
Emergency Planning and Community Right to Know Act (EPCRA)



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



EPCRA Background

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



Executive Order #284

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



Composition of the SERC

Co-Chairs



Members





Responsibilities of the SERC

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



Responsibilities of the facilities

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



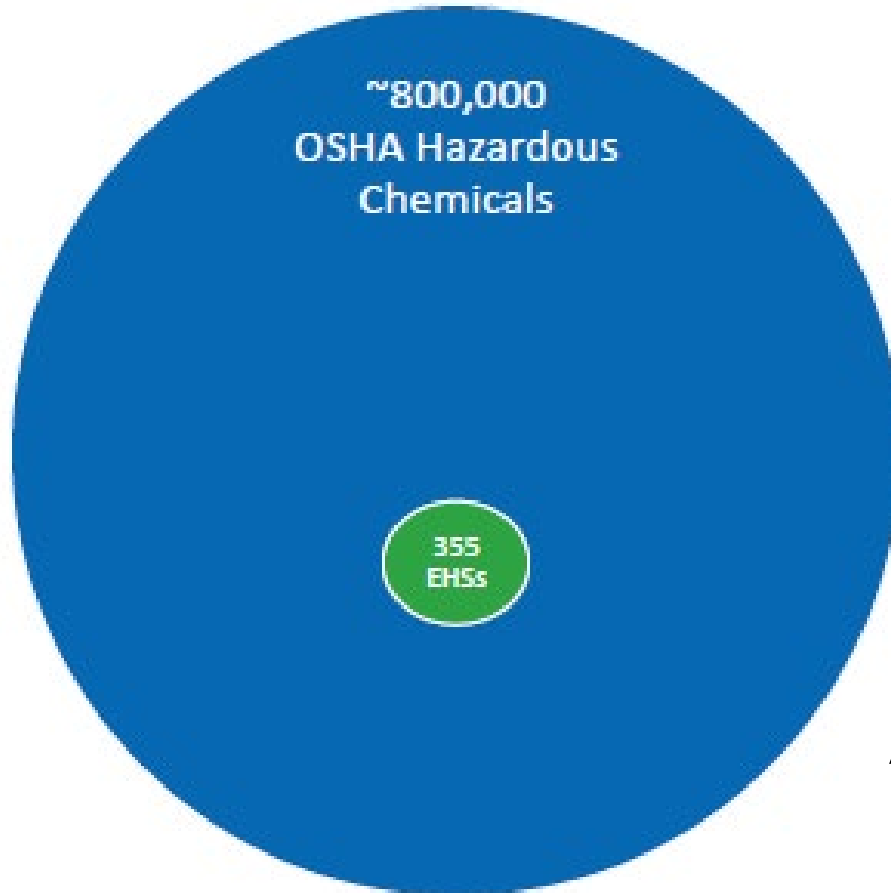
Responsibilities of the LEPCs

- Shall include representation of all 12 stakeholder groups:

Elected officials	EMS	Local media
Emergency Management	Health	Community groups
Law enforcement	Local environmental and transportation	Facility representatives
Fire service	Hospitals	Local businesses
- Develop an emergency response plan (off-site ERP) for their community/district
- Update the (off-site) ERP at least annually
- Establish procedures for receiving reports from facilities
- Complete (off-site) ERPs and review/exercise them annually
- Provide public access to review (off-site) ERPs



Scope of EPCRA planning



Facilities are subject to EPCRA if contained in the Environmental Protection Agency's published "list of extremely hazardous substances"

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

AND the EHS is above Threshold Planning Quantity (TPQ)



Off-Site ERP Requirements

1. Identification

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

2. Response Procedures

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

3. Emergency Coordinators

- For the planning district and for each EPCRA facility

4. Notification Procedures

- For facilities to report a chemical emergency
- For the community emergency coordinator to notify first responders and the public



Off-Site ERP Requirements cont.

5. Release Detection & Impact

- Identify methods for determining the occurrence of a release and the area or population likely to be affected by it

6. Emergency Equipment & Facilities

- Both in the community and at each facility, as well as the person(s) responsible for them

7. Evacuation Plans

- Include community evacuation plans and alternate traffic routes

8. Training Programs

- List training programs available related to EPCRA & their schedules

9. ERP Exercises

- Include the methods and schedules for exercising the ERP



Supporting Implementation of EPCRA

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



2020 Reporting Year by Region

NJOEM Region	Municipalities in Region (#)	Municipalities w/EPCRA Facilities [Off-site ERP] (#)	NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)
Total - North	205	131	605
Total - Central	191	127	674
Total - South	168	99	358
Total - State	564	357	1637



2020 Reporting Year North Region by County

NJOEM Region	County (21)	Municipalities in County (#)	Municipalities w/EPCRA Facilities [Off-site ERP] (#)	NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)	Municipalities w/10 or more EPCRA Facilities in its Jurisdiction (Count = 41)
North	Bergen	70	50	171	Carlstadt (21), East Rutherford (12)
North	Essex	22	17	126	Newark (73)
North	Hudson	12	10	109	Bayonne (11), Jersey City (42), Kearny (12), North Bergen (11), Secaucus (19)
North	Morris	39	27	91	Hanover (12), Parsipanny-Troy Hills (16)
North	Passaic	16	11	79	Clifton (21), Paterson (20), Totowa (14)
North	Sussex	24	4	9	---
North	Warren	22	12	20	---
	Total - North	205	131	605	



2020 Reporting Year Central Region by County

NJOEM Region	County (21)	Municipalities in County (#)	Municipalities w/EPCRA Facilities [Off-site ERP] (#)	NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)	Municipalities w/10 or more EPCRA Facilities in its Jurisdiction (Count = 41)
Central	Hunterdon	26	15	28	---
Central	Mercer	12	12	70	Hamilton (11), Robbinsville (10), Trenton (13)
Central	Middlesex	25	21	266	Carteret (12), Cranbury (24), Edison (44), Monroe (11), New Brunswick (10), Piscataway (31), Sayreville (15), South Brunswick (33), South Plainsfield (16), Woodbridge (24)
Central	Monmouth	53	30	67	---
Central	Ocean	33	17	40	Lakewood (11)
Central	Somerset	21	15	101	Branchburg (24), Bridgewater (18), Franklin (30)
Central	Union	21	17	102	Elizabeth (23), Linden (24), Union (17)
	Total - Central	191	127	674	



2020 Reporting Year South Region by County

NJOEM Region	County (21)	Municipalities in County (#)	Municipalities w/EPCRA Facilities [Off-site ERP] (#)	NJDEP-regulated Right-to-Know Facilities w/EPCRA 302 Planning (#)	Municipalities w/10 or more EPCRA Facilities in its Jurisdiction (Count = 41)
South	Atlantic	23	11	31	---
South	Burlington	40	29	104	Mount Laurel (11)
South	Camden	36	17	84	Camden (20), Cherry Hill (15), Pennsauken (16)
South	Cape May	16	9	15	---
South	Cumberland	14	8	33	Vineland (13)
South	Gloucester	24	15	68	Logan (15), Swedesboro (12), West Deptford (17)
South	Salem	15	10	23	---
	Total - South	168	99	358	



Engaging in your community

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



Developments

- In the past, the terms Local Emergency Planning Committee and Emergency Management Council were used interchangeably, which led to confusion. The term LEPC applies **only** to EO 161 and 284. See Directive NJOEM-5 (2022).
- SERC approved Gloucester County as the first county-based emergency planning district.
- SERC co-chairs will continue to conduct outreach including presentations to all stakeholder groups:
 - Clifton LEPC
 - Elected Officials
- NJOEM auditing Emergency Response Plans
- SERC working groups exploring development of planning/training/exercise tools



Available Resources

- More information can be found from the following sources:
 - <https://nj.gov/njoem/serc/index.shtml>
 - <https://www.epa.gov/epcra>
 - <https://www.epa.gov/epcra/national-lepc-tepc-handbook>
 - <https://www.epa.gov/epcra/consolidated-list-lists-under-epcracerclcaa-ss112r-september-2021-version>
- Contact us at njserc@njsp.org



Thank you

Questions?

