

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990

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HOUSE RESOURCES

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Alaska State Emergency
Response Commission
P.O. Box 0
Juneau, Alaska
99811-1800

3. Additional LEPC's will be formed within each of the 5 currently designated LEPD's (one LEPC per LEPD). These additional LEPC's will be comprised of representatives from communities which have not chosen to become their own LEPC.
4. All LEPC's within the same LEPD shall coordinate with each other and the SERC in order to develop a unified hazardous materials emergency management plan.
5. There is no strict approach to the process involved in developing emergency management plans. Each LEPC should decide on the best approach for its area. The SERC will prepare guidance documents to assist LEPC's with the tasks of organizing LEPD's to develop emergency planning and response capabilities. ADES also provides guidance and standards for specific component elements in an emergency management plan.
6. Any community that wishes to become its own LEPD may petition the SERC for this designation. The SERC will review and decide on all requests presented.
7. Any community (Municipality, Borough, or other city) may petition the SERC requesting that they not become a designated LEPD. The SERC will review and decide on these requests. Any community that is not an independent LEPD shall become a part of one of the 5 existing LEPD's.
8. At a minimum there will be 5 LEPD's and 5 corresponding LEPC's in Alaska. Each LEPC should include representation from communities within that particular LEPD.
9. All communities will be affected by the implementation of SARA Title III in Alaska and will be included in one of the designated Local Emergency Planning Districts.

WHO CAN HELP ME UNDERSTAND MORE ABOUT SARA TITLE III?

Following is a listing of resources in Alaska that can provide information relating to SARA Title III:

1. Department of Environmental Conservation, Commissioner's Office 465-2600, for SARA Title III data information and community/public right-to-know
2. Alaska Division of Emergency Services, 249-1370, for planning and training information.
3. U.S. Environmental Protection Agency, 271-5087, for general information on SARA Title III and technical information.
4. Alaska Health Project, 276-2864, for general information and if you have public concerns that you want expressed to the SERC.
5. RCRA/Superfund Hotline, 800-424-9346, for general public information; SARA Title III, 800-535-0202, for emergency planning and community right-to-know.

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

United States
Environmental Protection
Agency

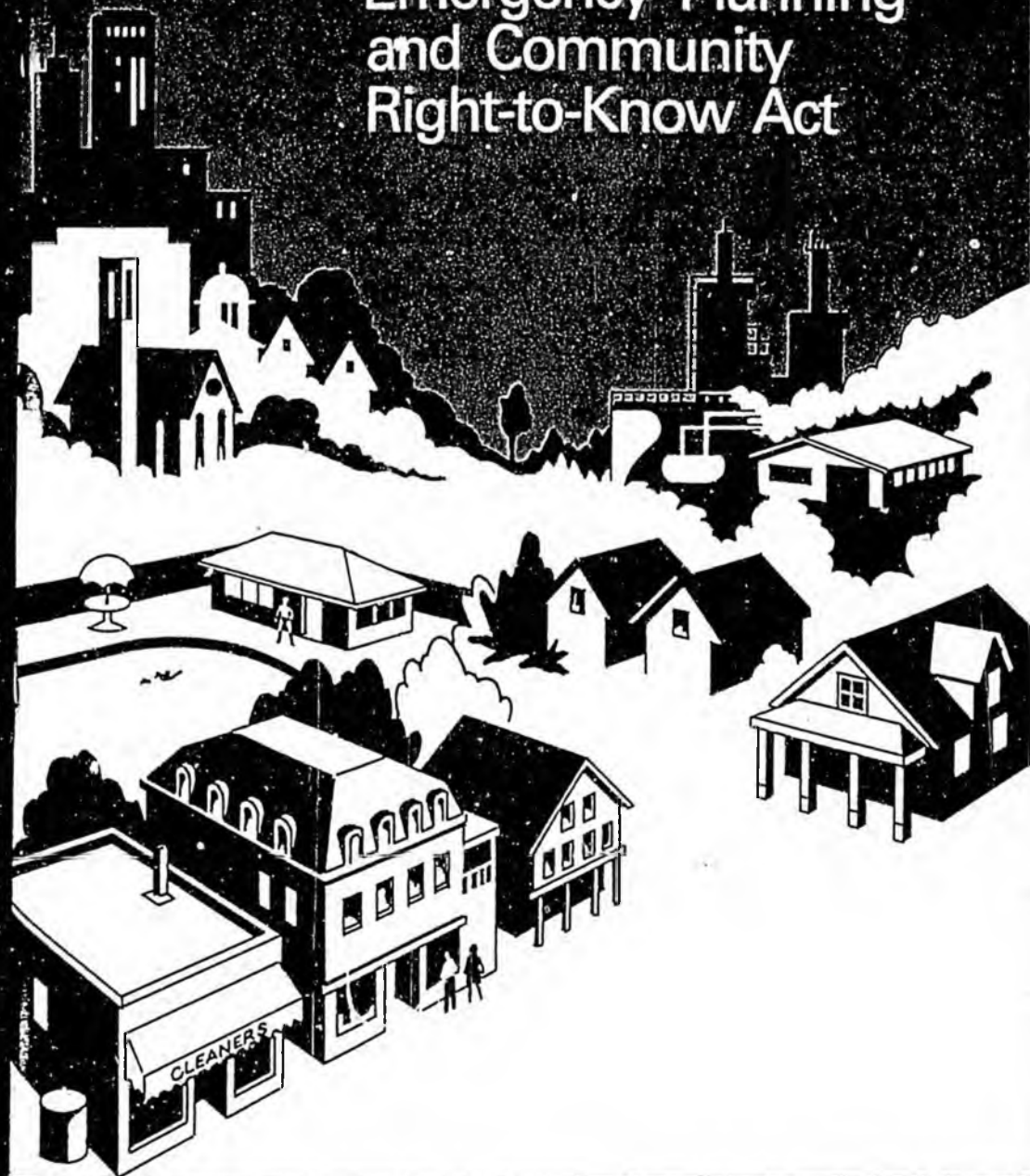
Washington DC 20460

September 1988



Chemicals in Your Community

A Guide to the Emergency Planning and Community Right-to-Know Act



**THE BYLAWS
OF THE
ALASKA STATE EMERGENCY RESPONSE COMMISSION**

Approved: January 12, 1990

ARTICLE I

NAME

This organization shall be known as the Alaska State Emergency Response Commission, hereinafter referred to as the "Commission."

ARTICLE II

MISSION

The mission of the Alaska State Emergency Response Commission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission shall foster coordination at the local, state and federal levels, and shall provide information to citizens and other interested persons.

ARTICLE III

PURPOSES

The duties and activities of the Commission are those set forth by Administrative Order Number 103 issued by the Governor October 21, 1987, which established the Commission to implement the requirements of the "Emergency Planning and Community Right-to-Know Act of 1986," enacted by the U.S. Congress, and hereinafter referred to as the "Act." The Commission is designated as the state emergency response commission, as defined in the Act, and shall perform all of the duties required of it under the Act to the extent consistent with the Alaska Constitution and Alaska Statutes, including the following:

- (1) Recommend any necessary changes to the initial boundaries of emergency planning districts described in Administrative Order Number 103 and use existing boundaries of political subdivision if appropriate, in order to facilitate preparation and implementation of emergency plans as required under Section 301(b) of the Act.
- (2) Appoint local emergency planning committees described under section 301(c) of the Act and supervise and coordinate the activities of such committees.
- (3) Establish procedures for receiving and processing requests from the public under Section 324 of the Act.
- (4) After public notice and opportunity for comment, designate additional facilities that may be subject to the Act under Section 302.

- (5) Notify the Administrator of the Environmental Protection Agency of facilities subject to the requirements of Section 302 of the Act.
- (6) Review the emergency plans submitted by local emergency planning committees and make recommendations to the committees on revisions of the plans that may be necessary to ensure coordination of such plans with emergency response plans of other emergency planning districts.
- (7) Perform other coordinating, advisory or planning tasks at the Governor's request, relating to chemical emergency planning and preparedness, community right-to-know reporting, toxic chemical release reporting or management of hazardous substances.

ARTICLE IV

MEMBERSHIP

Section 1. *Members.* To the extent practicable, the Alaska State Emergency Response Commission shall be comprised of individuals with expertise in the emergency response field. The Commission shall consist of the following members:

- (1) Seven members appointed by the Governor representing local governments, fire chiefs, rural areas, generators of hazardous waste and public interest organizations.
- (2) The Commissioner of the Department of Environmental Conservation or the commissioner's designee;
- (3) The Commissioner of the Department of Military and Veterans Affairs or the commissioner's designee;
- (4) The Commissioner of the Department of Health and Social Services or the commissioner's designee;
- (5) The Commissioner of the Department of Public Safety or the commissioner's designee;
- (6) The Commissioner of the Department of Transportation and Public Facilities or the commissioner's designee; and
- (7) The Commissioner of the Department of Community and Regional Affairs, or the commissioner's designee.

Section 2. *Inactive Members.* Appointed members shall be considered inactive when they have missed more than two consecutive Commission meetings without notification to the Commission chair or staff of significant reasons why they were unable to attend the meetings.

Section 3. *Removal of Members.* Members of the Commission serve at the pleasure of the Governor and may be removed by the Governor without cause.

Section 4. *Vacancies.* Vacancies in membership of the Commission shall be filled by the Governor for the remainder of the unexpired term.

Section 5. *Term.* Members of the Commission other than those from designated state departments shall serve at the Governor's request for staggered terms for three years.

Section 6. *Travel and Per Diem.* Members of the Commission shall serve without compensation but are eligible

to receive travel and per diem as authorized by Alaska Statute 32.20.180 for members of boards and commissions.

ARTICLE V

OFFICERS AND DUTIES

Section 1. *Named.* The officers of the Commission shall consist of a chair and vice-chair.

Section 2. *Term.* The Commissioner of the Department of Environmental Conservation or the commissioner's designee shall serve as chair of the Commission. The Commissioner of the Department of Military and Veterans Affairs or the commissioner's designee shall serve as vice-chair of the Commission.

Section 3. *Duties of the Chair.* The chair shall recommend an agenda for each meeting, preside at all meetings of the Commission, preserve order during its meetings, appoint all committees, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the Commission requiring such signature, and be responsible for implementing the policies and actions adopted by the Commission.

Section 4. *Duties of the Vice-Chair.* In the absence of the chair or in the event of the chair's inability or refusal to act, the vice-chair, unless otherwise determined by the Commission, shall perform the duties of the chair, and when so acting shall have all the powers of the chair. The vice-chair shall exercise such other duties as from time to time may be assigned by the chair or the Commission.

ARTICLE VI

AGENCY DUTIES

Section 1. *Department of Environmental Conservation.* The community right-to-know, emergency planning notification and emergency release notification portions of the Act shall be the responsibility of the Department of Environmental Conservation.

Section 2. *Division of Emergency Services.* The emergency planning and training portions of the Act shall be the responsibility of the Division of Emergency Services of the Department of Military and Veterans Affairs.

Section 3. *Agency Cooperation and Coordination.* The Department of Environmental Conservation and the Division of Emergency Services shall cooperate and coordinate to assist the Commission accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103. The Commission may request data, reports or other information from any state agency. To the extent feasible, every agency shall cooperate and coordinate with the Commission to furnish it with the information and assistance necessary to accomplish the purpose of the Act and the other duties specified in Administrative Order Number 103.

Section 4. *Staff Support.* Staff for the Commission shall be provided by the Alaska Department of Environmental Conservation and the Division of Emergency Services of the Alaska Department of Military and Veterans Affairs.

ARTICLE VII

MEETINGS

Section 1. *Regular Meetings.* The Commission shall meet quarterly for regular meetings. Meeting dates shall be established as follows:

- (1) Fourth week of September.
- (2) Second week of December.
- (3) Fourth week of March.
- (4) Second week of June.

Meetings shall be held on the Friday of the scheduled week in a location determined by the Committee unless otherwise noticed.

Section 2. *Special Meetings.* The chair may call such special meetings as may be deemed necessary to carry out the duties of the Commission. Upon the written request of at least four members, the chair shall call a meeting within ten days.

Section 3. *Public Comment Meetings.* The Commission shall hold such public comment meetings as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the Commission in regular meeting.

Section 4. *Quorum.* A quorum shall consist of a majority of Commission members. A quorum shall be required to transact business.

Section 5. *Agenda.* Any member may request the chair to place an item on the agenda. If the chair should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the chair with supporting signatures of three members.

Section 6. *Notice of Meetings.* Notice of the time, place and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so. Notice of special meetings and intended agenda items shall be given to all Commission members in writing or by phone at least seven days in advance of any special meeting. Notice to the public of all Commission meetings shall be made in accordance with Alaska Statute 44.62.

Section 7. *Rules of Order.* The deliberation of all meetings of the Commission and its various committees shall be governed by *Robert's Rules of Order, Newly Revised*, when not inconsistent with these bylaws, or with special rules of order adopted by the Commission.

Section 8. *Minutes of Meetings.* Accurate minutes of all Commission meetings shall be maintained by the Alaska Department of Environmental Conservation. Accurate minutes shall include, but not be limited to, a record of all Commission actions, a record of attendance at meetings and a summary of Commission discussion. The minutes of each meeting shall be mailed to each Commission member subsequent to each meeting.

Section 9. *Participation of Members of the Public.* Members of the public shall be encouraged to attend all regular, special and public comment meetings. An opportunity shall be provided at each meeting for members of the public to address the Commission. Members of the public include, but are not limited to: Citizens, industry representatives, experts, expert witnesses and governmental entity representatives.

ARTICLE VIII

VOTING

Section 1. *One Vote Each.* Each Commission member, including the chair, shall be entitled to one vote.

Section 2. *Proxy Votes.* No member shall vote by proxy.

Section 3. *Abstentions.* Members may register their abstention on any vote which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest as described in Alaska Statute 39.52.

Section 4. *Determination of Actions.* Consensus action shall be the favored procedure for approving actions, Commission positions or policy recommendations. When consensus cannot be reached, actions shall require the favorable vote of a majority of those Commission members present at a duly called meeting.

Section 5. *Roll Call Votes.* At the discretion of the chair, any Commission action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes, or upon call of any member.

ARTICLE IX

COMMITTEES

Section 1. *Establishment.* The Commission may establish committees as it deems necessary to accomplish its duties. The chair shall appoint committees with powers, membership and purposes as specified by the chair or the Commission.

Section 2. *Membership.* The chair may appoint persons other than Commission members to serve on committees. The majority of committee members shall be Commission members.

Section 3. *Travel & J Per Diem.* Members of committees shall serve without compensation but are eligible to receive per diem and travel expenses authorized by Alaska Statute 32.20.180 for boards and commissions.

Section 4. *Staff Support.* Commission staff shall provide technical support and serve committees in an advisory capacity.

Section 5. *Motions, Resolutions and Reports.* Committee motions, resolutions and reports shall be presented in writing to the Commission. Reports shall document the participation of committee members.

Section 6. *Working Groups.* The chair may appoint working groups to study special topics. At least one Commission member shall be on each working group.

ARTICLE X

REPORTS AND RECOMMENDATIONS

Section 1. *Resolutions.* All resolutions submitted for consideration by the Commission shall first be referred to an appropriate committee for review, consideration and its recommendation.

Section 2. *Work Plan.* The Commission shall develop an annual plan describing its intended activities. The final work plan shall include a review and comment process by all local emergency planning committees to

ensure coordination and implementation of the Act.

Section 3. *Annual Report.* The Commission shall prepare an annual report describing its activities for the preceding year. Upon approval by the Commission, the report shall be transmitted by the chair to the Governor and then made available to other state and local agencies, including the local emergency planning committees. The report shall be made available to the general public upon request.

Section 4. *Legislative Recommendations.* The Commission may make recommendations under its name to the Governor for new or revised legislation which bears upon the duties and responsibilities of the Commission. Such recommendations shall not be considered as final until approved by a majority of the members following a reasonable period of review. Upon request of the governor, the Commission shall, in its name, formulate and make recommendation for new or revised legislation.

ARTICLE XI

AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the Commission at any regular meeting of the commission provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.

SARA Title III Factsheet

Meaning

- ◆ SARA stands for the *Superfund Amendments & Reauthorization Act of 1986*.
- ◆ The *Superfund* was established by the *Comprehensive Environmental Response, Compensation and Liability Act of 1980* or *CERCLA*. It provides for the investigation and cleanup of sites contaminated with hazardous substances at the worst hazardous waste sites in the U.S. and for emergency response for acute releases of hazardous substances.
- ◆ *Title III* refers to the third part of SARA, also known as the *Emergency Planning and Community Right-to-Know Act*.
- ◆ *Emergency Planning* refers to the emergency operations plan that local communities are required to develop and maintain.
- ◆ *Community Right-to-Know* (CRTK) refers to disclosure of chemical information about chemicals stored and used in communities to local agencies and/or the public.

Purpose

- ◆ An outcome of the December 1984 methyl isocyanate gas leak at an Union Carbide plant in Bhopal, India that killed more than 2,500 people and injured more than 200,000.
- ◆ To protect public health and safety by providing a nationwide framework for emergency chemical response.
- ◆ *Community right-to-know* reports prepare a community to respond to chemical emergencies through *emergency planning* provisions.

Parts

- ◆ *Subtitle A - Emergency Planning and Notification*
- ◆ *Subtitle B - Reporting Requirements*
 - Material Safety Data Sheets (MSDSs) - Section 311
 - Emergency and Hazardous Chemical Inventory forms - Section 312
 - Toxic Chemical Inventory Release (TRI) forms - Section 313
- ◆ *Subtitle C - General Provisions*

Key Players

- ◆ *National Level*
 - Environmental Protection Agency (EPA)
 - Federal Emergency Management Agency (FEMA)
 - Regional Response Team (RRT)
 - Co-Chairs: EPA, Coast Guard
- ◆ *State Level*
 - State Emergency Response Commission (SERC) - 13 governor-appointed members
 - Alaska Department of Environmental Conservation (ADEC)
 - SERC Chair: Commissioner Dennis Kelso
 - Responsible for *Community Right-to-Know*
 - Receives *emergency planning* and *emergency release notifications*
 - Staff: Linda Van Houten, SARA Title III Coordinator
 - Alaska Division of Emergency Services (ADES)
 - SERC Vice-Chair: Director Erv Martin
 - Responsible for *Emergency Planning*
 - Develops and coordinates *emergency planning* and *training*
 - Staff: David McDowell, Hazardous Materials Coordinator
 - Other State Departments (Health & Social Services, Transportation & Public Facilities, Public Safety, Community & Regional Affairs)
 - Seven Public Members (Local Government, Public Interest, Fire Chief, Rural Area, Hazardous Waste Generator)

- ◆ *Local Level*
 - Local Emergency Planning Committees (LEPCs)
 - Local fire departments
 - Businesses/Facilities that store, handle, manufacture, use, transport or process chemicals covered by SARA Title III

SERC Role

- ◆ *Guide/Coordinate program implementation*
- ◆ *Work closely with all LEPCs, EPA and FEMA*
- ◆ *Designate Local Emergency Planning Districts (LEPDs)*
- ◆ *Approve LEPCs*
- ◆ *Review/Comment on LEPC Plans*
- ◆ *Provide technical assistance to LEPCs*
- ◆ *Receive/Manage CRTK reports*
- ◆ *Coordinate education efforts for the public and involved parties*

LEPC Role

- ◆ *Work closely with SERC*
- ◆ *Develop LEPC Plan*
- ◆ *Submit LEPC Plan to SERC for review*
- ◆ *Exercise LEPC Plan*
- ◆ *Receive/Manage CRTK reports*

SERC/LEPC Relationship

- ◆ *Two-way communication*
 - LEPCs comment on SERC Work Plan
 - LEPC members volunteer for SERC Work Groups
- ◆ *Prevent duplication of efforts*
 - Work to streamline management of CRTK reports
 - Coordinate local plans with federal/state plans
 - Coordinate training standards and curriculum
- ◆ *Technical Assistance*
 - Training courses for LEPCs (Orientation, Hazards Analysis)
 - Resource library
 - Two full-time, cooperative staff people

Reasons for Local Government Involvement

- ◆ *It's the law*
 - Federal mandate via SARA Title III
 - State disaster emergency plan requirement
 - AS 26.23.020(e); AS 26.23.060(a)-(f)
- ◆ *Liability Issues*
- ◆ *Participation in state and regional contingency planning, including establishment of response equipment depots and training of volunteer response corps via LEPC*
- ◆ *Prevention save lives*

LEPC Application Process

- ◆ *Checklist of required steps*

Contacts

- ◆ Alaska Department of Environmental Conservation - Linda Van Houten, 465-2630
- ◆ Alaska Division of Emergency Services - David McDowell, 376-2337

November 24, 1989

SARA Title III UPDATE

January 29, 1990

LEPD/LEPC Status

- ◆ Four Local Emergency Planning Districts (LEPDs) and Committees (LEPCs) -- *the Fairbanks North Star Borough, the Kenai Peninsula Borough, the Kodiak Island Borough, and the City of Yakutat* -- have been sanctioned by the State Emergency Response Commission.
- ◆ One LEPC -- *the Fairbanks North Star Borough* -- has submitted a local emergency response plan. This document is in draft form and is currently being reviewed by the Commission's LEPC Review Committee.
- ◆ Ten local governments -- *Alakanuk, Bethel, Emmonak, New Stuyahok, the North Slope Borough, St. Paul, Scammon Bay, Shishmaref, Sitka and Unalakleet* -- have applied for LEPC designation but have deficiencies in their applications.
- ◆ Sixteen jurisdictions -- *the Aleutians East Borough, the Municipality of Anchorage, the Bristol Bay Borough, Cantwell, Chignik, Haines, Healy, the City & Borough of Juneau, the Ketchikan Gateway Borough, the Lake & Peninsula Borough, the Matanuska-Susitna Borough, McKinley, New Stuyahok, the Northwest Arctic Borough, Quinhagak and Valdez* -- have inquired about the LEPC application process but have yet to formally apply.

SERC Status

- ◆ The sixth State Emergency Response Commission (SERC) Meeting was held on January 12 in Anchorage. A draft action summary can be obtained by calling 465-2630 and requesting a copy.
- ◆ Two of the five SERC Committees have Anchorage meetings scheduled in March. The *LEPC Review and the Work Plan Committees* will meet on *March 14*. Agendas can be obtained by calling 465-2630 or 376-2337.
- ◆ The Commission meets next on *April 6* in Juneau. Call 465-2630 for agenda information.

United States
Environmental Protection
Agency
September 1989

Solid Waste and Emergency Response (OS-120)

When All Else Fails! Enforcement Of The Emergency Planning And Community Right-To-Know Act

A Self-Help Manual For Local Emergency Planning Committees



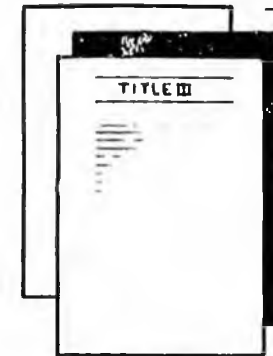
OS-120
United States
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Agency
Washington DC 20460

Official Business
Penalty for Private Use
\$300

Does your emergency plan address the key preparedness problems in your area? Do your first responders know what chemical hazards they face when arriving at the scene of an emergency? Has missing information limited your emergency preparedness? Have all affected facilities reported? What steps are you planning to take in the future to improve emergency preparedness? What can you do to ensure that facilities are complying with the law?

During the next few years, many Local Emergency Planning Committees (LEPCs) will look to improve the quality of their communities' chemical emergency response plans and to reduce chemical risks. One of the most significant ways to improve overall planning is to ensure that all the facilities have reported and, where appropriate, are participating in the emergency planning process. Only then can the local community completely understand and prepare for potential chemical accidents.

The Emergency Planning and Community Right-to-know Act (EPCRA or SARA Title III) grants specific state and local authority to request information from facilities and to take enforcement actions in those situations where voluntary compliance has not occurred. This pamphlet contains information on these authorities and provides tips to help LEPCs ensure that facilities covered by SARA Title III are complying with the law. The material presented outlines the enforcement authorities granted to citizens, local governments, States, and EPA.



Under this law, facilities that store extremely hazardous substances are required to report the presence of those substances and participate in the planning process. Your experience may indicate that there are facilities in your community that have not yet come forward with the required information. As an LEPC, you have many options for promoting voluntary compliance or compelling compliance.

What is the role of the LEPC in obtaining compliance? This question can only be answered by the LEPC itself. The Act offers many opportunities and obligations. It also provides enforcement mechanisms. In addition, citizens may compel you to obtain information for them. How actively you choose to pursue these opportunities or how you will respond to citizen inquiries will depend on your situation. As you work to implement the program, you will find that some facilities have not complied with the law. There will be two main reasons. Either the facility was unaware that it was subject to the law, or the facility simply did not report based on the assumption it would not be found and penalized. As LEPCs,

you may find the lack of cooperation from some facilities frustrating. You can do something about it — you have options. You may want to take an enforcement action or work with the State and EPA to enforce the provisions of the Act.

What is the role of the SERC?

Under SARA Title III, the State Emergency Response Commission (SERC) is the focal point for emergency planning at the State level. You should look upon your SERC as a resource that can provide support. The law requires SERCs to provide oversight and coordination of LEPCs. They will be able to serve as your link to State law enforcement and emergency management offices. They should also be your link to the federal government (i.e., EPA) for enforcement requests.

Why does facility noncompliance matter? Facility compliance with reporting requirements is central to what the Act is all about: emergency preparedness and right-to-know. Since the enactment of SARA Title III in 1986, LEPCs across the country have spent considerable time and energy assessing the chemical hazards in their communities. To a great degree, this planning has enhanced the safety of the emergency responders and citizens of the community. Yet, many facilities still present unnecessary risks to those who arrive first on the scene of a chemical accident and to the community by not providing the required information on chemical use and storage. The quality of your plan may be compromised by the missing information. The safety of your local fire fighters may be in

jeopardy because a facility has not complied. Additionally, a facility that refuses to cooperate or that fails to report denies you and citizens in your community your legal right to have that information.

How can compliance be achieved?

In the context of SARA Title III and the local emergency planning committees, encouraging compliance can include many types of activities—from outreach to enforcement. LEPCs can work with local organizations such as Chambers of Commerce to get the message out to small businesses, as well as large companies, to encourage their compliance. Site visits and community meetings may be helpful. LEPCs, SERCs, State and local governments, and citizen groups can use informal mechanisms such as warning letters and are given authority to file civil enforcement actions in the U.S. District Courts. The Act provides, and State and local laws may further provide, other mechanisms to be used by State and local committees to compel facility compliance with the law. Knowledge of your authorities under the law will help you in your efforts to gain the cooperation you need.

Where To Start— Education And Outreach



The process of improving facility compliance may involve four steps: outreach to inform facilities of requirements; identification of facilities required to report; communication, education and persuasion; and enforcement actions where necessary.

Everyone prefers that facilities comply voluntarily. Voluntary compliance depends, in part, on efforts made to educate local facility owners about the Act, its reporting requirements, and how the information collected can benefit the community. Enlisting the local news media, cable television stations, fire departments, the Chamber of Commerce, local Rotary clubs and any other business organizations is a starting point. Speaking to meetings of these groups and using their newsletters can help get the message out effectively and inexpensively. Some LEPCs have conducted extensive letter-writing campaigns. Others have visited facilities and spoken directly to the owners about their reporting obligations. Once owners learn of their reporting obligations, most will provide the necessary information quickly and accurately.

What Next — Identifying And Persuading Noncompliers

To reach facilities that are not complying, you can use general outreach or target your efforts to facilities that may be covered. Unfortunately, no comprehensive set of data exists that will identify every facility that is required to comply. However, sources of information such as water permits, air permits, SARA Title III §313 toxic release inventory reports, and other data housed by your State or local authorities (e.g., hazardous materials permits) may help to identify facilities potentially required to report. Working in coordination with local fire departments will also help identify facilities that store large quantities of chemicals.

In addition, EPA has developed a cross-listing of Standard Industrial Classification (SIC) Codes and the SARA Title III §302 extremely hazardous substances (EHS). This list, together with county or city specific information on businesses, should aid in identifying facilities that may be required to report under the planning provisions. Contact your SERC for copies of the SIC code/EHS cross-listing.

When you identify a facility that is out of compliance, what are your options? Direct contact with the facility owner or operator may be the easiest and most effective way to persuade the facility to comply. If the facility comes into compliance and the LEPC has received all the information it needs, no further action may be necessary. However, if the LEPC is unsatisfied with the results of its efforts or the facility refuses to comply, the LEPC may want to take further action.

What tools does the law provide to help the LEPC obtain information from a facility? Two provisions in SARA Title III authorize the LEPC to obtain information from facilities. If the LEPC needs additional information from a facility to assist the LEPC in its planning, the authority of SARA Title III §303(d)(3) can be used. Section 303(d)(3) requires facilities to promptly provide information the LEPC deems necessary for developing and implementing its emergency response plan. This authority is broad in the sense that it may be used to obtain a variety of information related to the identity and location of extremely hazardous substances, existence of facility emergency plans, and additional information needed to develop the LEPC plan.

Section 303(d)(3) is an enforceable provision. Failure to comply with the LEPC request could result in a penalty of up to \$25,000 per day. An LEPC should document the information request in a letter to the company. The request letter should: be sent to the owner or operator; cite the authority the LEPC has to request information (§303(d)(3)); be as specific as possible regarding the information requested; allow the facility a reasonable amount of time in which to reply (e.g., 30 days); and inform the facility owner or operator that failure to comply with the request is a violation of the law which could result in a \$25,000 per day penalty. LEPCs should consider the use of certified mail (return receipt requested) for these requests.



Many facilities required to report under the planning provisions are also covered by SARA Title III §312. Under §312, covered facilities must report to the SERC, LEPC, and fire department annually (every March 1) their inventories of hazardous chemicals. Section 312 also authorizes the SERC, LEPC, or a fire department to request information from a facility. Specifically, §312(e) authorizes these groups to request chemical specific forms on hazardous chemicals present at the facility above (§312(e)(3)(B)) or below (§312(e)(3)(C)) the 10,000 pound threshold.

Section 312(e) can be a powerful tool to get information from facilities that have not been cooperating with the LEPC. Like §303(d)(3), this, too, is an enforceable provision. If the owner or operator fails to provide the information, he or she may be liable for a penalty of up to \$25,000 per violation per day.

As with other requests made of a facility, the LEPC, SERC or fire department should formally request the information in a letter, cite the proper authorities, give ample time for the facility to reply (e.g., 30 days) and cite the potential penalty for failure to comply. Use of certified mail may again be appropriate.

If a company has filed a report under §312, SARA Title III authorizes local fire departments to inspect the facility to determine the specific location of hazardous

chemicals. LEPC members may want to accompany the fire department to promote a better understanding of the SARA Title III reporting requirements and to obtain information for planning purposes. In planning inspections, try to give the owner or operator advance notice. Should you encounter problems gaining access to the facility, contact your SERC and the Regional EPA office that has jurisdiction in your area.

These "enforcement" tools may never be needed if a facility is cooperating in the planning process. However, they are available to SERCs, LEPCs, and fire departments should a specific facility be unwilling to provide the necessary information.

If a facility fails to respond to your information request, what are the next steps? If your attempts to obtain information are disregarded or the information is not submitted in a timely manner, you have several options. First, you can work with your SERC to try to get the facility to cooperate. Second, you can notify the facility of your intention to:

- File a civil action in the U.S. District Court for violations of SARA Title III; or
- Assist the SERC and EPA in the enforcement of the provision(s) violated.

If an LEPC decides to cooperate with the SERC and EPA in an enforcement action, it is important that its efforts to bring the facility into compliance be documented. Establishing a record of efforts will aid the State and EPA in taking an enforcement action. LEPCs should maintain records of phone contacts, direct contacts, any letters that were sent to the company, etc. In developing enforcement actions, EPA will need your support in providing any evidence you have that the facility is in violation. The Agency will also request affidavits from you certifying that the required reports were not filed by the appropriate deadline. Contact your SERC and the Regional EPA office for additional information.

EPA is looking forward to cooperating with SERCs and LEPCs in the effort to make the Emergency Planning and Community Right-to-Know Act a success. EPA wants to establish enforcement ties with every SERC. This network of people will help to set priorities for enforcement actions within the State and provide a mechanism through which LEPCs can elevate and resolve compliance problems. It is only through our combined efforts that facilities will come to know and comply with this important law.

Enforcement Authorities

SARA Title III contains provisions to ensure that citizens' rights to information are backed by the legal tools needed to obtain cooperation of facility owners and operators. Congress included stiff penalties for failure of owners and operators to comply with the law's reporting requirements.

SARA Title III contains two sections dealing with enforcement: §325 Federal Enforcement and §326 Civil Actions. Actions initiated by LEPCs would likely fall under the civil category, but as described above, LEPCs could cooperate with the State and EPA.



Civil Actions (§326)

SARA Title III provides States, local groups, and citizens the authority to file civil actions in the U.S. District Court against owners and operators if they fail to comply with the law. The Act gives the public the right to access information and the legal remedies to make information available if an owner or operator is unwilling to cooperate in the emergency planning process or submit the required reports. These provisions emphasize that everyone has a role in ensuring that facilities comply with the Act.

Citizen Suits. Under SARA Title III §326(a)(1), any person has the authority to file a civil action in the U.S. District Court against owners or operators of facilities for their failure to submit: §304(c) follow-up reports; §311 MSDSs or lists of MSDSs; §312 Tier I forms; and §313 Toxic Chemical Release forms.

For any civil action described above, the plaintiff must notify the EPA, the State in which the alleged violation occurs, and the alleged violator 60 days prior to initiating a suit. On January 26, 1989 EPA issued a Proposed Rule on Prior Notice for Citizen Suits under CERCLA and SARA Title III (See the Federal Register Vol. 54 Page 3913). Consult this rule if you plan to bring a civil suit.

State and Local Suits. Section 326(a)(2) authorizes State and local suits. State and local governments have the authority to bring civil actions in the U.S. District Court for: failure to notify under §302; failure to provide information under §303; failure to submit MSDSs or a list of MSDSs as required under §311; and failure to submit Tier I information required under §312. These actions do not require notification prior to commencement.

SARA Title III §329(7) defines "person" as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, *State, municipality, commission, political subdivision of a State, or interstate body* [emphasis added]. Because §326 authorizes any "person" to bring a civil action against owners and operators for their failure to submit reports specified under §326(a)(1), this definition suggests that State and local governments, SERCs, and LEPCs could take action under the citizen suit provisions in addition to the suits authorized under §326(a)(2).

FEDERAL ENFORCEMENT (§325)



Under SARA Title III §325, the Federal government has the authority to bring administrative, and civil or criminal judicial actions against violators. EPA's ability to handle SARA Title III cases administratively means that the delays and expenses associated with judicial cases can be avoided. The enforcement authorities available to EPA and the maximum penalties vary by each reporting requirement.

Section 325(a) authorizes the EPA Administrator to order owners or operators of facilities to comply with §§302 and 303. The local U.S. District Court has jurisdiction to enforce the order and assess a civil penalty of up to \$25,000 per violation for each day the violation continues. EPA cannot assess these penalties administratively.

Violation of the §304 emergency notification requirements can be addressed through administrative or judicial enforcement. SARA Title III also establishes criminal penalties for knowingly and willfully failing to provide notice or providing false or misleading information. Section 304 violations can carry a Class I civil penalty of not more than \$25,000 per violation or a Class II civil penalty of not more than \$25,000 per violation per day. In the case of subsequent violations, Class II penalties of up to

\$75,000 for each day a violation continues may be assessed. Any person who knowingly and willfully fails to provide notice in accordance with SARA Title III §304 could receive a fine of up to \$25,000 or be imprisoned for not more than two years, or both. For second or subsequent convictions, the violator will be subject to a fine of not more than \$50,000 or imprisoned for not more than five years, or both.

For violations of SARA Title III §§311, 312, and 313, EPA can assess civil penalties by issuing administrative orders or by filing actions in the U.S. District Court to enforce compliance and assess penalties. Violation of §311 subjects the violator to a civil penalty of up to \$10,000 for each violation. Sections 312 and 313 violations subject the violator to civil penalties of not more than \$25,000 for each violation. The statute establishes that every day a violation continues is considered a separate violation.

Under §325(d), EPA may assess a penalty of \$25,000 for each trade secret claim that is found to be frivolous. The statute also provides criminal penalties for disclosure of trade secret information. Any person who knowingly and willfully divulges trade secret information will be subject, upon conviction, to a fine of not more than \$20,000 or to imprisonment for not more than one year, or both.

SARA Title III provides a special enforcement authority for health professionals. Whenever an owner or operator of a facility fails to provide information to the health professional as required under §323

of the Act, the health professional may bring action in the U.S. District Court to require the owner or operator to comply. The U.S. District Court has the jurisdiction to issue orders and take other actions as may be necessary to enforce §323.

It's In The Federal Register

You can find detailed information on the various provisions of the Emergency Planning and Community Right-to-know Act in the *Federal Register*, which is available at public or university libraries. Here are the citations for the EPA regulations covering various sections of the Act.

- Sections 301-303 (emergency planning): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Section 304 (emergency release notification): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Sections 311-312 (hazardous chemical reporting): October 15, 1987; August 4, 1988 (40 CFR 370)
- Section 313 (toxic chemical release reporting): February 16, 1988; June 20, 1988 (40 CFR 372)
- Section 322 (trade secrets): July 29, 1988 (40 CFR 350)
- Section 325 (Federal Enforcement) May 16, 1989 (40 CFR 22)
- Section 326 (Citizen Suits): January 26, 1989 (40 CFR 373 and 374)

Conclusion

The Emergency Planning and Community Right-to-know Act is unique among Federal environmental statutes in providing numerous opportunities for active participation at the local level. It is designed to enhance local emergency preparedness and awareness of chemical hazards at the community level. The benefits of a successful program can be many, ranging from reducing the potential for injuries and deaths relating to chemical accidents to designing effective city planning standards for air, water and waste management.

The LEPC is the focus of this effort for a community to better understand and prevent chemical accidents. Understanding the authorities that SARA Title III provides will make you better able to carry out an effective chemical awareness and emergency planning program.

Your efforts to implement the program need not be hindered by facilities that are unwilling to cooperate. SARA Title III provides the information gathering and enforcement tools you need to ensure that you can obtain the information that you and your community have a right to know.

Who can I contact for more information or enforcement assistance? For more information or assistance with a specific enforcement-related problem, contact the State Emergency Response Commission of your State and/or your U.S. EPA regional office. There are ten EPA regional

offices that serve the States and U.S. territories. Consult the following list to identify the EPA office for your State.

EPA Region 1
Preparedness Coordinator
617/860-1385
ME, VT, NH, MA, CT, RI

Region 2
Preparedness Coordinator
201/321-6656
NY, NJ, Puerto Rico, Virgin Islands

Region 3
Preparedness Coordinator
215/597-3184
PA, WV, VA, DE, DC, MD

Region 4
Preparedness Coordinator
404/347-3931
NC, SC, GA, FL, TN, MS, KY, AL

Region 5
Preparedness Coordinator
312/886-1964
MI, WI, MN, IN, OH, IL

Region 6
Preparedness Coordinator
214/665-2277
NM, TX, OK, AR, LA

Region 7
Preparedness Coordinator
913/236-2806
NE, KS, IA, MO

Region 8
Preparedness Coordinator
303/293-1723
ND, SD, WY, CO, UT, MT

Region 9
Preparedness Coordinator
415/974-7477
CA, AZ, NV, HI, Guam, American Samoa, Commonwealth of the Northern Mariana Islands

Region 10
Preparedness Coordinator
206/442-1263
WA, ID, OR, AK

State Emergency Response Commission Telephone Numbers

Alabama	(205) 834-1375 (205) 271-7700	New Mexico	(505) 827-3375
Alaska	(907) 465-2600	New York	(518) 457-2222
American Samoa	(684) 633-2331	North Carolina	(919) 733-3867
Arizona	(602) 244-0504	North Dakota	(701) 224-2348 (701) 224-2111
Arkansas	(501) 562-7444	Ohio	(614) 644-2260
California	(916) 427-4201	Oklahoma	(405) 521-2481
Colorado	(303) 273-1622 (303) 331-4600	Oregon	(503) 378-3473
Connecticut	(203) 566-4856	Pennsylvania	(717) 783-8150
Delaware	(302) 736-4321	Puerto Rico	(809) 725-5140 (809) 722-1175
District of Columbia	(202) 727-6161	Rhode Island	(401) 421-7333
Florida	(904) 488-1900	South Carolina	(803) 734-0442
Georgia	(404) 656-3500	South Dakota	(605) 773-3153
Guam	(671) 477-9841	Tennessee	(615) 252-3300
Hawaii	(808) 548-5832	Texas	(512) 465-2138
Idaho	(208) 342-0031	Utah	(801) 533-5271 (801) 538-6121
Illinois	(217) 782-2700	Vermont	(802) 828-2286
Indiana	(317) 243-5176	Virgin Islands	(809) 774-3320
Iowa	(515) 281-6175	Virginia	(804) 225-2667
Kansas	(913) 296-1690	Washington	(206) 753-2200
Kentucky	(502) 564-8680	West Virginia	(304) 348-2755
Louisiana	(504) 925-6113	Wisconsin	(608) 266-3232
Maine	1-800-452-8735		
Northern Mariana Islands	(670) 322-9274		
Maryland	(301) 225-5780		
Massachusetts	(617) 727-7775 (617) 875-1381 (617) 292-5810		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 960-9000		
Missouri	(314) 751-7929		
Montana	(406) 444-3111		
Nebraska	(402) 471-4230		
Nevada	(702) 885-5375		
New Hampshire	(603) 271-2231		
New Jersey	(609) 882-2000 (609) 292-6714		

State Designated TRI Contacts

Alabama	(205) 271-7931	Oklahoma	(405) 521-2481
Alaska	(907) 465-2600	Oregon	(503) 378-2885
American Samoa	(684) 633-2682	Pennsylvania	(717) 783-8150
Arizona	(602) 244-0504	Puerto Rico	(809) 724-6045
Arkansas	(501) 562-7444	Rhode Island	(401) 277-2808
California	(916) 324-8124	South Carolina	(803) 734-0425
Colorado	(303) 331-4858	South Dakota	(605) 773-3153
Connecticut	(203) 566-4856	Tennessee (Within State)	800 1 262-3300
Delaware	(302) 736-4764	(Out of State)	800 1 258-3300
District of Columbia	(202) 727-6161	Texas	(512) 463-7727
Florida	(904) 487-4915	Utah	(801) 538-6121
Georgia	(404) 656-6905	Vermont	(802) 863-7281
Guam	(671) 646-8863	Virginia	(804) 786-3017
Hawaii	(808) 548-6505	Virgin Islands	(809) 774-3320
Idaho	(208) 334-5898	Washington	(206) 459-6303
Illinois	(217) 782-3637	West Virginia	(304) 348-2901
Indiana	(317) 243-5167	Wisconsin	(608) 266-3232
Iowa	(515) 281-5385	Wyoming	(307) 777-7566
Kansas	(913) 296-1522		
Kentucky	(502) 564-8684		
Louisiana	(504) 342-6363		
Maine	(207) 289-4080		
Northern Mariana Islands	(670) 234-6984		
Maryland	(301) 225-5780		
Massachusetts	(617) 556-1029		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 352-9100		
Missouri	(314) 751-7929		
Montana	(406) 444-3948		
Nebraska	(402) 471-4230		
Nevada	(702) 885-4240		
New Hampshire	(603) 271-2231		
New Jersey	(609) 292-6714		
New Mexico	(505) 827-3375		
New York	(518) 457-4107		
North Carolina	(919) 733-3867		
North Dakota	(701) 224-2374		
Ohio	(614) 481-7050		

Title III EPCRA Enforcement Authorities

Requirement	Federal	State and Local	Citizen
§302(c) o/o with EHS > TPQ notify SERC by 5/17/87 (or 6 mos. after EHS > TPQ becomes present) that facility is subject to Act.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day.	§326(a)(2)(A)(i) State & Local Governments can file civil action in USDC for failure of o/o to notify SERC.	No authority under §326(a)(1).
§303(d) o/o must appoint facility representative to participate in planning by 9/17/87 & provide info for planning when requested.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day.	§326(a)(2)(B) SERC or LEPC can file civil action in USDC against o/o for failure to provide information.	No authority under §326(a)(1).
§304(b) o/o must notify SERC & LEPC immediately after release of EHS or CERCLA HHS RQ. §304(c) o/o must provide follow-up report as soon as practicable.	§325(b)(1) & (b)(2) Class I & Class II penalties of up to \$25k/day (up to \$75k/day for second or after) by Administrative Order or in USDC. Criminal penalty: up to \$25k per day and/or 2 years.	No authority under §326(a)(2). See §326(a)(1).	§326(a)(1)(A)(i) any person can file civil action in USDC against o/o for failure to submit follow-up report.
§311 o/o who must prepare MSDS for OSHA must submit MSDS/list to SERC, LEPC & fire department by 10/17/87 or 3 months after newly subject to OSHA.	§325(C)(2),(4) EPA can assess penalty of up to \$10k per violation per day by Administrative Order or in USDC.	§326(a)(2)(A)(ii) & (iii) State & Local Governments can file civil action in USDC against o/o for failure to submit MSDS or list or make available information requested under §311(c).	§326(a)(1)(A)(ii) any person can file civil action in USDC against o/o for failure to submit MSDS or list.
§312(a) o/o who must prepare MSDS under OSHA must also submit Tier I form on 3/1/88, then annually. For newly covered facilities, first forms due 3/1/90.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC.	§326(a)(2)(A)(iv) State & Local Governments can file civil action in USDC against o/o for failure to submit Tier I form. §326(a)(2)(B) SERC & LEPC can file action for failure to submit Tier II form under §312(e)(1).	§326(a)(1)(A)(iii) any person can file civil action in USDC against o/o for failure to submit Tier I information.
§313 o/o of facility that manufactured, processed or used a toxic chemical in previous year must submit TRI form annually starting 7/1/88.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC.	No authority under §326(a)(2). See §326(a)(1).	§326(a)(1)(A)(iv) anyone can file a civil action in USDC against an o/o for failure to submit a TCR form under §313.
§322(a)(2) o/o must submit information to support a trade secret claim.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation per day by Administrative Order or in USDC.	No authority.	No Authority.
§325(d) claim must not be frivolous.	§325(d)(1) EPA can assess penalty of \$25k per claim for claim that is unsubstantiated or not a trade secret and frivolous by Administrative Order or in USDC.	No Authority	No Authority
§323(b) o/o must submit a MSDS, inventory form, and a TCR form to physician who requests information in an emergency situation.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation by Administrative Order or in USDC.	No Authority	§325(e) Health professional can file action in USDC to compel o/o to comply. USDC may issue order and enforce.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM**

PREVENTION

PREPAREDNESS

RESPONSE

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM**

PREVENTION

VESSEL TRAFFIC SYSTEMS

TANKER DESIGN AND CONSTRUCTION

MANNING STANDARDS

IMPROVED RADAR

PILOTS

SUBSTANCE ABUSE TESTING

VESSEL ESCORTS

UNLIMITED LIABILITY

RESTRICT MOVEMENTS DURING BAD WEATHER

PENALTIES THAT PROVIDE INCENTIVES

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM**

PREPAREDNESS

STATE EMERGENCY RESPONSE COMMISSION

LOCAL EMERGENCY PLANNING COMMITTEES

INTERSTATE COMPACTS

RESPONSE PLANNING

TRAINING

DRILLS

INSPECTIONS

FINANCIAL RESPONSIBILITY

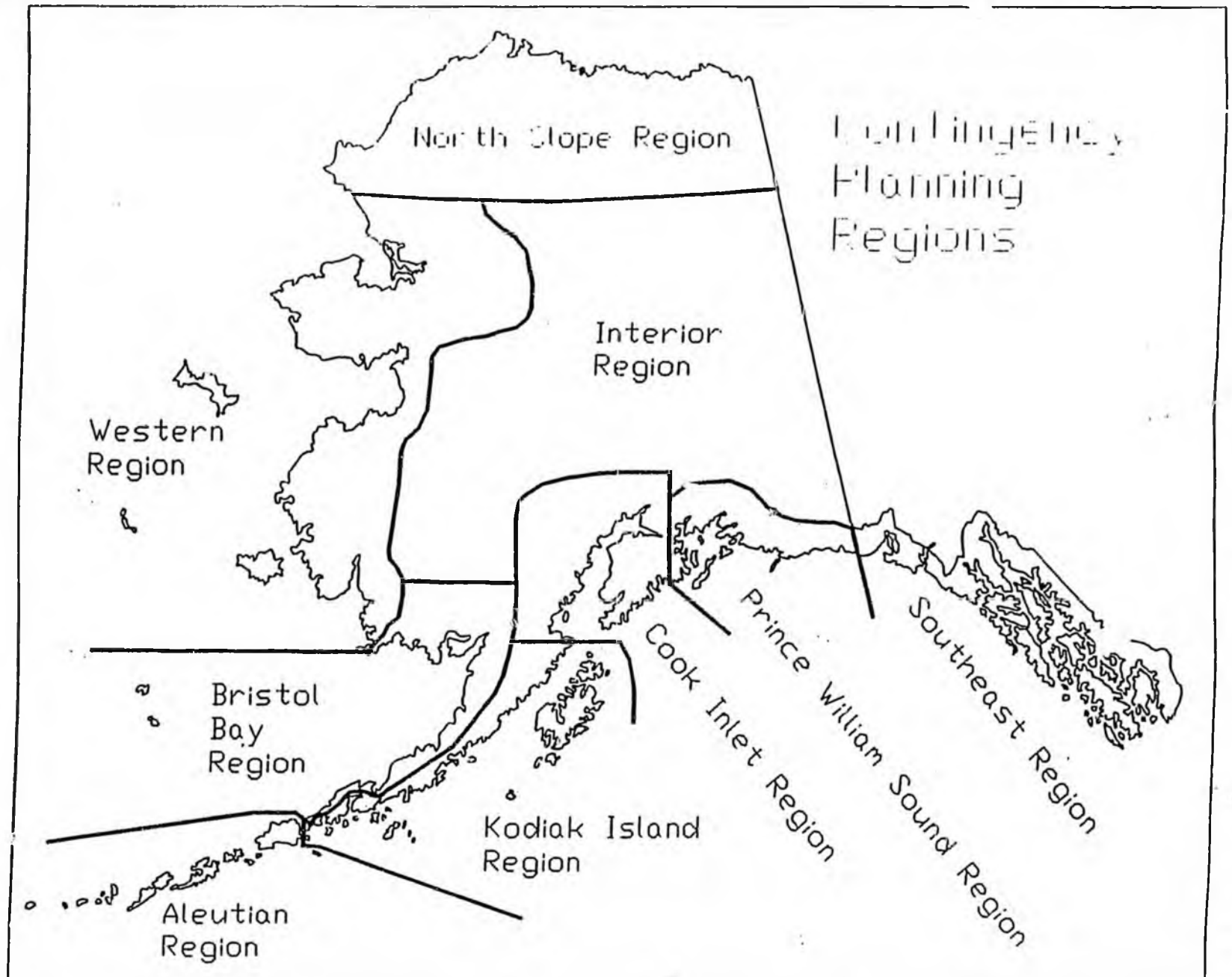
RESPONSE FUNDING

RESPONSE CORPS

RESPONSE DEPOTS

LOCAL AGREEMENTS

OIL DISCHARGE CONTINGENCY PLANS



STATE EMERGENCY RESPONSE PLANNING ORGANIZATION

Role:

(1) Develop State and
Regional Oil and Hazardous
Substance Discharge
Contingency Plans

(2) Implement the federal
Emergency Planning and
Community Right to Know
Act (SARA Title III)
-fact sheet attached

(3) Preparedness

STATE EMERGENCY RESPONSE COMMISSION (SERC)

Chair - DEC
Vice-chair - DES

Members:

DPS
DOT&PF
DHSS
DCRA
Oil Industry Representative
Municipality of Anchorage
Kenai Peninsula Borough
Fairbanks N.S. Borough
Alaska Fire Chiefs Ass'n.
Rural Representatives
Public Interest Group
DNR*
ADF&G*
DOL*

Role:

(1) Develop Local
Emergency Response
Plans

(2) Spill Response
Preparedness

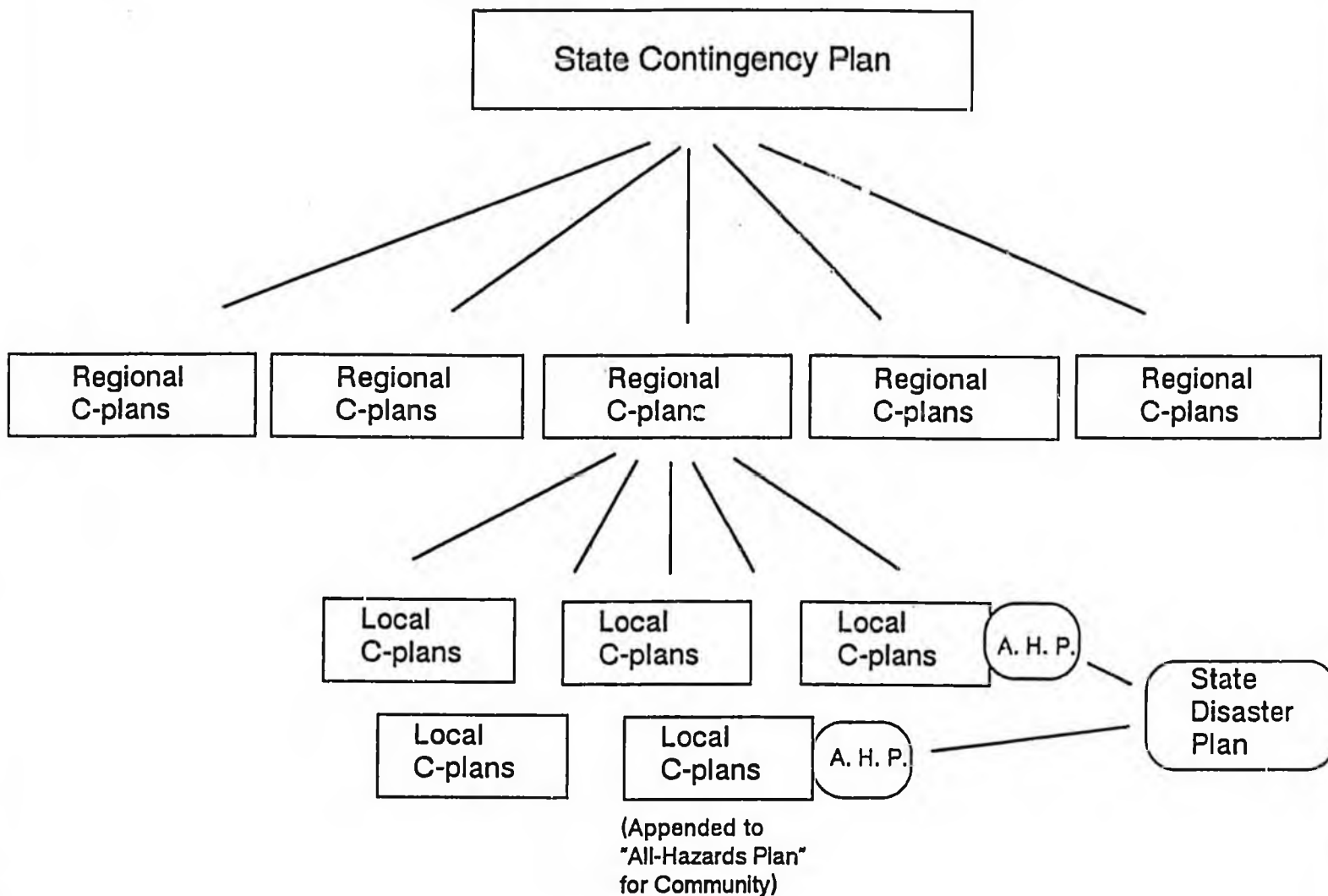
LOCAL EMERGENCY PLANNING COMMITTEE

Chair: Elected Official

Members:

Law Enforcement
Civil Defense /
Emergency Management
Firefighting
First Aid
Health
Hospital
Local Environmental
Transportation Personnel
Broadcast and Print Media
Community Groups
Owners / Operators of
Applicable Facilities
Other

CONTINGENCY PLANS



- (1) Local plans are appended to the regional oil and hazardous substances contingency plans
- (2) Regional oil and hazardous substances plans are appended to the state oil and hazardous substances contingency plan
- (3) Community "All Hazards" plans are appended to the State Disaster Plan

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM**

RESPONSE

DEC-STATE ON SCENE COORDINATOR

INCIDENT COMMAND SYSTEM

UNIFIED COMMAND STRUCTURE

SAFETY

PUBLIC INFORMATION

RESPONSE DEPOTS

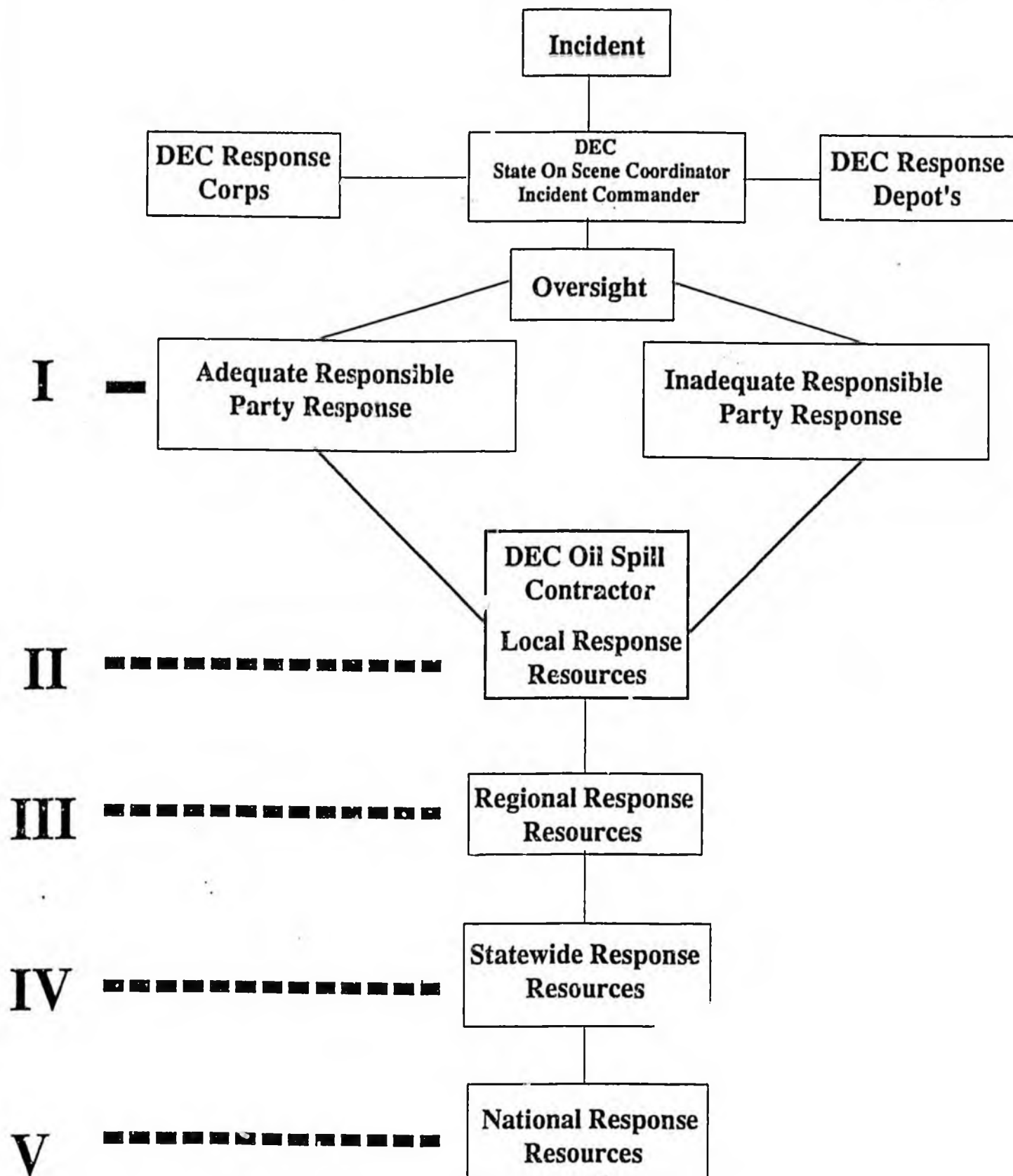
DEC RESPONSE OFFICE

OIL AND HAZARDOUS SUBSTANCE RESPONSE CORPS

**COORDINATION WITH LOCAL, REGIONAL, STATE, FEDERAL
AND PRIVATE PARTIES**

DEC CONTRACTOR MOBILIZATION

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY





RESPONSE ORGANIZATION

for Oil and Hazardous Substance Discharges

Area: Department of Environmental Conservation (DEC)

COMMAND

On-Scene Coordinator (ADEC)

DUTIES

As an incident response team leader, the On-Scene Coordinator (OSC) must ensure that the following duties are performed:

ADG ADNR ILS
ADG1 ADNR (ADG) ILS
ADG5 LEPC ILS

Other state agencies, the USCG (PA) and other federal agencies, the National Incident Command System (NICS), and other agencies may be asked to assist in command meetings as advisors.

STAFF

Information Officer (ADEC)

• public information officer
• media liaison

Liaison Officer (ADEC)

• contact point for local agencies, volunteer groups, other advisors

Community Liaison Officer

• contact point for local agencies, volunteer groups, other advisors

Legal Advisor (ADOLaw)

• advice on legal implications

Project Coordinator (ADEC)

• liaison between Command and MAC

Safety Officer (DOLabor)

• worker health and safety

LOGISTICS

DMVA (Section Head)
ADG1/PP ADNR
ADP1 LEPC

DUTIES

- communications
- camp and staging site selection
- air, ground and water transportation and support
- equipment and fuel needs
- facilities
- food
- procurement of equipment and supplies
- emergency medical services
- security

(Note: During a large incident there will be a unit head and staff for each duty.)

PLANNING

ADEC (Section Head)
ADNR LEPC
ADP1 DES
DHSS

DUTIES

- all incident response planning
- provide information to command
- identify support and communications needs for logistics
- spot surveillance, tracking and movement prediction
- identify and prioritize resources
- identify priority sensitive areas
- identify natural/cultural resources of concern
- coordinate environmental studies
- mapping and monitoring
- threats assessment

(Note: During a large incident there will be a unit head and staff for each duty.)

OPERATIONS

ADEC (Section Head)

DUTIES

- implement policy, objectives, plans
- hold meetings to coordinate and organize response operations with all Operations groups and Planning and Logistics sections

ADMINISTRATION

OMB / ADOA / ADEC
ADOL ADG1
ADOLaw ADG5
DMR ADG1
DES

DUTIES

- office management
- data management
- equipment maintenance
- contracting
- hiring personnel
- claims
- accounting / finance

(Note: During a large incident there will be a unit head and staff for each duty.)

CONTAINMENT AND CLEANUP

ADEC (Group Head)
ADEC VOL. CORPS
ADNR
ADP1

DUTIES

- oil and hazardous substance containment
- oil and hazardous substance clean-up
- shoreline clean-up
- oil spill permitting
- oil and hazardous substance disposal

(Note: During a large incident there will be a unit head and staff for each duty.)

HEALTH, ENVIRONMENTAL SERVICES

ADHSS (Group Head)
ADHSS LEPC
ADORA ADOL
ADP1 DES

DUTIES

- medical services
- safety
- community service impacts
- mental health

(Note: During a large incident there will be a unit head and staff for each duty.)

NATURAL RESOURCE DAMAGE ASSESSMENT

ADPQ (Group Head)
ADPQ ADG1
ADNR ADEC
LEPC

DUTIES

- injury determination and quantification
- economic value assessment
- restoration

(Note: During a large incident there will be a unit head and staff for each duty.)

WATER TREATMENT

ADPQ (Group Head)
ADPQ VOL. CORPS

DUTIES

- operate treatment centers
- water search and rescue
- primary care and feeding

(Note: During a large incident there will be a unit head and staff for each duty.)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY

OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM

LAWS PERTAINING TO PREVENTION

Prior to 1989

- o Oil pollution prohibited
- o Ballast water discharge prohibited
- o Criminal penalties
- o Civil penalties for discharge of oil
> 18,000 gallons...up to \$10/gallons
five times multiplier for negligence
- o Liability limit of 100,000,000 for oil
- o Strict Liability
- o Recovery of costs to state for oversight,
cleanup, damages, restoration
- o Detention of vessels as security for damages
- o Emergency powers
- o Injunctive powers

1989

- o Increased civil penalties for crude oil spills
> 18,000 gallons...\$8 for first 420,000 gallons
\$12.50 > 420,000 gallons
Four times multiplier for negligence
Credit applied for amount of oil recovered
in first 36 hours
 - o Liability limit of \$500,000 for crude oil spills
- Regulatory formula applied*

1990

- o Strengthen financial responsibility requirements
HB 567

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM**

LAWS PERTAINING TO PREPAREDNESS

Prior to 1989

- o Oil Discharge contingency plans required
 - Terminals > 10,000 bbls
 - Offshore exploration or production facilities
 - Tank vessels
 - Oil Barges
- o Proof of Financial Responsibility
- o Inspection Authority
- o Compacts authorized
- o Contracting Authority
- o Perform DES role in declared disaster emergencies

1989

- o State Master Oil and Hazardous Substance Discharge and Prevention Contingency Plan
- o Regional Master Oil and Hazardous Subsurface Discharge and Prevention Contingency Plan
- o Unannounced spill drills
- o Spill technology research
- o Response corps training

1990

- o Use of response fund during declared disaster emergencies.
- o Expand role of Division of Emergency Services
- o Establish State Emergency Response Commission and Local Emergency Planning Districts and Committees
- o Extend the requirement for Contingency Plans
- o Strengthen inspection authority to include structural integrity of tank vessels

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY

OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION
AND RESPONSE PROGRAM

LAWS PERTAINING TO RESPONSE

Prior to 1989

- o Discharge notification required
- o Provide for containment and cleanup of discharges of unknown origin - *Self policed largely*
- o Require maximum practicable use of private services and resources
- o Ensure cleanup is initiated and adequate
- o Identify source, cause and responsible party

1989

- o Established response office for spills that present a grave and substantial threat
- o Established response corps
- o Established response depot

1990

- o Define "realistic maximum oil discharge" - *used to design response capability*

ALASKA STATE EMERGENCY RESPONSE COMMISSION

FY 90 WORK PLAN

Interim Adoption: September 18, 1989

Committee Revisions as of December 6, 1989

The State Emergency Response Commission provisionally adopted the following mission statement:

The mission of the Alaska State Emergency Response Commission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission will foster coordination at the local, state and federal levels, and will provide information to citizens and other interested persons.

This work plan implements the mission with objectives and activities outlined under five goals. The goals are:

- Goal 1: Ensuring that the SERC meets the minimum responsibilities under Title III.*
- Goal 2: Increasing the visibility of Title III in Alaska.*
- Goal 3: Establishing mechanisms to support the implementation of Title III.*
- Goal 4: Improving Alaska's response capability to hazardous and other toxic substances.*
- Goal 5: Developing a long-term implementation and maintenance strategy.*

The work plan assigns responsibilities to five committees. The committees include:

- ◆ Legislation & Funding
- ◆ Work Plan
- ◆ LEPC Review
- ◆ Training & Emergency Response
- ◆ Public Awareness & Data Utilization

The following chart timelines each goal's objectives and activities, assigns a responsible committee for these actions and lists evaluation criteria for reviewing the SERC's progress. An annual report, summarizing each goal's progress, will be prepared at the end of the year.

The chart reads: *Goal 1 is to ensure that the SERC meets the minimum responsibilities under Title III. Goal 1's first objective is to establish LEPCs/LEPCs in boroughs and first class cities by June 30, 1990. The LEPC Review Committee is the responsible party for this objective, and the committee will report their progress at the September, December, March and June SERC Meetings. Objective 1's first activity is to evaluate the LEPC Review Committee membership. The activity should start in July and be completed by the December SERC Meeting.*

Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		
<p>2. To develop a strategy that addresses establishing LEPCs in unorganized areas of the state by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> ♦ Analyze the current approach. -----> ♦ Initiate strategy development. -----> ♦ Identify communities and organizations requiring contact. -----> 								■				■	LEPC Review Committee	committee reports
<p>3. To establish mechanisms for reviewing LEPC plans by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> ♦ Review other state approaches and the LEPC Guidebook to synthesize procedures. -----> ♦ Distribute guidance to the LEPCs. -----> ♦ Develop a computer program model. -----> 								■				■	LEPC Review Committee	- committee reports - LEPC plan review procedures

CORRECTION

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HAS BEEN REPHOTOGRAPHED
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ALASKA STATE EMERGENCY RESPONSE COMMISSION

FY 90 WORK PLAN

Interim Adoption: September 18, 1989

Committee Revisions as of December 6, 1989

The State Emergency Response Commission provisionally adopted the following mission statement:

The mission of the Alaska State Emergency Response Commission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission will foster coordination at the local, state and federal levels, and will provide information to citizens and other interested persons.

This work plan implements the mission with objectives and activities outlined under five goals. The goals are:

- Goal 1: *Ensuring that the SERC meets the minimum responsibilities under Title III.*
- Goal 2: *Increasing the visibility of Title III in Alaska.*
- Goal 3: *Establishing mechanisms to support the implementation of Title III.*
- Goal 4: *Improving Alaska's response capability to hazardous and other toxic substances.*
- Goal 5: *Developing a long-term implementation and maintenance strategy.*

The work plan assigns responsibilities to five committees. The committees include:

- ♦ Legislation & Funding
- ♦ Work Plan
- ♦ LEPC Review
- ♦ Training & Emergency Response
- ♦ Public Awareness & Data Utilization

The following chart timelines each goal's objectives and activities, assigns a responsible committee for these actions and lists evaluation criteria for reviewing the SERC's progress. An annual report, summarizing each goal's progress, will be prepared at the end of the year.

The chart reads: *Goal 1 is to ensure that the SERC meets the minimum responsibilities under Title III. Goal 1's first objective is to establish LEPCs/LEPCs in boroughs and first class cities by June 30, 1990. The LEPC Review Committee is the responsible party for this objective, and the committee will report their progress at the September, December, March and June SERC Meetings. Objective 1's first activity is to evaluate the LEPC Review Committee membership. The activity should start in July and be completed by the December SERC Meeting.*

Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

1. To establish LEPDs/LEPCs in boroughs and first class cities by June 30, 1990:															LEPC Review Committee	committee reports
◆ Evaluate the LEPC Review Committee membership.																----->
◆ Evaluate the current procedures for reviewing applications and designating LEPDs/LEPCs.																----->
◆ Continue providing support to local governments to encourage LEPC/LEPC formation.																----->
◆ Compile an LEPC status and membership report with recommendations for achieving this objective.																----->

Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		
<p>2. To develop a strategy that addresses establishing LEPCs in unorganized areas of the state by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> ◆ Analyze the current approach. -----> ◆ Initiate strategy development. -----> ◆ Identify communities and organizations requiring contact. -----> 							■					■	LEPC Review Committee	committee reports
<p>3. To establish mechanisms for reviewing LEPC plans by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> ◆ Review other state approaches and the LEPC Guidebook to synthesize procedures. -----> ◆ Distribute guidance to the LEPCs. -----> ◆ Develop a computer program model. -----> 							■					■	LEPC Review Committee	- committee reports - LEPC plan review procedures

Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		
<p>4. To notify the EPA Administrator of facilities subject to Title III reporting requirements by the December 1989 SERC Meeting:</p> <p>♦ Develop a procedure. -----></p> <p>♦ Send notification to the EPA Administrator. *</p>						■							Public Awareness & Data Utilization Committee	- committee report - EPA notification
<p>5. To develop a data management plan for community right-to-know information by the December 1989 SERC Meeting:</p> <p>♦ Research how other states manage, use and distribute data. -----></p> <p>♦ Recommend an overall data management strategy. -----></p>						■							Public Awareness & Data Utilization Committee	- committee report - data management plan

Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

6. To establish procedures for reviewing and processing community right-to-know requests by the December 1989 SERC Meeting:

■

Public Awareness & Data Utilization Committee

- committee report
- CRTK procedures

◆ Research other state approaches.

----->

◆ Develop a procedure.

----->

Goal 2: Increase the visibility of Title III in Alaska.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
1. To identify target audiences for dissemination of information by the December 1989 SERC Meeting:													■	Public Awareness & Data Utilization Committee	- committee report - Title III mailing list
◆ Contact all levels of government agencies and non-profit, consumer, special interest and industry groups, and secure lists for an all-encompassing Title III mailing list.															----->
◆ Identify the existing delivery mechanism for dissemination of information on hazardous materials.															----->
2. To evaluate the current public awareness system by the December 1989 SERC Meeting:													■	Public Awareness & Data Utilization Committee	committee report
◆ Document past outreach activities for Title III.															---->
◆ Propose future outreach activities.															---->

Goal 2: Increase the visibility of Title III in Alaska.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

3. To market Title III with an introductory information campaign to sell the public and industry, and to promote active participation at all levels, by the December 1989 SERC Meeting:														Public Awareness & Data Utilization Committee	committee report
◆ Distribute the SERC fact sheet to all target audiences.															----->
◆ Prepare and disseminate a public information statement for the print and broadcast media.															---->
◆ Develop and distribute an industry-specific fact sheet.															---->
◆ Educate local governments about Title III requirements.															----->

Goal 2: Increase the visibility of Title III in Alaska.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
4. To develop mechanisms to institutionalize the SERC by January 1, 1990:														Public Awareness & Data Utilization Committee	- committee report - SERC newsletter
◆ Produce a SERC logo and letterhead.															
◆ Produce and distribute statewide a SERC newsletter.				*	*	*	*	*	*	*	*				
◆ Draft proposed legislative authority and submit to the Governor.														Legislation & Funding Committee	- committee report

Goal 2: Increase the visibility of Title III in Alaska.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

5. To develop mechanisms to exchange Title III information by June 30, 1989:														Public Awareness & Data Utilization Committee	committee reports
◆ Establish communication mechanisms encouraging intra-, inter- and extra-agency staff exchanges with groups interested in hazardous and other toxic substances.															
◆ Prepare and disseminate public information on an on-going basis.															
◆ Nominate to SERC working groups individuals from all levels of government and industry, consumers and representatives from various geographic areas.															
◆ Conduct an annual Title III conference to transfer information and provide a forum for development of long-term implementation strategies.															

Goal 3: Establish mechanisms to support the implementation of Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

1. To have in place guidance for SERC activities:			■			■							■	Work Plan Committee	- committee reports - bylaws - FY 90 report - FY 91 work plan
◆ Adopt SERC bylaws by the March 1990 SERC meeting.														----->	
◆ Finalize the FY 91 work plan by the June 1990 SERC Meeting.														----->	
◆ Conduct a review of SERC activities and prepare status report by first FY 91 SERC Meeting.														---->	

Goal 3: Establish mechanisms to support the implementation of Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA		
	J	A	S	O	N	D	J	F	M	A	M	J				
2. To ensure interagency coordination during implementation of Title III at all levels of government (federal, state and local):							■						■			committee reports
◆ Inventory and review existing memoranda of agreements for consistency with Title III implementation strategies by the March 1990 SERC Meeting.																Legislation & Funding Committee
◆ Identify need for additional memorandum of agreements by the March 1990 SERC Meeting.																Legislation & Funding Committee
◆ Conduct regular conference calls with SERC Chair and Vice-Chair, appropriate Committee Chairs and SERC staff.																SERC
◆ Send out draft FY 91 work plan to LEPCs for review and comment by the March 1990 SERC Meeting.														*		Work Plan Committee

Goal 3: Establish mechanisms to support the implementation of Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

- | | | | |
|---|------------------|----------------------------|-------------------------|
| <p>5. To ensure the availability of adequate Title III information in Alaska and the efficient use of this information, by the March 1990 SERC Meeting:</p> | <p>■</p> | <p>Work Plan Committee</p> | <p>committee report</p> |
| <p>◆ Review P.L. 99-499 and prepare recommendations for the optional SERC responsibilities.</p> | <p>-----></p> | | |

Goal 3: Establish mechanisms to support the implementation of Title III.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA			
	J	A	S	O	N	D	J	F	M	A	M	J					
4. To secure adequate funding for the SERC's mission:													■	■	■		- committee reports - annual budget
◆ Obtain budget needs from LEPCs prior to the December 1989 SERC Meeting.																	Work Plan Committee
◆ Prepare FY 91 budget, in conjunction with the annual work plan, by the December 1989 SERC Meeting.																	Work Plan Committee
◆ Identify other groups, such as industry and non-profits, that may be able to augment the SERC and LEPCs budgets by the December 1989 SERC Meeting.																	Work Plan Committee
◆ Communicate budget needs, both short- and long-term, to the Congressional delegation, EPA, etc., by June 30, 1990.																	Legislation & Funding Committee
◆ Present to the Governor the annual work plan and report at the first FY 91 SERC Meeting.																	SERC

Goal 4: Improve Alaska's response capability to hazardous and other toxic substances incidents.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

3. To explore mutual-aid agreements with the military by June 30, 1990:

□ □ □

Training & Emergency Response Committee

- committee reports

◆ Form a working group with military personnel and other emergency responders to discuss the potential for developing mutual-aid agreements.

----->

Goal 4: Improve Alaska's response capability to hazardous and other toxic substances incidents.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA				
	J	A	S	O	N	D	J	F	M	A	M	J						
1. To develop a regional emergency plan for incidents beyond first-responder capabilities by June 30, 1990:							■								■	Training & Emergency Response Committee	- committee reports - regional response plan	
♦ Recommend boundaries for response regions.																	----->	
2. To increase personnel capability, both quantitatively and qualitatively, by June 30, 1990:							■									■	Training & Emergency Response Committee	committee reports
♦ Promote the implementation of the minimum training standards for all responders.																	----->	
♦ Encourage the training of first responders throughout the state.																	----->	
♦ Coordinate and support training opportunities that incorporate Alaska's unique conditions.																	----->	

Goal 5: Develop a long-term implementation and maintenance strategy.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

- | | | | | |
|----|--|--|---------------------|---|
| 3. | To ensure adequate resources to follow through with the strategy, by the June 1990 SERC Meeting: | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | Work Plan Committee | <ul style="list-style-type: none"> - committee reports - long-term budget - Title III use report |
| ♦ | Prepare a long-term budget. | -----> | | |
| ♦ | Develop and disseminate a report that demonstrates the value of Title III information in protecting public health and the environment. | -----> | | |

Goal 5: Develop a long-term implementation and maintenance strategy.

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA		
	J	A	S	O	N	D	J	F	M	A	M	J				
1. To develop a long-term implementation plan by the June 1990 SERC Meeting.							■						■		Work Plan Committee	- committee reports - long-term planning guide
◆ Coordinate among all SERC Committees.	----->															
◆ Prepare a long-term planning guide.	----->															
2. To ensure that local emergency response and planning needs are expressed in the long-term strategy by June 30, 1990:							■						■		Work Plan Committee	- committee reports
◆ Establish mechanisms, such as work groups, to ensure that local and regional needs are met.	----->															

ALASKA STATE EMERGENC. RESPONSE COMMISSION

EMERGING ISSUES MATRIX

Emerging Issues	Agencies and Authorities	Products	Current Status of Activity
Resolve inconsistencies in State regulations and statutes relating to emergency response for hazardous and toxic chemicals.	DEC SB 261 SB 264 AS 46.03.865 AS 46.04.080 AS 46.09.030	Emergency Response Authority/Plan/Funding	Under Development
	DMVA/ADES AS 26.23.040 AS 46.09.030	Emergency Response Authority/Plan	Guidelines being developed & implemented statewide
	DPS/DFP UFC Placarding Law	Storage/Reporting/Placarding of HazMat	Developing Implementation
	Municipalities AS 46.09.060	Emergency Response Authority	Anchorage & Fairbanks developing teams
	DOL/OSHA/EPA	Training Regulations	Regulations coming on line
	DOT/PF		
Secure consistent and appropriate levels of funding in order for the SERC/LEPC to carry out its mission(s)	None: Need to be Developed	Under Development: Adequate Funding Mechanism	DEC - 1 staff member DMVA/ADES - 1 staff member. SERC support thru DEC, ADES as interim. SERC subcommittee
	SB 261	DEC Funds	DEC Emergency Response Office under development.

Emerging Issues**Agencies and Authorities****Products****Current Status of Activity**

Promote a comprehensive and coordinated statewide hazardous chemical data management system.

DEC

None Yet - Should Develop: Data Base, Citizen & Responder Requests. Have access to 1 chemical database.

None Yet - Should Develop: Data Base, Computers MSDS/ Information Tier II

Fire Marshal/No Funding

Developing placarding database.

Under Development

ADES

Comprehensive Emergency Management System

BB-Planning/Training/ Responder Information Network initiated and refining.

Ensure coordinated and comprehensive training for all levels of an integrated hazardous chemical emergency management system.

DEC Chair of SERC (SARA Title III) SB 264

Requested 2 Training/Safety Officers

Under Development

DMVA/ADES Vice Chair of SERC (SARA Title III)

Statewide Uniform Training Standards

Being developed for implementation: HazMat Technician I standards drafted/being field evaluated prior to finalization. HazMat Team under development.

Executive Order 103

Established Alaska SERC

Implementing LEPCs/HazMat Plans

Fire Marshall

Requesting HazMat Trainer

Waiting for Approval

Emerging Issues

Agencies and Authorities

Products

Current Status of Activity

Encourage Active Participation by citizens, LEPCs, the SERC, industry and other affected parties in the long-term implementation of Title III.

SARA Title III:
SERC/ADES

Informational Dissemination Program
* Written
Pamphlets, SERC Overview, LEPC Guidance Documents, etc.
* Oral
Workshops, Presentations, Local Government One-on-One

Ongoing - widening exposure:
* LEPC Guidebook
* LEPC Orientation
* SARA Title III Overview Pamphlet
* Ak. Municipal League Juneau, Nov 1989
* Local Government Emergency Planning Guidelines

SARA Title III:
SERC/DEC

* SERC Notebook

Under Development

Develop a regional emergency response approach to incidents involving hazardous chemicals.

DEC SB 264

Regional Response Team(s)

Establishing Emergency Response Office Headquarters in Anchorage

SB 261

State & Regional Prevention and Contingency Plans

Under Development

DMVA/ADES AS 26.23.040

Training/Emergency Response Planning

Regional Response Team Comprehensive Training Program for 1st responders under development.

Emerging Issues

Agencies and Authorities

Products

Current Status of Activity

Secure Military commitment to provide emergency response support during incidents involving hazardous and toxic chemicals.

DEC
Alaska RRT: EPA,
Coast Guard

DMVA/ADES

Military Commitment -
MOA

Working with Alaska
Adjutant General for
possible Solution.

Work thru the RRT rep
to obtain commitment
for assistance.

Working with local
officials and adjacent
local military base
commanders on case-by-
case basis; DOD
letter to all base
commanders to assist
local/State
authorities when able.

ALASKA STATE EMERGENCY RESPONSE COMMISSION

Long-Term Planning Guide

December 6, 1989 Draft

The Alaska State Emergency Response Commission (SERC) has prepared a planning guide to direct the long term implementation of our mission. The Commission was established by Governor Steve Cowper on October 21, 1987, in response to Title III of the Superfund Amendments and Reauthorization Act of 1986 or SARA. *The SERC's mission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission will foster coordination at the local, state and federal levels, and will provide information to citizens and other interested persons.*

This guide recommends the implementation of the mission with objectives outlined under the five goals listed below.

- Goal 1: Ensure that the SERC meets the minimum responsibilities under SARA Title III.*
- Goal 2: Maintain the visibility of SARA Title III in Alaska.*
- Goal 3: Maintain mechanisms to support the implementation of SARA Title III.*
- Goal 4: Enhance Alaska's response capability to hazardous and other toxic substances.*
- Goal 5: Maintain a long-term implementation strategy.*

The recommendations in this document have been organized into six sections by audience. To see the continuum of services and the need for coordination, the Commission suggest users gain familiarity with the recommendations for all audiences. The sections include:

- ♦ *The Public*
- ♦ *Local Emergency Planning Committees*
- ♦ *Facilities*
- ♦ *Local Agencies*
- ♦ *State Agencies*
- ♦ *Federal Agencies*
- ♦ *State Emergency Response Commission*

Planning guidance to local communities will be based on the level of communities concept initially adopted by the Department of Health & Social Services for the *State Health Plan* and more recently adapted for the *Alaska Emergency Medical Services Goals: A Guide for Planning Emergency Medical Services in Alaska*. This concept groups Alaskan communities into four levels:

- ♦ *Level I - Small Villages*
- ♦ *Level II - Subregional Centers*
- ♦ *Level III - Regional Centers*
- ♦ *Level IV - Urban Centers*

The SERC will develop level-specific recommendations for Local Emergency Planning Committees for recognition and response to incidents involving hazardous and other toxic substances. For example, the guidelines for Level I communities may include a 24-hour emergency response contact, such as the Village Public

Safety Officer, with two-to-four hours of hazardous materials recognition training and an ability to implement a response through an emergency notification list. Higher levels have recommendations for progressively elevated response capabilities. For instance, a recommendation for an urban center might be a fully trained and equipped Level A hazardous materials response team and an integrated local emergency response plans.

The intent of this guide is to give an overall direction, and, although it contains no timeline, it is a fluid document subject to an annual review. The Commission welcomes your comments and can be contacted at:

**State Emergency Response Commission
Alaska Department of Environmental Conservation
P.O. Box 0
Juneau, AK 99811
(907) 465-2600**

STATE EMERGENCY RESPONSE COMMISSION

Public Awareness & Data Utilization Committee

Goal 1: Ensure that the SERC meets the minimum requirements under SARA Title III.

Objective 3: Annually notify the EPA Administrator of facilities subject to Title III reporting requirements.

Objective 4: Maintain the community right-to-know data management plan.

Objective 5: Maintain procedures for reviewing and processing community right-to-know requests.

CORRECTION

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Safety Officer, with two-to-four hours of hazardous materials recognition training and an ability to implement a response through an emergency notification list. Higher levels have recommendations for progressively elevated response capabilities. For instance, a recommendation for an urban center might be a fully trained and equipped Level A hazardous materials response team and an integrated local emergency response plans.

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- ◆ *Local Agencies*
- ◆ *State Agencies*
- ◆ *Federal Agencies*
- ◆ *State Emergency Response Commission*

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- ◆ *Level III - Regional Centers*
- ◆ *Level IV - Urban Centers*

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STATE EMERGENCY RESPONSE COMMISSION

Public Awareness & Data Utilization Committee

Goal 1: Ensure that the SERC meets the minimum requirements under SARA Title III.

Objective 3: Annually notify the EPA Administrator of facilities subject to Title III reporting requirements.

Objective 4: Maintain the community right-to-know data management plan.

Objective 5: Maintain procedures for reviewing and processing community right-to-know requests.

STATE EMERGENCY RESPONSE COMMISSION

LEPC Review Committee

Goal 1: Ensure that the SERC meets the minimum requirements under SARA Title III.

Objective 1: Maintain LEPDs/LEPCs to cover the entire state.

Objective 2: Review LEPC plans.

STATE EMERGENCY RESPONSE COMMISSION

Public Awareness & Data Utilization Committee

Goal 2: Maintain the visibility of SARA Title III in Alaska.

Objective 1: Maintain an on-going system for information dissemination.

Objective 2: Annually evaluate the current public awareness system.

Objective 3: Market SARA Title III with an annual October 17 anniversary information campaign to update the public and industry, and to promote active participation at all levels.

Objective 4: Maintain mechanisms to give visibility to the SERC.

Objective 5: Maintain mechanisms to exchange SARA Title III information.

STATE EMERGENCY RESPONSE COMMISSION

Training & Emergency Response Committee

Goal 4: Enhance Alaska's response capability to hazardous and other toxic substances incidents.

Objective 1: Maintain a regional emergency plan for incidents beyond first-responder capabilities.

Objective 2: Maintain personnel capability.

Objective 3: Update mutual-aid agreements with the military and between local government jurisdictions.

Objective 4: Maintain a comprehensive and consistent statewide emergency response protocol.

Legislation & Funding Committee

Goal 3: Maintain mechanisms to support the implementation of SARA Title III.

Objective 2: Ensure interagency coordination for implementation of SARA Title III at all levels of government (federal, state and local).

Objective 3: Ensure legislative and statutory consistency for emergency response to hazardous and other toxic substances.

Objective 4: Secure adequate funding for the SERC's mission.

STATE EMERGENCY RESPONSE COMMISSION

The guidance for the State Emergency Response Commission is arranged by committee. The Committees include:

- ◆ Legislation & Funding
- ◆ LEPC Review
- ◆ Public Awareness & Data Utilization
- ◆ Training & Emergency Response
- ◆ Work Plan Committee

STATE EMERGENCY RESPONSE COMMISSION

Work Plan Committee

Goal 5: Maintain a long-term implementation strategy.

Objective 1: Maintain and annually update a long-term implementation plan.

Objective 2: Ensure that local emergency response and planning needs are recognized and met in the long-term strategy.

Objective 3: Ensure adequate resources to follow through with the strategy.

STATE EMERGENCY RESPONSE COMMISSION

Work Plan Committee

Goal 3: Maintain mechanisms to support the implementation of SARA Title III.

Objective 1: To have in place guidance for SERC activities.

Objective 4: Secure adequate funding for implementation of the SERC's mission.

Objective 5: Ensure the availability of adequate SARA Title III information in Alaska and the efficient use of this information.

HB

567

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 22, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 3/30/90

The RESOURCES Committee considered:

HB 567

HOUSE BILL NO. 567

OIL SPILL CONTINGENCY PLANS/REQUIREMENTS

"An Act relating to the strengthening of the state's oil contingency plan requirements, financial responsibility requirements, and inspection authority under AS 46.04; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 567 (RES) the same title
- a new title a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____ 2 fiscal note(s) 2/22/90 ADF+G, DEC
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

	Do Not PASS	No Rec	Amend
<u>Best May</u>			<input checked="" type="checkbox"/>

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Fish and Ga
 Title: An act strengthening DEC's BRU: Habitat Division
contingency plan and inspection requirements
 Sponsor: Governor Rudi W. Mark Components: Habitat
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	135.9					
TRAVEL	6.0					
CONTRACTUAL	13.6					
SUPPLIES	1.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	156.5					
CAPITAL	0					
REVENUE	0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	156.5					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	156.5					

POSITIONS:

FULL-TIME	2					
PART-TIME	1					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary) (Explanation Attached)

FY 90 Impact:	Personal Services	51.9
(3/24-6/30/90	Travel	2.0
	Contractual	4.0
	Supplies	1.0
	Equipment	7.0
	TOTAL	65.9

Prepared by Frank Rue
 Division: Habitat

Phone: 465-4105
 Date: 2/14/90

Approved by Commissioner: [Signature]
 Agency: ADF&G

Date: 2/14/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)