


Evolution . . . EPCRA Past, Present and the Future



The logo for the Connecticut State Emergency Response Commission (SERC) is a diamond-shaped emblem. It features a blue star in the top-left quadrant, a red star in the bottom-left quadrant, and an orange star in the bottom-right quadrant. The word 'SERC' is centered in the diamond. The words 'CONNECTICUT STATE EMERGENCY RESPONSE COMMISSION' are arranged around the perimeter of the diamond.

Gerard Goudreau, Chairman
Connecticut Emergency Response Commission
October 2010

EPCRA Reputation

- EPCRA known for its many reporting requirement mandates placed on states, municipalities, facilities and organizations.
- Has essential life saving information such as Tier 2 Chemical and Hazardous Inventory information. Used by emergency responders and while updating community emergency response plans.
- Has vital data that is available to its community members – what chemicals are in my community.

The “Program” that ...

- Has no direct federal funding mechanisms associated with reporting requirements mandates.
- Evolved from **provisions to follow** to collectively working together to develop a **full prevention and preparedness and compliance program** in the year 2010.

Evolution.... EPCRA program

- "Evolution is described as a gradual process in which something changes in a different and usually more complex or better form"...American Heritage Dictionary
- For Connecticut, EPCRA has evolved from a federal program to a state program interpretation of the law **to** collecting information **to** reporting information **to** a strong EPA enforcement and business assistance program.

EPCRA Program

- Emergency planning and preparedness information that is crucial in developing and/or updating emergency response plans.
- Emergency release notification requirement to bring the incident to a political level of awareness, response (if necessary) and mitigation of clean up actions.
- Provides the mechanism in collecting data for a community to examine as a whole as part of their emergency preparedness plans.
- Provides the mechanism in collecting data regarding facilities toxic chemical releases and EPA responsibility in analyzing the data and making it available to states.
- Emergency Preparedness in terms of awareness, training, and equipment for releases of extremely hazardous substances.
- Information such as physical and health hazards, storage locations and amounts concerning potential chemical risks in communities.

Funding Opportunities

▪ How can I talk about EPCRA and its evolution without the U.S. DOT HMEP program for funding which is necessary for an active LEPC statewide system. EPCRA was promulgated with no federal funding set aside to oversee and mandate the provisions.

- Without the federal DOT HMEP funding, CT would not be able to meet the EPCRA mandates and therefore may not maintain compliance with EPCRA requirements.

Another evolution that is occurring in CT is many of the LEPCs have dissolved or blended or joined forces with the Fire Departments and or the Emergency Management Departments.

CT SERC is looking at becoming a nonprofit operation to ease the administrative burden placed on its day-to-day business .

Many states have a Tier II fee program in place to assist in the funding mechanisms through reporting fee system.

LEPCs Evolution ...

- CT started with 155 Local Emergency Planning Committees when the EPCRA program was implemented.
- Today CT has Five Regional Emergency Planning Committees throughout the state (made up of 62 municipalities/towns) and 107 of local emergency planning committees.
 - Of the 107 we have no known mechanism to determine if an LEPC is active or not.
- However, despite the evolution in LEPC structure and/or location, towns are maintaining compliance with their EPCRA Emergency Response Plans.

EPCRA Timeline - June 8, 1998 EPA Proposed Rules to Streamline the Reporting Requirements under EPCRA

- Higher threshold levels for reporting gasoline and diesel fuel at retail gas stations – **rules finalized 1999.**
- Review from routine reporting for substances with minimal hazards and minimal risk – **pending final ruling.**
- Relief from routine reporting for sand, gravel and rock salt – **pending final ruling.**
- Reporting of mixtures, Tier II inventories, emergency planning and emergency notification changes – **rules finalized 2008.**

Current Evolution Activities

- Reduce the information management burden for SERCs, LEPCs and Fire Departments.
 - Initiating partnerships for joint access to EPCRA sections 311 and 312 information.
 - Some structure of single point submission; or
 - Sharing of information electronically
- CT collected information from 2,037 facilities tier 2 reports for the calendar year 2009.
- Upon request, CT supply the data via email to Fire Departments and Regional and Local Emergency Planning Committees and EPA.
 - However, each level is required to collect information. We have a diversified local government that operates under their own set of bylaws, procedures and funding.
- Upon request, for those who do not have accessibility to electronic tier 2 data or staff, we supply the paper copy Tier 2 forms.

Future Evolution: Funding Mechanisms

Are you in the same situation?

- Use of volunteer fire fighters for emergency response. In CT, there are approximately 14,000 plus fire fighters and emergency service personnel.
 - Approximately 10,500 are unpaid volunteers.
 - When responding to emergencies, these volunteers must be as highly trained as full-time paid staff to assure volunteer safety and that communities are provided the best possible protection and service.
 - The HMEP grant provides a significant amount of our training goals and objectives; however, does not **allow** backfilling or overtime provisions.
 - CT has experienced difficulties scheduling volunteer responders to participate in training exercises and drills that are vital to the EPCRA emergency response plans.
 - The CT SERC believes that paying volunteers even a modest stipend will encourage more volunteers to participate in training. We need some sort of evolution to occur so that this issue dissolves.

EPA Published Guidance on EPCRA Reporting Options

Guidance is a form of Evolution...

July 13, 2010 EPA published Guidance for state and local agencies and facilities and organizations regarding specific provisions of EPCRA.

- EPA provided some new interpretations to help facilities comply with certain of the requirements and officials to share information.
- EPA also trusted the states to select the most suitable approach to sharing information for the state.

Closing Remarks

- As SERC Chairman, in Connecticut, our EPCRA goals is to strengthen and expand the state's emergency response program over the next 5 years by
 - increasing the state, regional and local effectiveness in safety in handling hazardous materials involved in accidents/incidents,
 - enhancing compliance with EPCRA; and
 - encouraging comprehensive approach to emergency training and preparedness planning activities.

Objectives

- ❖ Invest dollars in emergency preparedness planning activities to enhance local response capabilities;
- ❖ Reduce risk to the public and the environment;
- ❖ Continuously educate individuals from small business or industrial facilities with their reporting responsibilities under EPCRA; and
- ❖ Provide resources to communities to maintain and assist in the improvement of their emergency preparedness planning capability for chemical accidents.

Acknowledgements

- I would like to thank NASTTPO folks for all their effort and opportunities that they are continuously providing us.
- I would like to thank Charlie Rogoff, HMEP Grant Manager, U.S. DOT and his grant specialist staff for their support and their strategy to move forward into the future on the evolution theory that we collectively can create dynamic collaboration and coordinate partnerships.
- I would like to thank EPA folks for all strong enforcement programs and their assistance through out the year.
- I would like to thank the person who gave birth to the word "evolution" into our EPCRA operations...its an amazing process and can be an amazing ride...
