

LEPC Responsibilities Recommendation

Vermont State Emergency Response Commission (SERC) Realignment of
Local Emergency Planning Committees (LEPC) Responsibilities

SERC Meeting

February 19, 2020



LEPC Responsibilities Recommendation

- Purpose: recommend the One Statewide LEPC model to the SERC
- Goals:
 - Decision on how to organize LEPC responsibilities
 - Guidance on implementation of chosen structure
- Agenda
 - Timeline So Far
 - Facts
 - Assumptions
 - REPC Concept Overview
 - One State LEPC
 - LEPC-REPC Integration
 - Statewide LEPC Charter
 - LEPC Staff Support
 - Vermont Statute Changes
 - Transition Timeline
 - Open Discussion and Decision

NOTE: REPC (Regional Emergency Planning Committee) is used as a draft title for the concept VEM is socializing based on the current LEPCs and the VEM EMD Roundtable groups. This working title may change.

Timeline So Far

- August 2019
 - SERC directs its LEPC committee to recommend changes to LEPC boundaries and/or responsibilities
- September 2019
 - Committee develops 4 options: No Change; RPC Based LEPCs, Consolidated LEPCs, and One State LEPC
- October 2019
 - Committee presents initial options at LEPC Chair and RPC dinner; group generally agrees consolidating into a few LEPCs will not solve underlying problems
- November 2019
 - SERC directs subcommittee to flesh out implementation plan for statewide LEPC
- February 2020
 - Committee recommends implementing one statewide LEPC

Facts - General

- Federal and state laws lay out specific requirements for LEPCs (by name)
- SERC has authority and responsibility to organize and define LEPCs
- State funding for each LEPC is currently set at a minimum of \$4,000
 - Meeting expenses, accounting costs, exercises
 - Total annual funding currently going to LEPCs is up to \$100K
- There are no staff dedicated to LEPC work within the state – most work is done by Regional Planning Commissions (RPCs) and volunteers
- Many all-hazard local emergency planning requirements overlap with LEPC requirements
- VEM has contracted support available through 2022 to support LEPC planning

Facts – LEPC Responsibilities

- State statute - 20 V.S.A. § 32(c)
 - Prepare LEPC (response) plan
 - Insure LEPC plan has been implemented during HAZMAT incidents
 - Consult and coordinate with EM services, RPCs, and facilities
 - Review funding requests
 - Support all-hazard EM 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

Assumptions

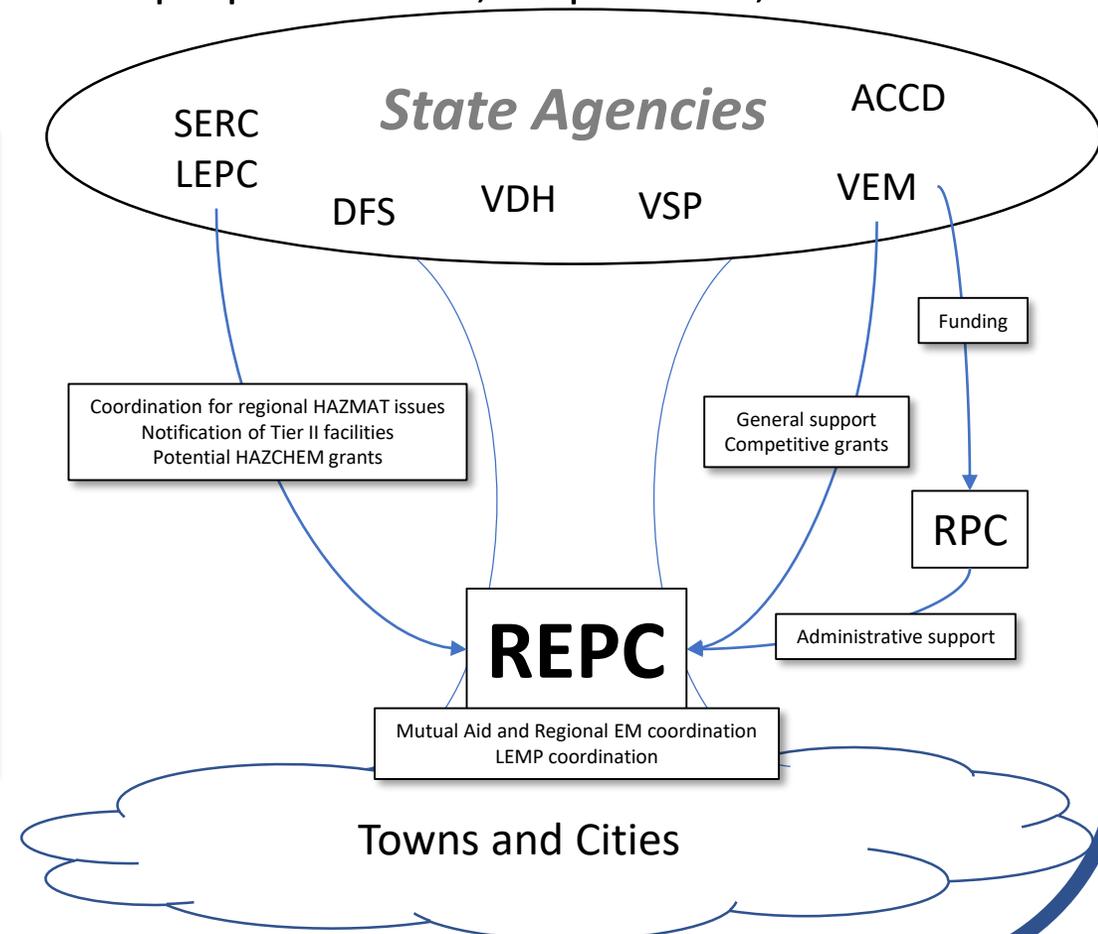
- SERC can consolidate LEPC funding for one LEPC within current statutory language
- HMEP funded contractor will enable state to meet EPCRA requirements for next three years (through transition)
- Current LEPCs cannot keep the title “LEPC” without also keeping the responsibilities
- VEM will provide technical and some funding support to continue a version of the current LEPCs (as REPCs)

REPC Concept Overview

- Mission: Regional Emergency Planning Committees (REPCs) coordinate emergency planning and preparedness activities across their regions to improve local preparation for, response to, and recovery from all-hazard disasters.

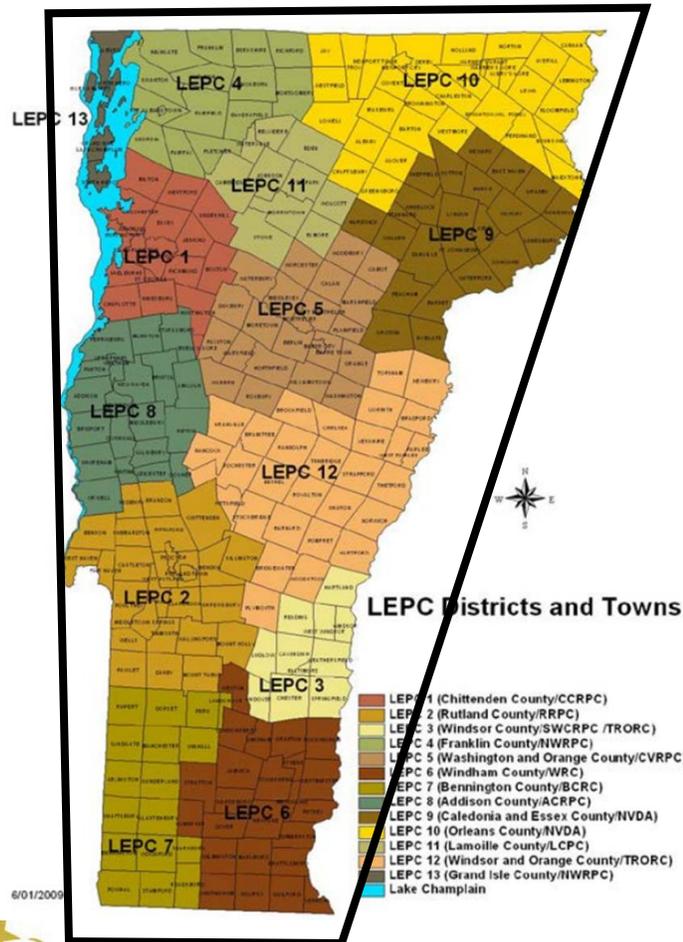
Key Responsibilities

- Coordinate between local Emergency Management Directors / Coordinators or designees, Regional Planning Commissions, Vermont Emergency Management, and other local institutions, facilities, and organizations regarding emergency plans.
- Publicize potential funding sources that could benefit regional Emergency Management organizations
- Work to support the various emergency services, mutual aid systems, town governments, regional planning commissions, state agency district offices, and others in their area in conducting coordinated all-hazards emergency management activities.
- Ensure hazards in each region are incorporated into Local Emergency Management Plans (LEMPs) and other emergency response plans.
- REPCs are NOT response entities or Tier II report collectors



One State LEPC

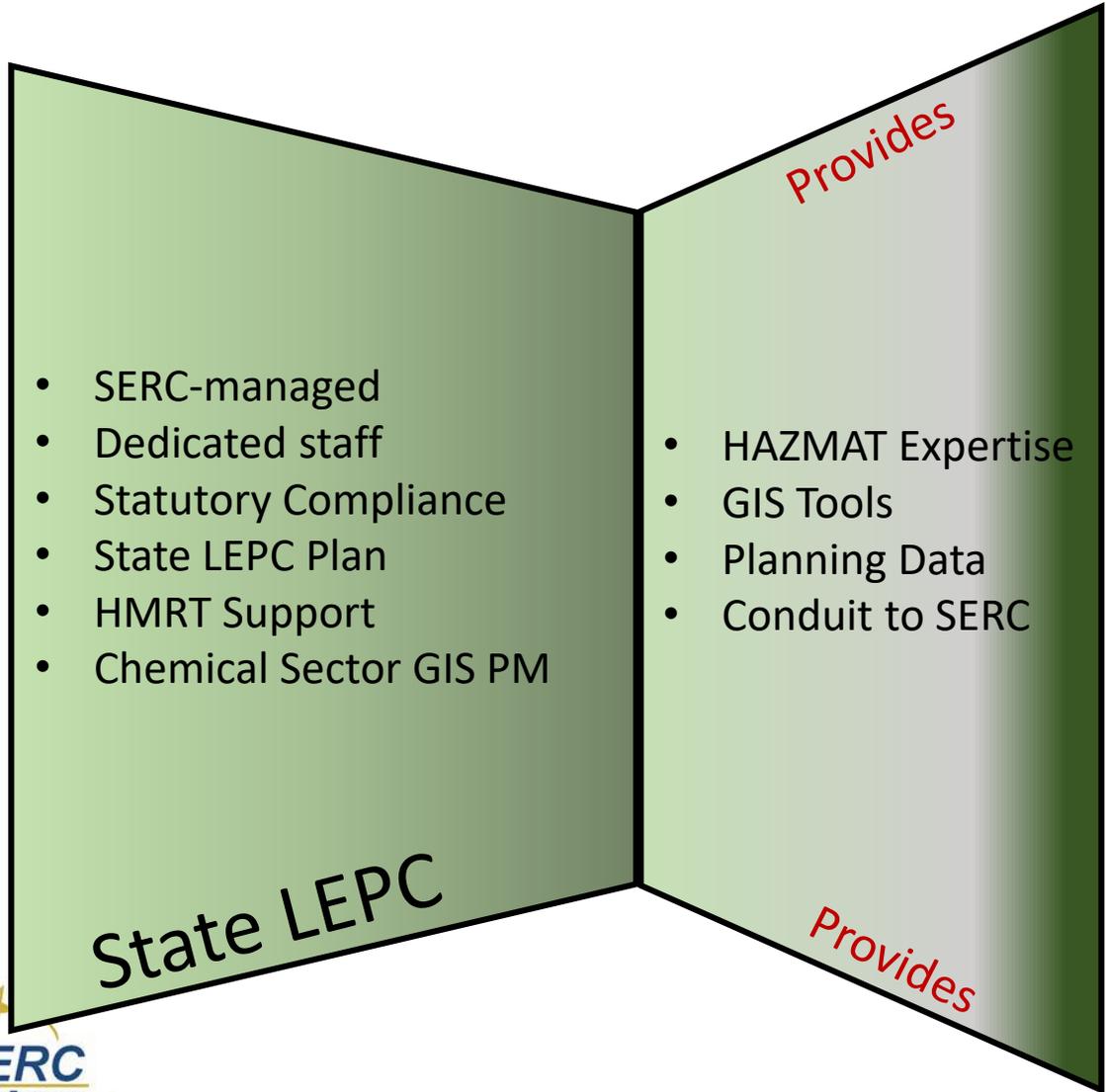
Consolidate regulatory responsibilities at the state level while preserving the local all-hazards planning entities
- Centralized HAZMAT, Decentralized All-Hazard



- All of Vermont is in one statewide LEPC
- Advantages
 - Dedicated staff perform LEPC duties
 - Frees local organizations to focus on all-hazard planning while providing consistent HAZMAT plans and data
 - Allows simple rulemaking to comply with state and federal regulations
- Disadvantages
 - Absolutely requires funded staff support
 - *Implementation of REPC concept mitigates disadvantages of otherwise dissolving current LEPCs*

LEPC-REPC Integration

Centralized HAZMAT -
Decentralized All-Hazards



- Chittenden – REPC 1
- Rutland – REPC 2
- Windsor – REPC 3
- Franklin – REPC 4
- Washington-Orange – REPC 5
- Windham – REPC 6
- Bennington – REPC 7
- Addison – REPC 8
- Caledonia-Essex – REPC 9
- Orleans – REPC 10
- Lamoille – REPC 11
- Windsor-Orange – REPC 12
- Grand Isle – REPC 13

REPC Architecture

- Coordinate local all-hazard plans
- Publicize funding opportunities
- Support emergency services

Statewide LEPC Charter

- Governance
 - Initial bylaws and first chair set by SERC
 - First year priority would be to revise bylaws and vote on new officers
 - LEPC staff fill coordinator position
- Meetings
 - Annual general meeting
 - Periodic (semi-annual?) local/regional meetings
- Membership - representatives from:
 - elected state and local officials
 - law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel
 - broadcast and print media
 - community groups
 - owners and operators of facilities subject to EPCRA

LEPC Staff Support

- Supported through HAZCHEM fund
 - Base funding \$52,000 (up to \$100,000 may be available)
 - Long term state employee or contract support to be determined
 - Daily supervision through Division of Fire Safety (DFS)
- Responsibilities
 - Review annually and maintain LEPC plan (initial plan written through HMEP grant)
 - Coordinate LEPC plan with facilities and water utilities
 - Receive and process Tier II reports
 - Make Tier II information available to general public as requested
 - Conduct an annual exercise of emergency plan
 - Coordinate LEPC plan, exercises, and HAZMAT support with REPCs
 - Report Tier II data to REPCs annually and as significant changes occur

Vermont Statute Changes (1 of 2)

- **No changes identified to begin implementation while staying technically within statute**
- Draft change to 20 V.S.A. § 38(b) [hazardous chemical and substance emergency response fund]
 - ... The fund shall be used to implement and administer this chapter, including planning, training and response activities, **funding staff and activities of Local Emergency Planning Committees**, as well as the purchase of equipment and assisting local organizations referred to in section 6 of this chapter to develop emergency response plans. ~~Each local emergency planning committee shall receive a minimum grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually and may petition the state emergency response commission for additional funds if needed and available.~~ After disbursement of the **Local Emergency Planning Committee support** ~~minimum grant amounts and after consideration of the comments and evaluation received from the appropriate local emergency planning committee,~~ the commissioner with the approval of the emergency response commission may make additional grants from the fund to any local emergency **organization** ~~planning committee or regional emergency response commission~~ as well as to any political subdivisions including any city, town, fire district, incorporated village and other incorporated entities in the state in accordance with rules adopted by the state emergency response commission. ...

- *Specifically allow HAZCHEM fund to pay for LEPC staff*
- *Remove minimum grant to LEPCs*
- *Continue to allow grants for HAZCHEM funds (including to new REPCs)*

Vermont Statute Changes (2 of 2)

- Draft change to 20 V.S.A. § 32 [Local emergency planning committees; creation; duties]
 - (a) Local emergency planning committees shall be appointed by the state emergency response commission.
 - (b) Local emergency planning committees should include representatives from the following: ...
 - (c) A local emergency planning committee shall perform all the following duties:
 - (1) Carry out all the requirements of a committee pursuant to EPCRA, including preparing a local emergency planning committee ~~response~~ plan. **[Remainder deleted]**
 - ~~(2) Upon receipt by the committee or the committee's designated community emergency coordinator of a notification of a release of a hazardous chemical or substance, insure that the local emergency response plan has been implemented.~~
 - (3) Consult and coordinate with ~~the heads of local government~~ **emergency and planning organizations** ~~services, the emergency management director or designee, regional planning commissions,~~ and the managers of all facilities within the district regarding ~~the~~ facility plans.
 - ~~(4) Review and evaluate requests for funding and other resources and advise the state emergency response commission and district coordinators concerning disbursement of funds.~~
 - (5) Work to support the various emergency and planning **organizations** ~~services,~~ mutual aid systems, town governments, ~~regional planning commissions,~~ state agency district offices, and others in **coordinating** ~~their area in conducting~~ ~~coordinated~~ all-hazards emergency management activities.

- ***Eliminate repetition of most EPCRA requirements***
- ***Direct coordination with organizations including new REPCs***
- ***Remove grant review language***

Transition Timeline – Short Term

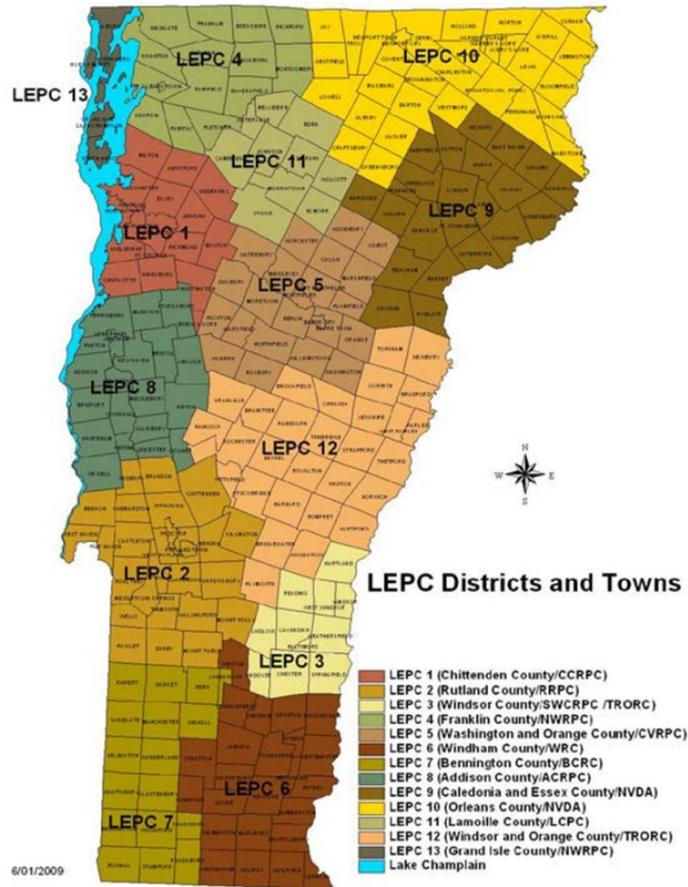
- Tentative Socialization Plan
 - Set March general meeting with LEPCs and RPCs to present vision and concept for statewide LEPC
 - Coordinate and issue talking points for spring LEPC meetings
- LEPC Committee Tasks
 - Gather feedback from current LEPCs
 - Draft framework of implementation plan
 - Recommend LEPC staff duties and support options
- VEM (HMEP Plan Contract)
 - Set deliverable as statewide LEPC/HAZMAT plan with regional annexes

Transition Timeline – Long Term

- FY21 (July 2020 – June 2021)
 - HMEP contract covers LEPC requirements
 - Implementation planning for one state LEPC
 - Drafting and adoption of potential statute changes
 - HAZCHEM funding remains largely the same
 - Solicitation / hiring of LEPC staff
- FY22 (July 2021 – June 2022)
 - New state LEPC takes over LEPC requirements
 - Old LEPCs transition to REPCs
 - Potential changes to state statutes take effect
 - LEPC/REPC grant funding changes (HAZCHEM, EMPG, HMEP, ...) take effect

Open Discussion and Decision

No Boundary Change



- LEPCs (13) are divided geographically roughly along RPC lines
- Advantages
 - No major changes in maps, bylaws, etc. required
 - Active LEPCs continue their good work
- Disadvantages
 - Some LEPCs will continue to struggle
 - Inactive LEPCs will not meet requirements

No Boundary Change - Implementation

- Short-Term
 - Use HMEP contract support to write LEPC Plans for each LEPC
 - Within plants, set up most onerous LEPC requirements as pass-throughs back to the state or SERC (LEPCs remain responsible, but execute centrally)
- Long-Term
 - Work to energize LEPC members that are not currently active participants
 - Develop plan to cover responsibilities of completely inactive LEPCs