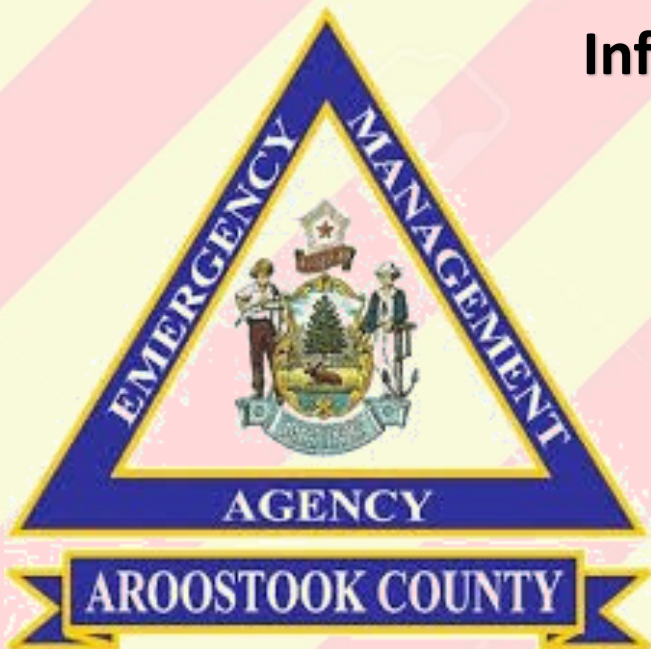




AROOSTOOK COUNTY

LEPC

Informational Booklet



LEPC

Local Emergency
Planning Committee



Business - Industry - Community - Government

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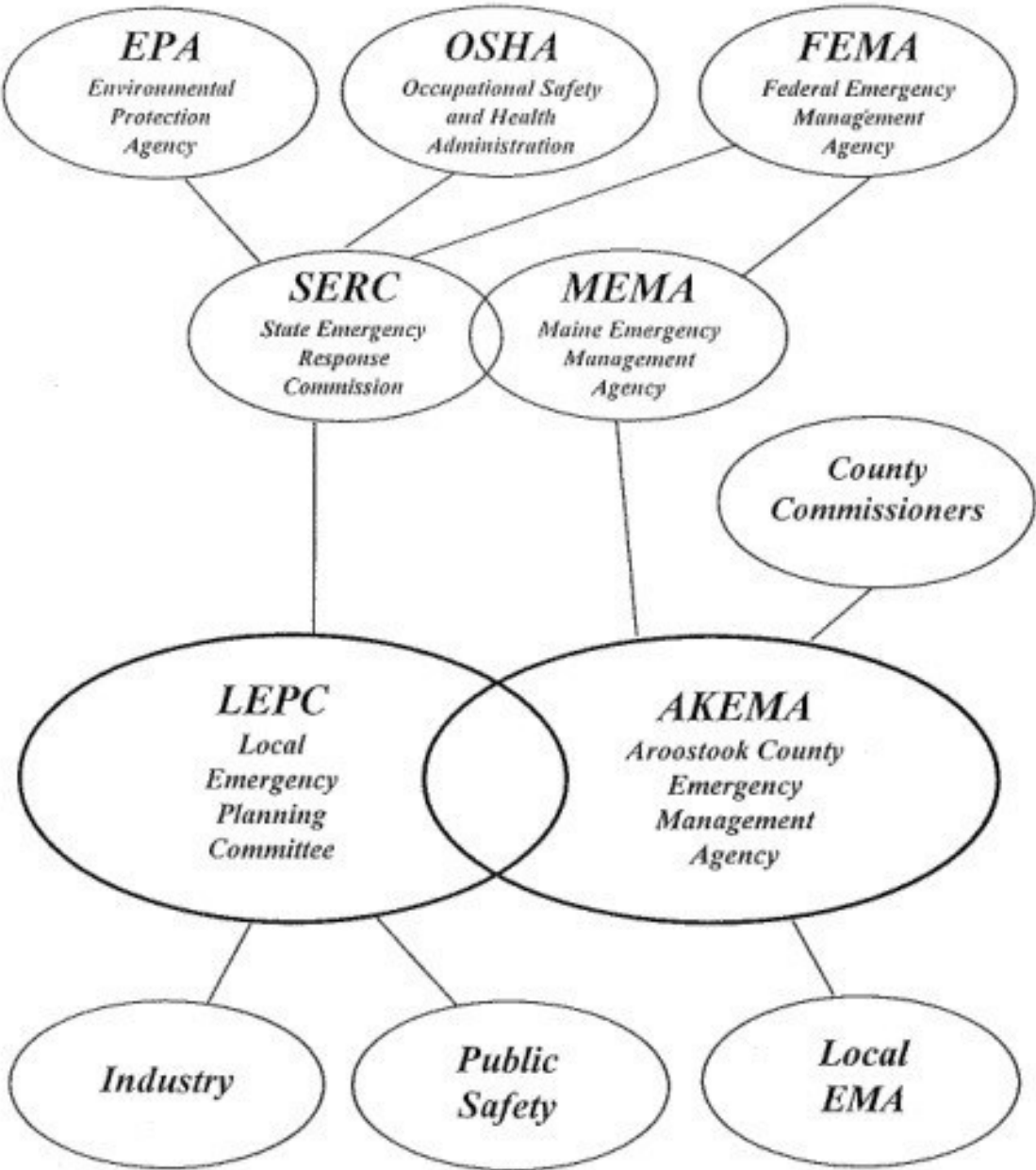
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**ORGANIZATIONAL
LINES OF RESPONSIBILITY**



MEMBERS



LEPC
Local Emergency
Planning Committee



Aroostook County LEPC Roster

6/30/2020

Last Name	First Name	Title	Agency	E-Mail
Ayer	Thomas	Food Safety & Comp. Officer	Emerald Valley Ranches	tom@evranches.com
Bernier	Paul	Public Works	County of Aroostook	paul@aroostook.me.us
Bourgoin	Mark	Safety & EP Officer	Northern Light Home Care	mbourgoin@northernlight.org
Cavagnaro	James	Dir. Of Maintenance	Cary Medical Center	jcavagnaro@carymed.org
Clark	Jesse	Haz-Mat Specialist	Maine DEP	jesse.l.clark@maine.gov
Cote	Jonathan	EMA Director	Aroostook Bank of MicMacs	fireturtle813@yahoo.com
Craig	Vilma	EP Director	TAMC	vcraig@emhs.org
Davenport	Larry	Utilities Manager	Pineland Farms	ldavenport@pinelandfarms.com
Findlen	Joyce	Planning Associate	EMA	joyce@aroostookema.com
Gahagen	Michael	Police chief	Caribou Police Dept	policechief@cariboumaine.org
Gibson	John	Deputy Director	Aroostook EMA	john@aroostookema.com
Goff	Brian	Assistant Planner	Aroostook EMA	brian@aroostookema.com
Goheen	Peter	Security Manager	Northern ME Comm. College	nngoheen@nmcc.edu
Hovey	Matthew	Production Manager	Tate&Lyle	matthew.hovey@tateandlyle.com
Ingraham	Barry	Dean of Technology & Facilities	NMCC	nbingrah@nmcc.edu
Johnson	Dana	Plant Manager	Tate&Lyle	dana.johnson@tateandlyle.com
Langley	Kelly	Oil & Hazmat Responder	Maine DEP	kelly.langley@maine.gov
Leavitt	Franklin		Crop Pod	franklin.leavitt@cpsagu.com
Leighton	Jim	Manager	Limestone Water & Sewer	lwsd@maine.rr.com
Market	Scott	Operations Manager	Tate&Lyle	scott.market@tateandlyle.com
Martin	Andrew	Environmental Engineer	Twin Rivers	andy.p.martin@twinriverspaper.com
McCrum	Gregory	Procurement & Envir. Mgr	Pineland Farm Potato Co.	gmcrcrum@pinelandfarms.com
McPherson	Jenny	Registered Nurse	ME Public Health Nursing	jenny.mcpherson@maine.gov
Melville	Megan	Health Care Coordinator	ALL Clear Emerg Mgmnt Grp	meganm@allclearmg.com
Mero	Todd		DFAS	todd.mero@dfas.mil
Michaud	Devin	Environmental Coordinator	Huber Engineered Woods	devin.michaud@huber.com
Ouellette	David	Director	Caribou Public Works	daveo@cariboumaine.org
Parker	Bill	Safety Coordinator	Boralex - Fort Fairfield	william.parker@ReEnergybiomass.com
Pelletier	Ryan	County Administrator	County of Aroostook	ryan@aroostook.me.us
Pierce	Shane		Huber Engineered Woods	Shane.Pierce@huber.com
Plourde	Eddie		Columbia Forest Products	epourde@cfpwood.com
Raymond	Denise	Administrator	No. ME Gen. Mercy Home	denise.raymond@nmgeneral.org
Reed	Kevin	Safety, Security Manager	TAMC	kreed@emhs.org
Robinson	Kevin	Tech. Services	Aroostook Technologies	kmrobin@mfx.net

Saucier	Jeffrey	Environ. Control Super	McCain Foods USA	jeffrey.saucier@mccain.com
Seeley	Joey	Commander	AK Cty Sheriff's Office	joey.seeley@aroostook.me.us
Soucy	James	Fire Chief	Madawaska	jsoucy@madawaska.me
Susi	Scott	Fire Chief	Caribou Fire Dept.	firechief@cariboumaine.org
Sutherland	Colleen	Environment Care/Safety Lead	Cary Medical Center	csutherland@carymed.org
Tardie	Melvin	Safety & Occup. Health Mgr	DFAS	melvin.tardie@dfas.mil
Thibodeau	Stacy		DHHS	stacy.thibodeau@maine.gov
Thomas	Fred	Direc of Safety & Security	UMPI	frederick.thomas@maine.edu
Thomas	William (Bill)	Disaster Services Volunteer	Red Cross	naji6254@yahoo.com
Thompson	Christopher	ERT	McCain Foods USA	carn13f0x@gmail.com
Toussaint	Ted	Contingency Planner	DFAS	ted.toussaint@dfas.mil
Wallace	Leonard	Environmental Specialist	EPA Region 1	wallace.len@epa.gov
Wark	Richard	Safety Manager	Twin Rivers Paper Mill	rich.wark@twinriverspaper.com
White	Darrell	Fire Chief	Presque Isle Fire Dept	dwhite@presqueisle.me.us
White	Gregory	Fire Chief	Easton Fire Dept.	gwhite@icloud.com
White	Jackie	Safety Officer	Houlton Regional Hospital	jwhite@hrhospital.org
Wickstrom	Penny	Human Resources Specialist	Pines Health Services	pwickstrom@pineshealth.org
Williams	Miles	Safety Administrator	Smith's Farm Inc.	miles@smithsfarm.com
Woods	Darren	Director	Aroostook EMA	darren@aroostookema.com
Wright	Mike		Huber Engineered Woods	mike.wright@huber.com
Morgan	Debbie	Regional Coordinator	Aroostook EMS	aroostookems@gmail.com

COUNTY LOCAL EMERGENCY PLANNING COMMITTEE LIST

Androscoggin Emergency
Management Agency
2 College Street
Lewiston, ME 04240-7101
(207) 784-0147
ema@androscoggincountymaine.gov

Knox County
C/O Emergency Management Agency
301 Park Street
Rockland, ME 04841
(207) 594-5155
tier2@knoxcountymaine.gov

Somerset County
Emergency Management Agency
8 County Drive
Skowhegan, ME 04976
(207) 474-6788
kim.dellarma@somersetcounty-me.org

Aroostook County
Emergency Management Agency
158 Sweden Street
Caribou, ME 04736
(207) 493-4328
darren@aroostookema.com
joyce@aroostookema.com

Lincoln County
Emergency Management Agency
P.O. Box 249
Wiscasset, ME 04578
(207) 882-7559
lincolncountyma@lincounty.me

Waldo County
Emergency Management Agency
4 Public Safety Way
Belfast, ME 04915
(207) 338-3870
gis@waldocountyme.gov

Cumberland County
Emergency Management Agency
22 High Street, Unit 1
Windham, ME 04062
(207) 892-6785
lepc@cumberlandcounty.org

Oxford County
Emergency Management Agency
County Courthouse
P O Box 179
South Paris, ME 04281
(207) 743-6336
ema@oxfordcounty.org

Washington County
Emergency Management Agency
P.O. Box 297
Machias, ME 04654
(207) 255-3931
wnema@washingtoncountymaine.com

Franklin County
Emergency Management Agency
140 Main Street, Suite 1
Farmington, ME 04938
(207) 778-5892
thardy@franklincountymaine.gov
asimoneau@franklincountymaine.gov

Penobscot County
Emergency Management Agency
97 Hammond Street
Bangor, ME 04401
(207) 945-4750
bnuding@penobscot-county.net

York County
Emergency Management Agency
149 Jordan Springs Road
Alfred, ME 04002
(207) 324-1578
drfrancoeur@yorkcountymaine.gov
awcleaves@yorkcountymaine.gov

Hancock County
Emergency Management Agency
County Courthouse
50 State Street, Suite 4
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(207) 667-8126
LEPC@co.hancock.me.us

Piscataquis County
Emergency Management Agency
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Dover-Foxcroft, ME 04426
(207) 564-8660
tcapraro@piscataquis.us

Kennebec County
Emergency Management Agency
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Augusta, ME 04330
(207) 623-8407
kcema@kcema.org

Sagadahoc County
Emergency Management Agency
752 High Street
Bath, ME 04530
(207) 443-8210
sbennett@sagcounty.com
gshaw@sagcounty.com

By-Laws



LEPC
Local Emergency
Planning Committee



CONSTITUTION AND BYLAWS
AROOSTOOK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Article I. Organizational Name

Section 1 This organization shall be the “Aroostook County Local Emergency Planning Committee,” LEPC.

Article II. Objectives

Section 1 The objective of this committee shall be to follow the mandates of Public Law 99-499, “Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)” and amendments adopted under Title 37B, Chapter 13 of the Maine Revised Statutes Annotated.

Section 2 Further, it is the intention of the Committee to establish a safe environment for the people of Aroostook County by overseeing the storage and use of hazardous materials in our County and communities; assisting businesses and government agencies in the establishment of policies and procedures for handling these materials that will be effective and equitable to all.

Article III. Membership

Section 1 Membership will consist of a minimum of 14 members comprised of the following agencies; elected State and local officials, law enforcement, emergency management, firefighting, emergency medical, public health department, environmental protection, hospital, transportation, broadcast and print media, general citizen, community groups (ex. Red Cross), facility owners/operators, and facility employees. Additional members shall be accepted as to provide the greatest possible cross section of the County in regards to occupation and location.

Section 2 People wishing to serve on the LEPC shall submit a written request for membership to the Committee. The request should be forwarded to the Chair of the LEPC. At a minimum, such requests shall contain the person’s name, address, the membership category he/she would like to present, and why the individual believes he/she is qualified to fill that category.

- a) The Committee shall review all membership requests within 60 days of receipt. Once the Committee has completed its review of prospective membership applications, there will be a motion to vote and a preliminary decision will be made. Any changes to the LEPC roster will be submitted to the SERC for final approval (Title 37B section 793 item 1). All applicants for the LEPC membership shall receive a copy of the committee’s recommendation including a written decision should the person receive a negative recommendation for membership.
- b) Should the loss of any member result in a vacancy in any category of representation, required by statute, all efforts shall be made to secure a person to fill said category as soon as possible.

Section 3 Resignation and/or change in an agency representation are to be submitted in writing to the Committee Secretary at the earliest possible convenience. Upon written response, changes will be presented to the LEPC members for preliminary approval, and then forwarded to the SERC for the final approval (Title 37B, section 793 item 1).

All LEPC members are encouraged to attend at least half of the meetings scheduled in a year in order to retain an active membership. At the first meeting of each year, the membership roster will be reviewed. Those members not attending at least half of the meetings will be sent a letter requesting their intentions to remain on the committee. Those members representing facilities that are required to report Extremely Hazardous Materials also fall under the same attendance guidelines with an added component. The added component is if that facility-designated member does not meet the attendance guidelines, a letter requesting a replacement of that designated member, due to lack of attendance, will be sent to the facility manager.

Article IV. Officers Responsibilities

Section 1 Officers shall consist of a Chair, Vice Chair, Secretary, and Treasurer, however only the position of the Vice Chair will be an elected position.

Following the lead of the State Emergency Response Commission (SERC) [the Director of the Maine Emergency Management Agency, who shall serve as chair; 1989, c.464, section 3 (new).] the chair/treasurer automatically reverts to the Director of the Aroostook County Emergency Management Agency. As well the Secretary/Treasurer reverts to the Secretary position held by the budgeted secretary position of AKEMA. In the event that the secretary is absent for a meeting, one of the committee members can take the minutes.

Section 2 The Vice Chair will be elected by nomination and vote of all members present.

Section 3 Term of office will be for a period of two years. After the Vice Chair serves his/her term, an election will take place to determine the next Vice Chair. The election will take place at the last regularly scheduled meeting of the even numbered calendar year. The new Vice Chair will assume their role at the first meeting of the odd numbered year.

Section 4 In the event of an officer vacancy, the committee shall attempt to fill the vacancy at the next regular meeting.

Section 5 Duties of the Officers: A job description will be made available to each officer.

- a) The Chair shall preside at all meetings of the Committee. The Chair shall also notify the Vice Chair if s/he cannot be present at a meeting. It is also the Chair's responsibility to keep the vice chair informed of all proceedings. S/he shall appoint the Chair of each standing committee, the other members thereof to be appointed from the floor. S/he shall appoint such special committees as may be authorized by the body. S/he shall obey all lawful orders of the body and be familiar with the mandating Federal and State laws, the Committees bylaws, and basic parliamentary law and procedure.

- b) The Vice Chair shall assume and perform the duties of the Chair in their absence. The Vice Chair shall also be an ex-officio member of all subcommittees.
- c) The Secretary shall keep records of the minutes of meetings. S/he shall keep an up-to-date roster of all members of the Committee. S/he shall take care of routine day to day business matters for the Committee, and compile an agenda for meetings in consultation with the Chair.
- d) The Treasurer shall be custodian for the Committees' funds except as may be otherwise provided or ordered. S/he shall provide a brief annual report to the Committee.

Section 6 All officers shall have the right to vote and to debate questions the same as any other member.

Article V. Meeting Requirements

Section 1 Regular meetings of the Committee shall take place quarterly: February, May, August and November, on the last Thursday of the month, for a total of four meetings in a calendar year, except when a situation warrants the Chair to call a special meeting. In the event that the meeting agenda is rather short, a meeting should still be held. Committee members may attend via televideo/audio conference if travel is not warranted.

Section 2 If such meeting falls on a holiday, then it will be held the previous or following Thursday.

Section 3 Special meetings may be called by a majority of the executive board.

Section 4 The last meeting of the calendar year shall be deemed the annual meeting, and shall be for the election of the Vice Chair, finalization of financial matters pertaining to reporting requirements, and other business as necessary.

Section 5 Meetings will be held in the jurisdiction of Aroostook County.

Section 6 The Secretary is responsible to provide a reminder to all Committee members to include date, time and location of each meeting approximately two weeks prior to such meeting. Failure of the secretary to notify members does not constitute an excuse for absence of a meeting.


Section 7 Seven (7) members of the Committee at a meeting shall constitute a quorum for the transaction of business. If a quorum is not present, a vote as to call a special meeting at a later date or to adjourn until the next regular meeting can be made by those members present.

Section 8 When a quorum is not convened, the next called meeting shall be a valid meeting notwithstanding lack of a quorum and the call shall so inform the members.

Article VII. Amendment Requirements

Section 1 These bylaws may be amended by having the interested party make an oral presentation to the By-Laws Review Committee; at which time the Committee will review the requested change and then submit to the LEPC their recommendation; during the next regular scheduled meeting for a majority vote of the members present.

I HEREBY DECLARE THAT THESE BYLAWS HAVE BEEN ADOPTED OR REVISED BY POPULAR VOTE ON THIS 19th DAY OF November IN THE YEAR 2015.

Signed: 

Chair, Aroostook County
Local Emergency Planning Committee



Federal Right-to-Know Act



The Emergency Planning and Community Right-to-Know Act

On December 4, 1984, methyl isocyanate, an extremely toxic chemical escaped from a Union Carbide chemical plant in Bhopal, India. Thousands died and many more were injured. Some suffered permanent disabilities. Approximately six months later, a similar incident occurred at the Institute, West Virginia. These two events raised concern about local preparedness for chemical emergencies and the availability of information on hazardous chemicals.

In response to these concerns, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986. EPCRA establishes requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

What Are SERCs, TERCS, and LEPCs?

The Governor of each state designated a State Emergency Response Commission (SERC). The SERCs, in turn, designated about 3,500 local emergency planning districts and appointed Local Emergency Planning Committees (LEPCs) for each district. The SERC supervises and coordinates the activities of the LEPC, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

The Chief Executive Office of the Tribe appoints the Tribal Emergency Response Commissions (TERCs). TERCs have the same responsibilities as the SERCs.

The LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

What Does EPCRA Cover?

EPCRA has four major provisions:

- Emergency planning (sections 301-303),
- Emergency release notification (section 304),
- Hazardous chemical storage reporting requirements (sections 311-312), and
- Toxic chemical release inventory (section 313).

Information collected from these four requirements helps states and communities develop a broad perspective of chemical hazards for the entire community, as well as for individual

facilities. Regulations implementing EPCRA are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372. The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Table 1 summarizes the chemicals and thresholds.

What Are Emergency Response Plans (Sections 301-303)?

Emergency Response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under section 303. LEPCs are required to update these plans annually. The plans must:

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the probable affected area and population by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and,
- Provide methods and schedules for exercising emergency response plans.

Planning activities of LEPCs and facilities initially focused on, but were not limited to, the 406 extremely hazardous substances (EHSs) listed by EPA in 1987 (now currently 355 chemicals). The list includes the threshold planning quantities (minimum limits) for each substance. Any facility that has EHS at or above its threshold planning quantity must notify the State Emergency Response Commission (SERC) or the Tribal Emergency Response Commission (TERC) and Local Emergency Planning Committee (LEPC) within 60 days after they first receive a shipment or produce the substance on site.

What Are the Emergency Notification Requirements (Section 304)?

Facilities must immediately notify the LEPC and the SERC or the TERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 355 extremely hazardous substances, as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA section 103(a)(40 CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- The chemical name;
- An indication of whether it is an extremely hazardous substance;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and,
- Name and telephone number of contact person.

A written follow-up notice must be submitted to the SERC or the TERC and LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

What Are the Community Right-to-know Requirements (Sections 311 and 312)?

Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place. Approximately 500,000 products are required to have MSDSs.

Section 311 requires facilities that have MSDSs for chemicals held above certain threshold quantities to submit either copies of their MSDSs or a list of these chemicals to the SERC or TERC, LEPC, and local fire department. If the facility owner or operator chooses to submit a list of chemicals, the list must include the chemical or common name of each substance and must identify the applicable hazard categories. These hazard categories are:

Physical Hazards	Health Hazards
Flammable (gases, aerosols, liquids, or solids)	Carcinogenicity
Gas under pressure	Acute toxicity (any route of exposure)
Explosive	Reproductive toxicity
Self-heating	Skin Corrosion or Irritation
Pyrophoric (liquid or solid)	Respiratory or Skin Sensitization
Oxidizer (liquid, solid, or gas)	Serious eye damage or eye irritation
Organic peroxide	Specific target organ toxicity (single or repeated exposure)
Self-reactive	Germ cell mutagenicity
In contact with water emits flammable gas	Aspiration Hazard
Corrosive to metal	Hazard Not Otherwise Classified (HNOC)
Hazard Not Otherwise Classified (HNOC)	

If a list is submitted, the facility must submit a copy of the MSDSs for any chemical on the list upon request by the LEPC.

Facilities that start using a hazardous chemical or increase the quantity to exceed the thresholds must submit MSDSs or a list of MSDSs chemicals within three months after they become covered. Facilities must provide a revised MSDS to update the original MSDS or list if significant new information is discovered about the hazardous chemical.

Facilities covered by section 311 must submit annually an Emergency and Hazardous Chemical Inventory Form to the LEPC, the SERC or the TERC, and the local fire department as required under section 312. Facilities provide either a Tier I or Tier II inventory form. Tier I inventory form include the following aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of hazardous chemicals for each category present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of hazardous chemicals in each category; and,

- The general location of hazardous chemicals in each category. The Tier II inventory form contains basically the same information as the Tier I, but it must list the specific chemicals. Tier II inventory form provide the following information for each chemical:
- The chemical name or the common name as indicated on the MSDS;
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner elects to withhold location information from disclosure to the public.

Many states now require Tier II inventory form or the state equivalent including electronic reporting under state law. Section 312 information must be submitted on or before March 1 each year for information on chemicals present at the facility in the previous year. The information submitted under sections 311 and 312 is available to the public from LEPCs and SERCs or TERCs.

What is the Toxics Release Inventory (Section 313)?

Section 313 of EPCRA established the Toxics Release Inventory. TRI tracks the management of certain toxic chemicals that pose a threat to human health and the environment. Facilities in different industry sectors must annually report how much of each chemical they managed through recycling, energy recovery, treatment and environmental releases. TRI reporting forms must be submitted to EPA and the appropriate state or tribe by July 1 of each year. These forms cover environmental releases and other management of toxic chemicals that occurred during the previous calendar year.

The information submitted by facilities is compiled in the Toxics Release Inventory and made available to the public through the TRI website: <https://www.epa.gov/toxics-release-inventory-tri-program>. TRI helps support informed decision-making by industry, government, non-governmental organizations and the public. TRI includes information about:

- On-site releases (including disposal) of toxic chemicals to air, surface water and land;
- On-site recycling, treatment and energy recovery associated with TRI chemicals;
- Off-site transfers of toxic chemicals from TRI facilities to other locations;
- Pollution prevention activities at facilities;
- Releases of lead, mercury, dioxin and other persistent, bioaccumulative and toxic (PBT) chemicals; and
- Facilities in a variety of industry sectors (including manufacturing, metal mining and electric power generation) and some federal facilities.

A complete list of covered facility sectors is available online: <https://www.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-code-tri-coverd-industry>

Some of the ways TRI data can be used include:

- Identifying sources of toxic chemical releases;
- Beginning to analyze potential toxic chemical hazards to human health and the environment; and
- Encouraging pollution prevention at facilities.

	Section 302	Section 304	Sections 311/312	Section 313
Chemicals Covered	355 Extremely Hazardous Substances	>1,000 substances	Approximately 800,000 hazardous chemicals	> 650 Toxic Chemicals and categories
Thresholds	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)*; diesel greater than or equal to 100,000 gallons (all grades combined)*; 10,000 pounds for all other hazardous chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year otherwise used; persistent bioaccumulative toxics have lower thresholds

*These thresholds are only applicable for gasoline and diesel present at retail gas stations in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

What Else Does EPCRA Require?

Trade Secrets. EPCRA section 322 allows facilities to file trade secrets in their reports under EPCRA sections 303, 311, 312, and 313. Only the specific chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. A facility cannot claim trade secrets under EPCRA section 304.

Even if specific chemical identity information can be legally withheld from the public, EPCRA section 323 allows the information to be disclosed to health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. During a medical emergency, the health professional may obtain the specific chemical identity from the facility for treatment.

Any person may challenge trade secret claims by petitioning EPA. The Agency must then review the claim and rule on its validity.

EPCRA Penalties. EPCRA section 325 allows for civil and administrative penalties ranging from up to \$21,916 - \$164,367¹ per violation per day when facilities fail to comply with the reporting requirements. Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

Citizens Suits. EPCRA section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. A SERC or TERC, LEPC, and state or local government may institute actions against facility owner or operator for failure to comply with EPCRA requirements. In addition, states may sue EPA for failure to provide trade secret information.

Reporting Schedules Section

- 302** One-time notification to SERC/TERC and LEPC.
- 304** Each time a release above a reportable quantity of an EHS or CERCLA Hazardous Substance occurs to LEPC and SERC or TERC.
- 311** One-time submission of MSDS or list of hazardous chemicals. An update is required for new chemicals or new information about chemicals already submitted to the SERC or TERC, LEPC, and the fire department with jurisdiction over the facility.
- 312** Annually, by March 1 to SERC or TERC, LEPC, and the fire department with jurisdiction over the facility.
- 313** Annually, by July 1, to EPA, states and tribes.

Where Can You Find EPCRA Information?

Regulations, policy memorandums, answers to frequently asked questions related to EPCRA sections 301 to 312 can be obtained from: <https://www.epa.gov/epcra> MSDSs, hazardous chemical inventory forms, follow-up emergency notices, and the emergency response plan are available from the SERC or the TERC and LEPC.

EPA has compiled a list of all chemicals covered under these regulations into a single list and published them as Consolidated List of Lists, which is available at: <https://www.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>

Each year, EPA publishes the TRI National Analysis, a report summarizing the most recent TRI data. TRI data are available through a variety of online tools and applications at <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools>. Users can search TRI data by year, facility name, geographic location, chemical of interest and industry sector.

¹ The penalty amounts described have been adjusted by the 2017 Civil Monetary Penalty Inflation Adjustment Rule, mandated by the 2015 amendments to the Federal Civil Penalty Inflation Adjustment Act, 28 U.S.C. § 2461 note, Pub. L. 114-74 (see <https://www.congress.gov/114/plaws/publ74/PLAW-114publ74.pdf>). See also 81 Fed. Reg. 43,091 (July 1, 2016).

Initial emergency release notifications made to the National Response Center or EPA are available online: <http://nrc.uscg.mil>

A list of SERCs is available online: <https://www.epa.gov/epcra/state-emergency-response-commissions-contacts>

For information on chemical emergency preparedness and prevention in Indian country, visit: <https://www.epa.gov/rmp/chemical-emergency-preparedness-and-prevention-indian-country>

Are There Other Laws That Provide Similar Information?

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to EPCRA provisions for extremely hazardous substances. Plans are developed at the local, state and federal levels. The OPA plans offer an opportunity for LEPCs to coordinate their plans with area and facility oil spill plans covering the same geographical area.

The 1990 Clean Air Act Amendments require the EPA and OSHA to issue regulations for chemical accident prevention. Facilities that have certain chemicals above specified threshold quantities are required to develop a risk management program to identify and evaluate hazards and manage those hazards safely. Facilities subject to EPA's Chemical Accident Prevention regulations must submit a risk management plan (RMP) summarizing its program.

For More Information

Contact the EPCRA, RMP & Oil Information Center: 800-424-9346 or 703-348-5070 in the Metropolitan DC area
Monday - Friday, 10:00 AM to 5:00 PM, EST

For EPA EPCRA Regional contacts, visit: <https://www.epa.gov/epcra/epa-regional-epcrarmp-contacts>

For more information about the TRI Program, visit: <https://www.epa.gov/toxics-release-inventory-tri-program>

MRSA

Title 37B



LEPC
Local Emergency
Planning Committee



SUBCHAPTER III-A
COORDINATION AND ADMINISTRATION OF THE
SUPERFUND AMENDMENTS AND RE-AUTHORIZATION
ACT OF 1986
(Enacted by PL 1989, c. 464, @2)

37B § 791. General provisions

1. **Purpose.** This subchapter is intended to be consistent with and facilitate implementation of the provisions of the United States Emergency Planning and community Right-to-Know Act of 1986. Public Law 99-499.
2. **Definitions.** As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.
 - A. “CERCLA hazardous substance” means a substance on the list defined in the United States Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, Section 101(14), as amended.
 - B. “Extremely hazardous substance” shall have the meaning set forth in the Superfund Amendments and Re-authorization Act of 1986, Public Law 99-499, Title III, Section 302, and listed in 40 Code of Federal Regulations, Part 355.
 - B-1. “Facility” means all buildings, equipment, structures, rail make up, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks and other stationary item that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person. “Facility” includes site where motor vehicles, water craft, rolling stock and aircraft are present for more than 12 hours.
 - C. “Hazardous chemical” means all hazardous chemicals as defined under 40 Code of Federal Regulations, Part 355-20.
 - D. “Hazardous materials” means all chemicals and chemical categories defined as extremely hazardous substances and hazardous chemicals in 40 Code of Federal Regulations, Part 355-20 and toxic chemicals in 40 Code of Federal Regulations, Part 372.3.
 - E. “Reportable quantity” means for any CERCLA hazardous substance or extremely hazardous substance, the reportable quantity established in 40 Code of Federal Regulations, Part 302, Table 302.4 or in 40 Code of Federal Regulations, Part 355, Appendixes A and B, for such substance.
 - F. “Threshold planning quantity” shall have the meaning set forth in the Superfund Amendments and Re-authorization Act of 1986, Public Law 99-499, Title III, Section 302, and listed in 40 Code of Federal Regulations, Parts 355, 370 and 372.

37B § 792. State Emergency Response Commission

1. **Composition and terms.** The State Emergency Response Commission, referred to in this subchapter as the “commission,” as established by Title 5, Section 12004-G, subsection 13-A, to implement effective emergency response to releases of hazardous chemicals. The commission is composed of 14 members as follows.
 - A. The Commissioner of Environmental Protection or the commissioner’s permanent designee;
 - B. The Commissioner of Human Services or the commissioner’s permanent designee;
 - C. The Director of the Office of Emergency Medical Services, Department of Human Services, or the director’s permanent designee;
 - D. The Commissioner of Labor or the commissioner’s permanent designee;
 - E. The Commissioner of Transportation or the commissioner’s permanent designee;
 - F. The Director of the Maine Emergency Management Agency, who shall serve as chair;
 - G. The Chief of the State Police or the chief’s permanent designee;
 - H. A representative, appointed by the Governor, of municipal designee;
 - I. A representative, appointed by the Governor, of the Maine Fire Chiefs’ Association;
 - J. A representative, appointed by the Governor, of a professional firefighters’ union;
 - K. A representative, appointed by the Governor, of private commerce and industry;
 - L. A representative, appointed by the Speaker of the House of Representatives, of volunteer firefighters;
 - M. A representative, appointed by the President of the Senate, of an environmental organization representative of the general public; and
 - N. A representative, appointed by the Speaker of the House of Representatives, of organized labor.

The Governor and legislative leadership shall request a list of 3 names from organizations covered under paragraphs H to N from which to make final appointments. All appointed members shall serve for a term of 4 years from the date appointed. Appointed members shall serve the following initial terms: one member for 1 year, 2 members for 2 years, 2 members for 3 years and 2 members for 4 years. Appointed members shall be allowed to serve for 2 consecutive terms.

2. **Powers and duties.** The general duties of the commission are to oversee the implementation of a comprehensive program of planning and training for effective emergency response to releases of hazardous materials. Specifically, the commission shall:
 - A. Advise the director on rules promulgated under this subchapter;
 - B. Designate emergency planning districts to facilitate implementation of emergency response plans;
 - C. Provide for the necessary appointment of local emergency planning committees;
 - D. Supervise and coordinate local emergency planning committee activities;

- E. Review emergency response plans developed by the committees;
- F. Receive chemical spill notification required pursuant to state law and the provisions of the United State Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499;
- G. Provide the public with information upon request, consistent with the provisions of state and federal law, on emergency response plans, potential chemical hazards and safety;
- H. Rule on trade secrets in cooperation with the United States Environmental Protection Agency;
- I. Monitor, observe, participate in and review certain emergency drills and exercises;
- J. Review and monitor hazardous materials training programs in the State;
- K. Conduct joint emergency operations from the State Emergency Operations Center; and
- L. Undertake any other actions necessary to accomplish to purposes of this subchapter.

3. **Voting.** All votes require a quorum with at least 8 members present.

37B § 793. Local emergency planning committees

There are established local emergency planning committees, referred to in this subchapter as “committees” for each emergency planning district designated by the commission pursuant to the Emergency Planning and Community Right -to-Know Act of 1986, Public Law 99-499.

1.**Local committees established.** The commission shall, be resolution, appoint the members of the local emergency planning committee of each emergency planning district. The committee shall consist of at least 14 members and, except as provided in subsection 2, shall include representatives from each of the following organizations or groups: **elected state and local officials; law enforcement; emergency management; firefighting; first aid, health; local environmental; hospital; transportation personnel; broadcast and print media; citizens living near local facilities; employees working in local facilities; community groups (Red Cross); and owners and operators of facilities** subject to the emergency planning requirement of this subchapter.

1.**Modification of committees.** Members of the public may, by written petition, request the commission to modify the representation of those groups or organizations on a local emergency planning committee. If the commission reduces or eliminates representation of a group or organization on a committee, it shall declare the position of the member representing that group or organization to be abolished and the person whose position is so abolished shall cease to serve as a member of the committee on the effective date of the commission’s declaration. Appointments of members to the committee to fill positions established as a result of modification to the composition of the committee shall be made in the same manner of original appointments under this subchapter.

37B § 794. Local emergency response plans

1. **Plan development.** The local emergency planning committee of each emergency planning district shall prepare and submit to the commission a local emergency response plan for the district. The district's plan shall contain all of the following in compliance with federal law:
 - A. An identification of each facility within the district that:
 - (1) Has any extremely hazardous substance present at the facility in an amount that exceeds the threshold planning quantity for the substance; and
 - (2) Annually manufactures, processes or otherwise used an amount of a toxic chemical that exceed the threshold planning quantity for the substance;
 - B. An identification of facilities contributing or subjected to additional risk due to their proximity to facilities identified under paragraph A, subparagraph (1);
 - C. A copy of the facility emergency response plan as defined in section 795;
 - D. A composite statement of specialized equipment, facilities, personnel and emergency response organizations available within the district to respond to release of hazardous materials;
 - E. An evaluation of the need for resources to develop, implement, and exercise the emergency plan, including recommendations for additional resources and mechanisms for providing those resources;
 - F. An identification of procedures for reliable, effective and timely notification and communication among emergency responders within the district and to the public in the event of a release of an extremely hazardous substance or CERCLA hazardous substance from a facility identified under paragraph A, subparagraph (1);
 - G. Designation of community emergency coordinators;
 - H. The methods for determining the occurrence of a release of an extremely hazardous substance from each facility identified under paragraph A and for identification of the geographic area or population likely to be affected by such a release;
 - I. Evacuation plan including, but not limited to, provisions for precautionary evacuation and alternative traffic routes in the event of a release of an extremely hazardous substance from a facility identified under paragraph A;
 - J. An identification of routes likely to be used for the transportation of extremely hazardous substances identified under paragraph A.
 - K. The development of training programs, seminars and other forms of educational programs for personnel of facilities identified under paragraph A, emergency response personnel of political subdivisions within the district and medical personnel; and
 - L. The development of methods and schedules for exercising the plan.
2. **Plan adoption.** After completion of a local emergency response plan for the district, the committee shall submit the plan to the commission for review and recommendations.
 - A. Prior to the adoption of the local emergency response plan for the district by the commission, the plan shall be subject to a 30-day public comment period. Copies of the plan shall be placed in the town hall of each community included in the plan within the emergency planning district and any other location designated by the committee. Members of the general public shall have free access to the plan for review.

- B. At least annually, each committee shall conduct an exercise of its local emergency response plan. The committee shall notify the commission at least 30 days before each exercise.
3. **Plan review.** Each committee shall annually, or more frequently as changed circumstances in the emergency planning district or at any facility in the district may require, review the local emergency response plan of the district. The review shall include, without limitation;
- A. An evaluation of the need for funds, personnel, equipment and facilities to develop, revise, implement and exercise the plan; and
 - B. Recommendations and requests to the commission regarding the additional funds that may be required for those purposes and the means for providing them.

37B § 795. Facility emergency response plans

The operators of any facility where any extremely hazardous substance is present in a quantity above the threshold planning quantity are subject to the following.

1. **Written plans.** A written plan in accordance with agency guidelines to protect public health and safety in the event of an accidental release must be prepared and submitted by the facility operators to the commission, committee and fire department with jurisdiction over the facility no later than 6 months from the effective date of this subchapter. The plan must satisfy the requirements of the agency and shall, at a minimum:
- A. Identify the facility emergency coordinator and that person’s alternate;
 - B. Describe the emergency warning systems and list nearby emergency and health personnel;
 - C. Describe employee training and testing programs;
 - D. Describe available response equipment and protective garments;
 - E. Describe emergency health treatment procedures including notification, facility evacuation and community evacuation and shelter in-place procedures;
 - F. Identify transportation routes and transportation methods for extremely hazardous substances;
 - G. List the names of all companies providing sudden and nonsudden accidental coverage to the facility; and
 - H. List any mutual aid agreements between the facility and emergency response or public safety agencies.

Emergency response plan required pursuant to other state or federal laws may be used to fulfill these requirements if the plans contain the provisions required by this section.

2. **Annual test.** An annual test demonstration and annual review must be held by the facility owners or operators to ensure public health and safety.
3. **Emergency response equipment.** By October 1, 1989, the operators of facilities covered under this subchapter shall, through mutual aid agreements with a committee or local emergency response officials, provide for use by emergency personnel, primary response equipment which shall at a minimum include protective clothing and breathing apparatus neces-

sary to contain or extinguish releases of substances handled by their facility. Facilities may coordinate the provision of equipment with other facilities in the locality as well as the appropriate municipal public safety agencies.

Any person or facility that provides personnel or equipment through a mutual aid agreement with a committee or local emergency response officials is immune from civil liability to the same extent provided government employees and political subdivisions in Title 14, chapter 741 for acts performed within the scope of the mutual aid agreement.

37B § 796. Material safety data sheets

1. **Data sheets.** Any person who owns or operates a facility and is required to prepare or have available a material safety data sheet for a hazardous chemical under the United States Occupations Safety and Health Act of 1970, Public Law 91-596, as amended, and regulations promulgated under it shall submit to the local emergency planning committee of the emergency planning district in which the facility is located, the commission and the fire department having jurisdiction over the facility, either data sheets or lists for which data sheets are available of the hazardous chemicals and extremely hazardous substances that are stored at the facility in an amount that exceeds the threshold planning quantity for those chemicals or substances. The hazardous chemicals and extremely hazardous substances shall be grouped together on any such data sheets by the categories of health and physical hazards. The data sheets shall include, without limitation, all criteria set forth in 29 Code of Federal Regulations, Section 1910.1200.
2. **Content of lists.** The list of chemicals referred to in subsection 1 must include each of the following:
 - A. A list of hazardous chemicals for which material safety data sheets are required under subsection 1 grouped in categories of health and physical hazards;
 - B. The chemical name or the common name of each such chemical as provided on the material safety data sheet; and
 - C. Any hazardous component of each such chemical as provided on the material safety data sheet.
3. **Revised data sheets.** Within 3 months after the discovery of new information about a hazardous chemical or extremely hazardous substance identified in the data sheet required by subsection 1, paragraph A or within 3 months after obtaining a hazardous chemical or extremely hazardous substance for which reporting is required by subsection 1, paragraph A, the owner or operator of a facility shall prepare and submit a revised data sheet or a revised list of chemicals for which data sheets are available that meets the requirements of subsection 1, paragraph A and contains the new information to the local emergency planning committee, the commission, and the fire department having jurisdiction over the facility.

37B § 797. Maine chemical inventory reporting form

A person required to submit a facility emergency response plan, material safety data sheet or list of hazardous chemicals and extremely hazardous substances must submit a Maine chemical inventory reporting form to the commission, the local emergency planning committee and the local fire department with jurisdiction over the facility. The inventory reporting form and fee must be submitted by March 1st annually for the previous calendar year, except that the inventory reporting form and fee may be submitted with the registration fee in the year of reporting if the reporting facility can project its inventory levels for the current year. Information on the inventory of extremely hazardous substance and hazardous chemicals for the previous calendar year is required on the form. These forms must state, at a minimum:

1. **Chemical name.** The chemical name of each substance listed;

1.**Maximum weight.** The maximum number of pounds of each substance present at any time during the preceding year.

1.**Average amount.** The average daily amount of each substance present during the preceding year;

2.**Chemical storage.** A brief description of the manner of the chemical's storage;

1.**Chemical location.** The chemical's location at the facility;

1.**Information withholding.** An indication if the person is electing to withhold information from disclosure under section 800;

1.**Transportation.** A description of the manner in which the substance is shipped to the facility; and

1.**Progress toward toxics use reduction goals.** For those persons required to submit a form under this section for extremely hazardous substances, a report on the progress made by the facility toward meeting the toxics use reduction goals established in Title 38, section 2303.

37B § 798. Emergency Notification

1. **Immediate notification.** In the event of an unlicensed release from any facility where a CERCLA hazardous substance or an extremely hazardous substance is produced, used or stored, that requires reporting under the United State Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 103(a) or the Superfund Amendments and Reauthorization Act of 1986, Title III, Section 304(a), the owner or operator of the facility at which the release occurs must immediately contact the local fire department with jurisdiction over the site, the State Police as the designated agent for the commission and the community emergency coordinator. This oral notification must contain, to the extent known at the time of notice and so long as no delay in responding to the emergency results, information included in the Maine Emergency Management Agency's AR-1 form including:
 - A. The specific location of the release;
 - B. Identification of the chemical released and the estimated quantity released;
 - C. The time and duration of the release;
 - D. The environmental media into which the chemical was released;
 - E. Any known or anticipated acute or chronic health risks;
 - F. Any precautions that should be taken, including evacuation or medical surveillance; and
 - G. The names and telephone numbers of parties to be contacted for further information.
2. **Transportation releases.** For releases of substances covered under this subchapter during transportation, the responsible party must contact the State Police.
3. **Follow-up report.** Within 14 days of the release, the owner or operator must file with the commission and committee a follow-up emergency notice, which details all of the information in subsection 1, along with:
 - A. Action taken to respond to and contain the release;

- B. The cause of the release and the events leading to it;
- C. The known or anticipated health risks of the release and any medical attention needs of exposed persons, and
- D. The measures taken or to be taken to avoid recurrence.

37B § 799. Toxic chemical release forms

Under this section, the owner or operator of every facility with 10 or more employees and within Standard Industrial Classification Codes 20-39 must file toxic chemical release forms for routine releases with the United States Environmental Protection Agency, the Department of Environmental Protection, the commission and the local emergency planning committee by October 1, 1989 and annually thereafter consistent with the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499. Title III, Section 313, and 40 Code of Federal Regulations, Part 372. Those forms must be made available to the public by the commission and the local emergency planning committee. The owner or operator of every facility required to report under this section must also submit a report on the progress made by the facility toward meeting the toxics release reduction goals established in Title 38, section 2303.

37B § 800, Trade secrets

1. **Withholding information.** Information that constitutes a trade secret may be withheld from the local emergency planning committee or fire department, and specific chemical names and identifications may be withheld in accordance with this subchapter if:
 - A. The information has not been disclosed to any other person except the commission, the local emergency planning committee, a public official or a person bound by confidentiality agreement, and reasonable measures have been taken to protect confidentiality;
 - B. The information is not required to be disclosed by law;
 - C. Disclosure is likely to cause harm to the business's competitive position; and
 - D. The chemical identity in question is not readily discoverable through reverse engineering.
2. **Substitute information.** If trade secrecy is claimed, the owner or operator of the facility shall substitute on the relevant forms:
 - A. The generic class of the materials;
 - B. Sufficient information so that emergency responders will not be hampered; and
 - C. Identification of potential adverse health effects posed by the hazardous chemical or extremely hazardous substance.
3. **Exception.** Trade secrecy cannot be claimed if:
 - A. The commission and the United State Environmental Protection Agency so rule;

- B. Notification is required by a release; or
- C. In the event of a life threatening situation, the information is requested by the State Toxicologist or a health professional treating a victim of exposure to the chemical.

37B § 801. Fees

1. **Fees required.** The operators of any facility that is required to report to the State Emergency Response Commission under the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, Title III, Sections 311, 312, and 313, are subject to the fees adopted pursuant to subsection 2. All fees collected pursuant to this section shall be deposited in the Emergency Response Commission Fund.
2. **Fees Established.** The director, with the advice of the commission and subject to the Main Administrative Procedures Act, Title 5, chapter 375, shall promulgate rules to establish a fee schedule for:
 - A. Registering facilities, not to exceed \$ 50 per facility; and
 - B. Reporting hazardous materials, on a weight basis per chemical.
3. **Fee caps.** Facility owners and operators shall be subject to maximum fees of \$5,000 per facility for reporting hazardous materials under this section.
4. **Fee exemptions.** The following operators are exempt from the following requirements under this section.
 - A. Retail marketers of petroleum products with a storage capacity of 75,000 pounds or less per product shall be exempt from reporting fees.
 - B. Owners and operators of commercial agricultural operations shall be exempt from the fee requirements under this section for registering agricultural facilities and for hazardous materials used in the commercial production of farm products as defined in Title 17, section 2805, subsection 1, paragraph C. Farm product processing facilities are not exempt from the fee requirements. For the purposes of this section, “processing” shall not include the packaging of raw commodities or farm products for resale.
 - C. Public schools are exempt from registration fees and inventory fees imposed pursuant to this section prior to March 1, 1994 for underground storage tanks. This paragraph does not exempt a public school from registration or inventory requirements other than the payment of fees prior to March 1, 1994 for underground storage tanks.

37B § 802. Emergency Response Commission Fund

The Emergency Response Commission Fund is established to be used by the agency as a non-lapsing fund for carrying out the purposes of this subchapter. All fees collected under this subchapter shall be credited to this fund. All fines or penalties assessed pursuant to section 806 shall be credited to this fund.

1. **Disbursements allowed.** The agency, with the advice of the commission, shall make disbursements from the fund for the following purpose:

- A. To employ personnel within the agency to manage and coordinate data collected pursuant to this subchapter;
- B. To fund county training programs for local emergency planning committees;
- C. To provide training grants; and
- D. To provide for the resource needs of the local emergency planning committees.

37B § 803. Agency responsibilities

The Maine Emergency Management Agency has the following responsibilities under this subchapter.

- 1. **Review facility emergency plans.** The agency shall review facility area emergency plans submitted to the commission and make recommendations to the commission on their acceptance. The agency shall also develop model emergency plans.
- 1. **Manage and coordinate data.** The agency shall manage and coordinate data submitted pursuant to the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.
- 1. **Liaison.** The agency shall provide liaison to the State Emergency Response Commission, local emergency planning committees and industrial facilities throughout the State that manufacture, use, store or process hazardous materials.
- 1. **Monitor compliance.** The agency shall monitor the compliance of facilities, owners and operators with this subchapter and shall conduct inspections as necessary to ensure compliance with this subchapter. In the event of an accident or incident, the agency may investigate and inspect facilities to determine the cause and circumstances and may order appropriate reporting, facility response mitigation and corrective action pursuant to any requirement of this subchapter.

37B § 804. Local authority

Nothing in this subchapter or rules adopted under it preempts or otherwise affects any ordinance, regulation or rule of a political subdivision, limits the authority of a political subdivision to adopt or enforce any ordinance, regulation, or rule that it is authorized to adopt or enforce pursuant to the Constitution of Maine and laws of this State, or limits the authority of any department or agency of this State to adopt any rule or enforce any law or rule of this State that it is authorized to adopt or enforce under the laws of this State. This subchapter does not abridge rights of action or remedies in equity, under common law, or as provided by law.

37B § 805. Community Right to Know

- 1. **Availability to public.** Each emergency response plan, material safety data sheet, list described in section 796, subsection 2, Maine chemical inventory reporting form, toxic chemical release form and follow-up emergency notice shall be made available to the general public, consistent with section 800, during normal working hours at the location on locations designated by the Administrator of the United State Environmental Agency, the Governor, the commission or the local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 797, the commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 797 to be contained in a Maine chemical inventory reporting form.
- 1. **Notice of public availability.** Each committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets and Maine chemical inventory reporting forms have been submitted under this section. The notice shall state that follow-up emergency notice may subsequently be issued and announce that members of the public who wish to review any such plan, sheet, for or follow-up notice may do so at the location designated under subsection 1.

§798. Emergency notification

1. Immediate notification. In the event of an unlicensed release from any facility where a CERCLA hazardous substance or an extremely hazardous substance is produced, used or stored, that requires reporting under the United States Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 103 (a) or the Superfund Amendments and Reauthorization Act of 1986, Title III, Section 304(a), the owner or operator of the facility at which the release occurs must immediately contact the local fire department with jurisdiction over the site, the State Police as the designated agent for the commission and the community emergency coordinator. This oral notification must contain, to the extent known at the time of notice and so long as no delay in responding to the emergency results, information included in the Maine Emergency Management Agency's AR-1 form including:

- A. The specific location of the release; [PL 1989, c. 464, §3 (NEW).]
- B. Identification of the chemical released and the estimated quantity released; [PL 1989, c. 464, §3 (NEW).]
- C. The time and duration of the release; [PL 1989, c. 464, §3 (NEW).]
- D. The environmental media into which the chemical was released; [PL 1989, c. 464, §3 (NEW).]
- E. Any known or anticipated acute or chronic health risks; [PL 1989, c. 464, §3 (NEW).]
- F. Any precautions that should be taken, including evacuation or medical surveillance; and [PL 1989, c. 464, §3 (NEW).]
- G. The names and telephone numbers of parties to be contacted for further information. [PL 1989, c. 464, §3 (NEW).]

[PL 1989, c. 464, §3 (NEW).]

2. Transportation releases. For releases of substances covered under this subchapter during transportation, the responsible party must contact the State Police.

[PL 1989, c. 464, §3 (NEW).]

3. Follow-up report. Within 14 days of the release, the owner or operator must file with the commission and committee a follow-up emergency notice, which details all of the information in subsection 1, along with:

- A. Actions taken to respond to and contain the release; [PL 1989, c. 464, §3 (NEW).]
- B. The cause of the release and the events leading to it; [PL 1989, c. 464, §3 (NEW).]
- C. The known or anticipated health risks of the release and any medical attention needs of exposed persons; and [PL 1989, c. 464, §3 (NEW).]
- D. The measures taken or to be taken to avoid recurrence. [PL 1989, c. 464, §3 (NEW).]

[PL 1989, c. 464, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 464, §3 (NEW).

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Tasks of the
LEPC



TASKS OF THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

Following is a summary list of minimum tasks the LEPC must accomplish. After each task is a reference chapter where more information can be found. Also refer to these chapters for other optional but important tasks the LEPC should consider.

ADMINISTRATIVE TASKS

1. Assure the LEPC has members to represent the various groups listed in the law and submit the list to the State Emergency Response Commission (SERC) for appointment. See Chapter Three.
2. Establish bylaws. See Chapters Three and Nine.
3. Appoint a Chair, County Emergency Coordinator, and Information Coordinator. See Chapters One, Three and Nine.
4. Maintain records of LEPC meetings, expenses and activities and report them to SERC on a quarterly basis. See Chapters Three and Five
5. Receive certification from each Extremely Hazardous Substance (EHS) facility required to develop an Emergency Response Plan that an annual review and exercise of the plan has occurred. See Chapter Five.
6. Establish a separate non-lapsing account through the County Treasures Office to handle finances to meet the operations and training need of the LEPC. See Chapter Three
7. May commence a civil action against an owner or operator of a facility for failing to provide information under Section 303(d) or failing to submit chemical inventory information under Section 312 (1) - Section 326 (a)(2)(B).

DATA MANAGEMENT TASKS

8. Create a system for the storage and retrieval of the Material Safety Data Sheets (MSDS), chemical inventory and toxic release reports that facilities are required to submit to the LEPC. See Chapters One and Three

EMERGENCY NOTIFICATION TASKS

9. Receive initial verbal emergency release notifications and develop a system for recording and tracking this information. See Chapters One and Nine.

EXERCISING TASKS

10. Develop a schedule for exercising the procedures that the LEPC develops and decides what types of exercise will be held. See Chapters Seven and Eleven.

LEPC FUNDING

The Maine SERC has made provisions for providing funding for LEPC's See Chapter Five.

Acronyms



LEPC
Local Emergency
Planning Committee



ACRONYMS

Commonly uses by Local Emergency Planning Committee

AEPC	Aroostook Emergency Planning Committee
LEPC	Local Emergency Planning Committee
EMA	Emergency Management Agency
MEMA	Maine Emergency Management Agency
FEMA	Federal Emergency Management Agency
SERC	State Emergency Response Commission
HAZMAT	Hazardous Materials
EHS	Extremely Hazardous Substance
HS	Hazardous Substance
ICS	Incident Command System
RMP	Risk Management Program
DOT	Department of Transportation
EPA	Environmental Protection Agency
DEP	Department of Environmental Protection
ARC	American Red Cross
DRT	Disaster Response Team
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
NAWAS	National Warning System
RACES	Radio Amateur Civil Emergency Services
SOP	Standard Operating Procedures
EBS	Emergency Broadcast System
EMI	Emergency Management Institute Emmitsburg, MD
EMS	Emergency Medical Services
EPCRA	Emergency Planning and Community Right to Know Act
SARA	Superfund Amendments and Reauthorization Act
MRSA	Maine Revised Statutes Annotated
CAMEO	Computer Aided Management of Emergency Operations
CAS #	Chemical Abstract Service Number
CFR	Code of Federal Regulations
MCIRF	Maine Chemical Inventory Reporting Forms
MSDS	Material Safety Data Sheets
RQ	Reportable Quantity
SPCC	Spill Prevention, Control, and Countermeasures Plan
TS	Toxic Substances
USCG	US Coast Guard
TRI	Toxic Release Reporting
PD	Police Department
FD	Fire Department
SO	Sheriff's Office



LEPC
Local Emergency
Planning Committee

