



# **City of Houston Special Called Joint Committee on Public Safety & Homeland Security - Regulatory and Neighborhood Affairs**

**Dr. Denise Chatam Walker**

Chair, Greater Houston Local Emergency Planning Committee

April 30, 2020

# History

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- **December 1984:** Industrial disaster at Union Carbide subsidiary pesticide plant in the city of Bhopal, India
  - **October 1986:** Congress passes the *Emergency Planning and Community Right-to-Know Act (EPCRA)*
    - Commonly known as SARA Title III
  - **September 1993:** *Texas Community Right-to-Know Acts (TCRAs)* Chapter 505-507 of the Health and Safety Code
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# EPCRA & TCRAs

## Four US major provisions

- Emergency Planning - §301-303
- Emergency Release Notification - §304
- Hazardous Chemical Storage Reporting Requirements - §311-312
- Toxic Chemical Release Inventory - §313

## Three Texas major provisions

- Manufacturing Facility Community Right-to-Know Act
  - Manufacturing Facilities
  - Public Employers
  - Non-Manufacturing Facilities

# What is a *Facility*?

- ***Facility* means:**

(1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or

(2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

# EPCRA Section 301

- **Requires the Governor to establish a State Emergency Response Commission**
  - *Texas Commission on Environmental Quality (TCEQ)*
- **The Commission must designate Emergency Planning Districts within the state**
  - *Texas Department of Emergency Management (TDEM) with Disaster Districts*
- **Commission must appoint a LEPC for each district**
  - *Each county has its own LEPC*
    - *Harris County has multiple*
- **Federal Support: EPA Region 6 (South Central US)**

# Greater Houston LEPC

City of Houston

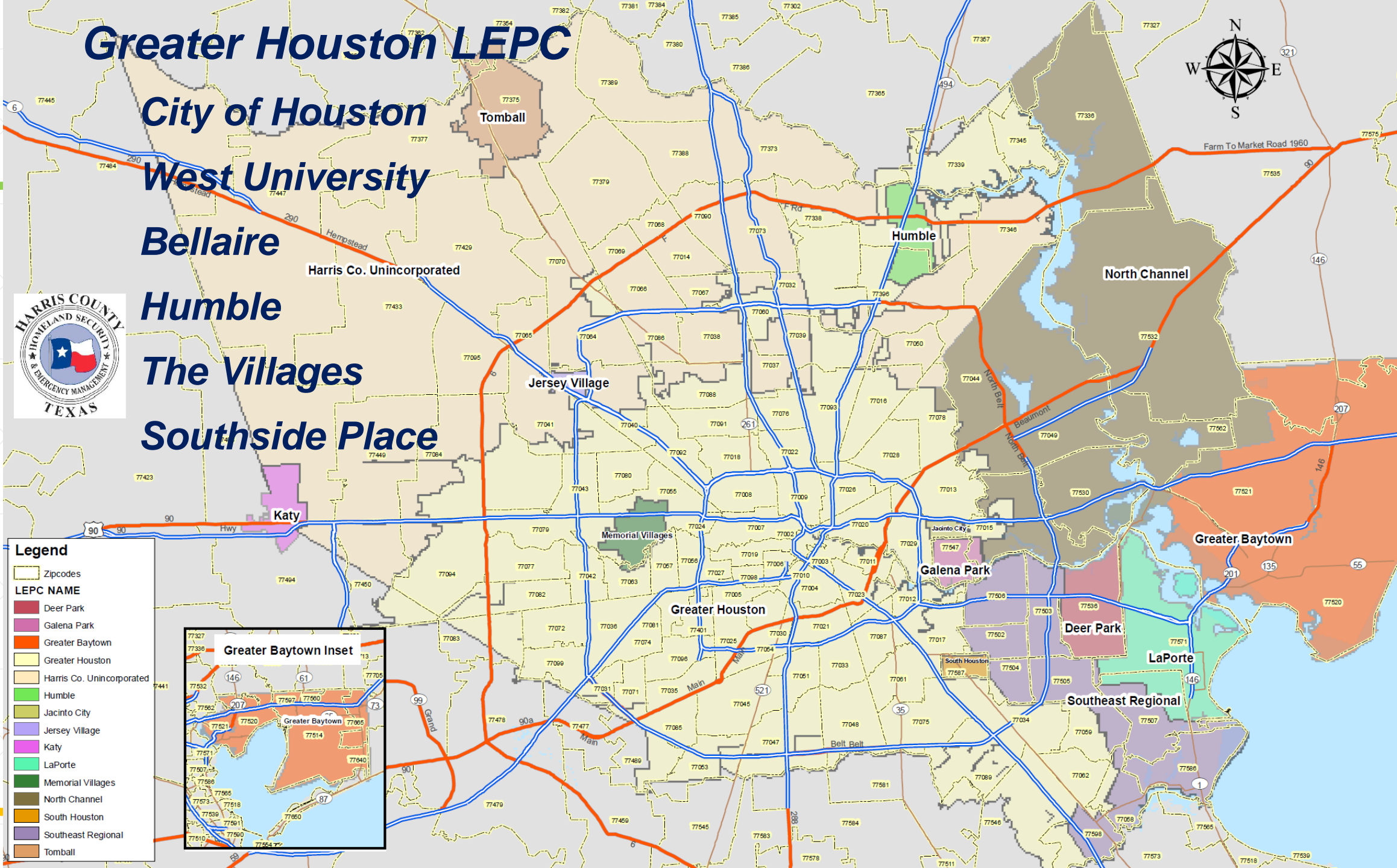
West University

Bellaire

Humble

The Villages

Southside Place



**Legend**

- Zipcodes
- LEPC NAME**
- Deer Park
- Galena Park
- Greater Baytown
- Greater Houston
- Harris Co. Unincorporated
- Humble
- Jacinto City
- Jersey Village
- Katy
- LaPorte
- Memorial Villages
- North Channel
- South Houston
- Southeast Regional
- Tomball

**Greater Baytown Inset**

# What is a LEPC?

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- **A committee responsible for EPCRA compliance**
  - **Link between local governments/industries to enhance hazmat preparedness**
  - **Crucial to all-hazards planning and community right-to-know programs**
  - **A group of volunteers**
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# Membership

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- **Elected State/Local officials**
- **Fire**
- **Transportation**
- **Hospitals/Health**
- **Broadcast/print media**
- **Local environmental group**
- **Law enforcement**
- **Emergency management**
- **Emergency medical personnel**
- **Community groups**
- **Educational Institutions**
- **Owners/operators of covered facilities (govt., NPOs, industry)**

In accordance with Public Law 99-499, Section 301(c)

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# Responsibilities

## **EPCRA, Public Law 99-499, states each LEPC:**

1. Review the local emergency operation plan annually
2. Make available each MSDS, chemical list or Tier II report, inventory form, follow-up emergency notice to the general public.
3. Establish procedures for receiving/processing public information requests
4. Receive from facilities their representative name who will participate in emergency planning process
5. Informed by county emergency coordinator of hazardous chemical releases

# Responsibilities (Cont.)

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6. Receive follow-up emergency notice information after a release
  7. Receive MSDS for each chemical (upon request) from facilities
  8. Have MSDS available upon request (§324)
  9. Receive a Tier II form from each facility
  10. May commence a civil action against an owner/operator of a facility for failure to provide information under §303(d) or for failure to submit Tier II
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# Responsibilities (Cont.)

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11. Publish annual notice in local newspapers that EOP, MSDS, and Tier II forms have been submitted
  12. Appoint a Chairperson and Information Coordinator, and establish bylaws for the committee
  13. Notify TDEM of membership annually (Form 151)
  14. Evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's EOP
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# EPCRA Reporting Schedule

(Title 40-Protection of Environment Code of Federal Regulations [CFR])

- **§302 (40 CFR 355): One time immediate notification to TCEQ and LEPC of any release**
- **§304 (40 CFR 355): Each release above a reportable quantity to LEPC and TCEQ**
- **§311 (40 CFR 370): One time submission; update new chemicals or information; to TCEQ, LEPC, & fire department**
- **§312 (40 CFR 370): Annually, by March 1 to TCEQ, LEPC, & fire department**
- **§372.18: Compliance and enforcement.** *Violators could be liable for a civil penalty in an amount not to exceed \$25,000/day for each violation*  
(See §313, Title III, Superfund Amendments and Reauthorization Act of 1986)

# Section 302: What Do Facilities Report?

- **EPA’s “Extremely Hazardous Substance” List (§302 (40 CFR Part 355))**
  - Report a list of chemicals that meet/exceed the “Threshold Planning Quantity” (TPQ) **within 60 days** after the first shipment or production of the substance on-site.
    - Report to the LEPC, Fire Department, and TCEQ
  - The facility must also notify the LEPC of a facility representative who will participate in the emergency planning process (the contact person on the Tier II report)

# Meetings

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- **Frequency: Bi-monthly**
    - Last Wednesday of every odd month
    - 10:00 am-Noon
    - American Red Cross, 2700 Southwest Fwy.
  - **Open to the public**
  - **Provide an agenda**
  - **Maintain meeting notes**
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# Funding Sources

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- Local Government
  - **Grants**
  - **Industry donations**
  - **Volunteers**
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# Activities

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- LEPC sponsored exercises and hazmat training
  - Hazards/Vulnerability/Capability Assessments
  - Hazardous materials commodity flow study
  - Facility surveys/visits
  - Establish/maintain a Tier II Database
  - Public Outreach Programs
  - Review Tier II reports for contacts
  - Special Events
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# Thank You!

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## Contact:

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