



STATE EMERGENCY RESPONSE COMMISSION

LOCAL EMERGENCY RESPONSE COMMITTEES (LEPCs)

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) MEMBERSHIP

Section 301(c) of the federal law stipulates membership of each LEPC shall include, at a minimum, a representative from each of the following groups or organizations:

1. Elected officials: state or local
2. Law Enforcement
3. Firefighting
4. Emergency Management
5. Health
6. Hospital
7. Broadcast/Print Media
8. Transportation
9. Emergency Medical Service
10. Local Environmental Group
11. Community/Service/Civic Group
12. Facility Owners/Operators regulated by SARA Title III
13. Information Coordinator (can be filled by any position)

LEPC members represent a large cross section of government and private organizations, industries, and occupations to provide their expertise during plan development and to offer a "total package" of planning and outreach capability. By law, the LEPC membership must represent a cross section of the jurisdiction in which it resides. The LEPC members shall be nominated by County Commissioners and will be approved.

SARA TITLE III law created: NORTH DAKOTA EMERGENCY RESPONSE COMMISSION (SERC) which oversees the LEPC's

LEPCs work to understand the hazards in the community, develop emergency plans in case of an accidental release or natural disaster, and look for ways to prevent accidents. The role of LEPCs is to form a partnership between local governments and industries to enhance all hazards preparedness. The local government is responsible for hazmat planning and response within their jurisdiction. This includes:

- ensuring the local hazard analysis adequately addresses hazmat incidents.
- incorporating planning for hazmat incidents into the local emergency management plan and annexes.
- assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors.
- Training responders and exercising the plan.

Industry must be a part of this planning process to ensure facility plans are compatible with local emergency plans

LEPCs are crucial to local hazardous materials planning and community right-to-know programs. Members of the LEPC are citizens from the community and represent the various organizations, agencies, departments, facilities, and/or other groups within the district. The members should be familiar with factors that affect public safety, the environment, and the local economy. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about hazardous substance emergency planning, and health and environmental risks.

LEPC RESPONSIBILITIES

The major legal responsibilities of LEPCs in North Dakota are listed below. The citations are from the Emergency Planning and Community Right-to-Know Act (EPCRA), Public Law (PL) 99-499. Each LEPC:

- Shall meet and review local emergency management plans once a year, or more frequently as circumstances change.
- Shall receive copies of mandatory Tier II reports and an emergency and hazardous chemical inventory form.
- May request a Safety Data Sheet (SDS), Tier II report, chemical inventory, etc. from a facility even if materials at the facility are not covered under PL 99-499/EPCRA.
- Shall establish procedures for receiving, reconciling and processing requests for SDS, Tier II Report, inventory form, and follow-up emergency notice to the public, during normal working hours at a location designated by the LEPC.
- Shall respond to a request for information no later than 45 days after the date of receipt of the request.
- Shall receive, from covered facilities, the name of a representative who will participate in the emergency planning process as a facility emergency coordinator.
- Shall receive information from the Spill Reporting System (Hazconnect) when hazardous chemical releases are reported by facilities or first responders.
- May commence a civil action against an owner or operator of a facility for failure to provide information, or for failure to submit Tier II information.

Additional LEPC Responsibilities:

- The LEPC shall appoint a Chairperson, an Information Coordinator, and establish bylaws under which the committee shall function (EPCRA, Section 301(c)).
- The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's emergency management plan.
- The LEPC shall develop an emergency notification system used to notify the general public and other key stakeholders during an incident.
- The LEPC shall annually publish a notice in local newspapers that the emergency management operations plan, SDS, and inventory forms have been submitted under this section (Section 324(b)) and are available for review upon request. This notice should include contact information and location where such documents can be reviewed during normal business hours.

STATE HAZARDOUS CHEMICALS PREPAREDNESS AND RESPONSE FUND

[ND Century Code 37-17.1-07.1](#) establishes the Tier II fee system. The fee, set by statute, is \$25 dollars per reportable chemical up to a maximum of \$950 per facility.

Late filing and late payment fees are also collected. One-half of the collected fees are then shared, with the respective counties. The money can be used to buy items, conduct training and outreach as long as they have a tie to hazardous materials. Detailed information can be found in the LEPC handbook, on the [NDDES website](#).