promulgated for hazardous waste operators and emergency response personnel by the Michigan Occupational Safety and Health Administration (MIOSHA) as originally authorized in SARA Title I. The Michigan standard mirrors the federal law, known as 29 CFR 1910.120 final rule. The Michigan rule is Michigan Occupational Health Rule 325.5210.

MIOSHA - Michigan Occupational Safety and Health Administration. Responsible for developing and enforcing state standards for occupational safety and health. This responsibility is shared between the Michigan Department of Energy, Labor and Economic Growth and the Michigan Department of Community Health.

MSP - Michigan State Police

Off-Site Standard Operating Procedure - Standard Operating Procedure (SOP) developed by an LEPC to respond to an emergency incident at a designated facility.

Resource Manual - A manual compiled by the emergency management coordinator and local government that lists sources of resources (personnel, equipment, etc.) which can be accessed by the emergency response community in the event of an emergency incident. A supporting document to the Emergency Operations Plan and the off-site standard operating procedures for fixed sites.

SARA - Superfund Amendments and Reauthorization Act of 1986. Title I deals with health and safety issues for hazardous waste workers and emergency response personnel. Title III deals with emergency planning and community right-to-know provisions. Also known as the Emergency Planning and Community Right-to-Know Act (EPCRA).

Appendix A Glossary

Site Plan - A detailed plan of action for employees that is unique to a specific site to be implemented during an emergency or disaster situation. Written and coordinated with the local government *off-site* standard operating procedures.

Standard Operating Procedures (SOP) - Detailed procedures that are unique to a specific emergency or disaster situation or those that are written by a specific department or agency to detail the tasks assigned in an Emergency Operations Plan.

State Emergency Response Commission (SERC) - See Michigan Citizen-Community Emergency Response Coordinating Council, above.

Superfund Amendments and Reauthorization Act - See SARA above.

Title III - The Emergency Planning and Community Right-to-Know Act of 1986 which specifies requirements for organizing the planning and community right-to-know process at the state and local level. See SARA above.

