

Local Emergency Planning Committee Update

Formation of a statewide Local Emergency Planning Committee (LEPC) and the potential impact on Vermont Statutes for the State Emergency Response Commission (SERC, Section 30), LEPCs (Section 31), and the HAZCHEM Fund (Sections 38-39)

Presentation for the Senate Government Operations Committee

March 30, 2021



LEPC Committee Update

- Purpose: present an overview of the state Hazardous Material (HAZMAT) emergency planning organizations and planned shift to a single statewide Local Emergency Planning Committee (LEPC)
- Goals:
 - Provide background information about HAZMAT organizations
 - Present rationale for updating sections of V.S.A. Title 20
- Agenda
 - History and Current Status
 - Local Emergency Planning Committees (LEPCs)
 - The HAZCHEM Fund
 - Way Ahead



Presenters

- Erica Bornemann
 - Director of Vermont Emergency Management
- Kim Lapierre
 - Chair of the State Emergency Response Commission (SERC) and Technical Training Manager, Suburban Propane
- Victoria Littlefield
 - SERC Local Emergency Planning Committee Liaison Chair and Regional Planner, Two Rivers – Ottauquechee Regional Commission
- Patrick McLaughlin
 - VT State Hazardous Materials (HAZMAT) Response Team Chief



History and Current Status

History

1986: Congress passes the Emergency Planning and Community Right-to-Know Act (EPCRA)

1989: Vermont adds 20 V.S.A. § § 30, 31, 38, and 39 to implement EPCRA within the state

1994: Vermont Hazardous Materials Response Team (VHMRT) is formed



AP Photo/Tony Gutierrez (Houston Public Media)

2018: America's Water Infrastructure Act (AWIA) adds requirements to State Emergency Response Commissions (SERCs) to make hazardous chemical inventory data available to water utilities and notify them of releases

1984: Bhopal, India chemical release kills thousands

1985: Institute, WV chemical release sickens over one hundred



Julian Nyča, On the site of Bhopal disaster (Wikipedia)

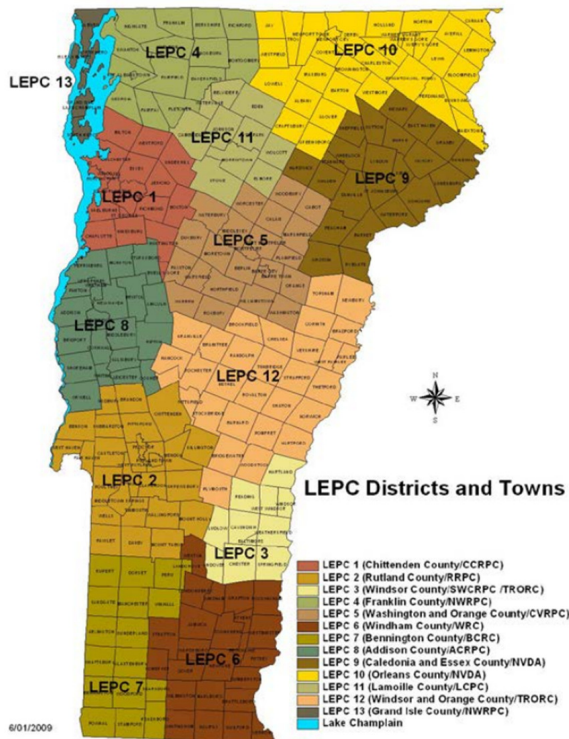
2001: 9/11 attacks highlight need for standardized all-hazard planning and response

2013: West, TX ammonium nitrate explosion kills 15 and injures 200

2014: Elk River, WV chemical spill contaminates water for 300,000



Current Status



- Vermont's SERC is well-established
- The 13 LEPCs are in the process of merging into one statewide LEPC
- The SERC and LEPCs are involved in planning and training for HAZMAT incidents
- Local fire departments, facilities, the Vermont Hazardous Materials Response Team (VHMRT), and contractors respond to and manage recovery from HAZMAT accidents

Local Emergency Planning Committees (LEPCs)

LEPC Facts

- Specific requirements set by federal and state laws
- SERC organizes and defines LEPCs
- State funding set at a minimum of \$4,000 per LEPC [20 V.S.A. § 38(b)]
- No staff dedicated to LEPC work
- Some LEPCs have effectively dissolved
 - Windham
 - Rutland
 - Chittenden
- Municipalities are responsible for all-hazard local emergency management

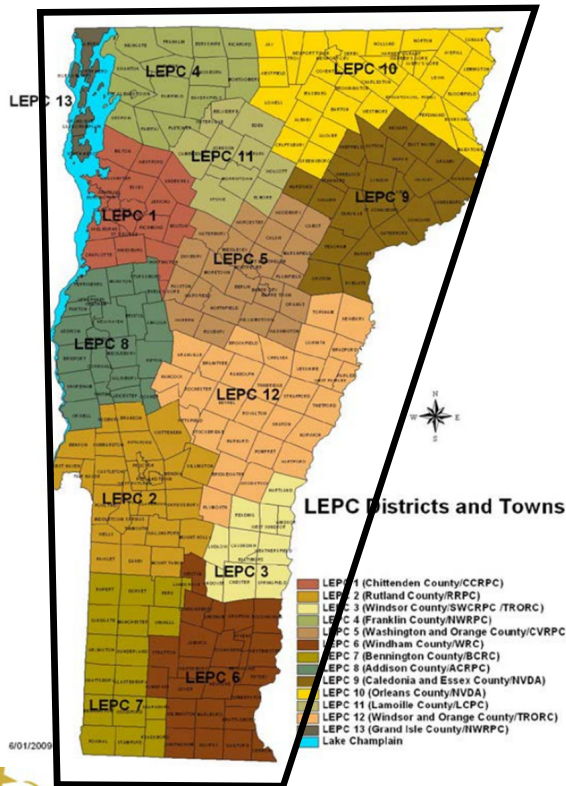
LEPC Responsibilities

- State statute - 20 V.S.A. § 32(c)
 - Prepare LEPC (response) plan
 - Insure [sic] LEPC plan has been implemented during HAZMAT incidents
 - Review funding requests
 - Consult and coordinate with Emergency Management services, Regional Planning Commissions, and facilities
 - Support all-hazard Emergency Management activities
- Federal requirements (EPCRA):
 - Receive and process Tier II reports
 - Make Tier II information available to general public as requested
 - Review emergency plan and publish public notice annually
 - Make emergency plan public
 - Conduct an annual exercise of emergency plan

Some of these requirements are highly technical, some present a significant workload, and some do not mesh well with Vermont's response model of local, decentralized control with centralized state support

One State LEPC

Consolidate regulatory responsibilities at the state level while preserving the local all-hazards planning entities
- Centralized HAZMAT, Decentralized All-Hazard



- One Statewide LEPC
 - Work with the HAZMAT chief and team
 - Perform all state and federal EPCRA administrative requirements
 - Review facility reports and action plans
 - Maintain state LEPC plan and regional annexes
 - Coordinate with and support Regional Emergency Management Committees (REMCs)
- SERC approved as of February 19, 2020 for July 1, 2021

The HAZCHEM Fund

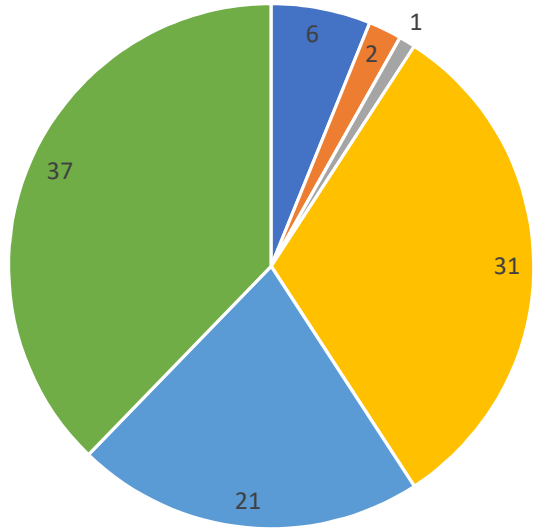
HAZCHEM Fund

- Created by 20 V.S.A. § 38(b) and funded through 20 V.S.A. § 39
- Used to implement and administer HAZMAT planning, training, and response activities as well as the purchase of equipment and to assist local organizations in their planning
- Every facility (approaching 3,000) that reports through EPCRA pays a fee into the fund
- The fund brought in \$875,000 in 2020 (up from \$500,000 in 2016)
- Excess receipts are used for otherwise unfunded requests

Current HAZMAT Budgeting



HAZCHEM Budget
(Percent of Budget used)



In addition to the HAZCHEM Fund, the Department of Public Safety (DPS) applies for and distributes funds each year through federal grant programs.



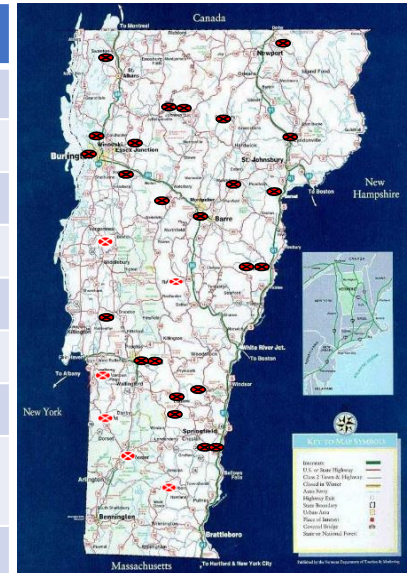
- LEPC Staff Time
- LEPC Meetings
- LEPC Equipment
- VHMRT - Equipment
- VHMRT - Staff Time
- VHMRT - Operation



VHMRT

- In 2020 VT State Hazmat Team had 134 Calls for service
- Advantages of a state team
 - Hazmat Technician Level Training
 - Diversity of members with local knowledge
 - Wide variety of technical skills
- State Hazmat team also provides continuing education to local FD in Hazmat Response on average over 150 emergency response personal are refreshed at 2000hrs of instructional time each year

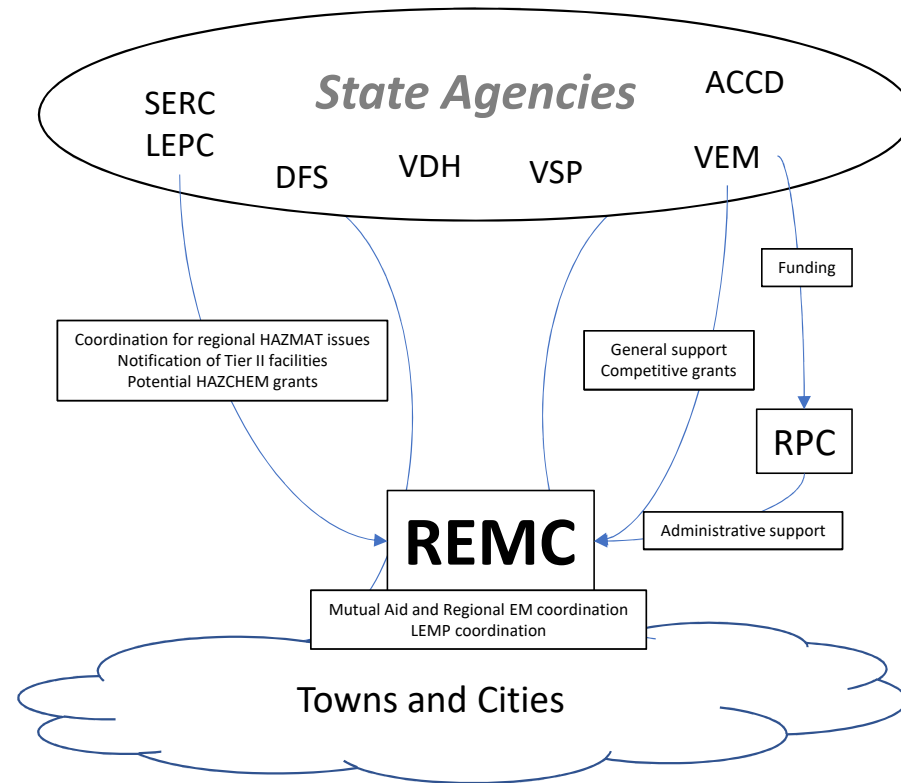
Call Break Down	
Clan Lab	3
Chemical Spill	21
Above Ground Tank spill	25
Motor Vehicle/Boat Spill	50
Special Event Support	3
Other Assistance	5
LPG/CNG/NG	5
White Powder/Suspicious Pkg	16
Radiological (RAD)	6



Way Ahead

Regional Emergency Management Committees

- Regional Emergency Management Committees (REMCs) will consolidate current LEPC all-hazard planning and coordination with local Emergency Management Director (EMD) roundtable activities
- REMC Mission: coordinate emergency planning and preparedness activities across their regions to improve local preparation for, response to, and recovery from all-hazard disasters



Next Steps

- The Department of Public Safety (DPS) and State Emergency Response Commission (SERC) have drafted language for proposed changes to statute
- Using its organizational authority, the SERC plans to move forward with Local Emergency Planning Committee consolidation
 - Original goal was to have language solidified this session
- DPS and SERC would like support for legislative changes to make statutes more straight-forward and clean up and focus the SERC and HAZCHEM Fund language on HAZMAT
- DPS would like support for potential statute changes as it develops and implements the Regional Emergency Management Committee (REMC) concept through 2021



Questions and Answers