

A REPORT TO THE WASHINGTON STATE LEGISLATURE

In accordance with Engrossed
Substitute House Bill 1449

Washington State Military Department
Emergency Management Division
March 2018



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Executive Summary

Engrossed Substitute House Bill 1449 requires the Washington State Military Department's Emergency Management Division (EMD) to assist Local Emergency Planning Committees (LEPCs) in the development and annual review of LEPC plans required in the Emergency Planning and Community Right-to-Know Act (42 U.S.C. Sec. 11001 et seq.) (EPCRA).

By March 1, 2018, the department shall report to the governor and legislature on progress towards compliance with planning requirements. This report must also provide budget and policy recommendations for continued support of local planning.

Prior to ESHB 1449, EMD's ability to commit resources to LEPC planning was practically non-existent. Previously, funding for this planning effort provided only .2 FTE while funding associated with ESHB 1449 provided for increased capability to aggressively focus LEPC planning efforts.

In 2015, when the program began, only one of 43 LEPCs in the state had a plan that met all nine of the EPCRA requirements. An additional LEPC plan was added to the list later in the year due to some one-on-one work by the EMD staff and the LEPC planner. Of these plans, many had not been updated in more than 20 years, and only half had a state level review in the last five years.

Considering the many months it takes to develop an LEPC plan, and the fact the team of 4 FTEs was not fully staffed until March 2016, the EMD HazMat Planning Team has made substantial progress. Today there are 11 plans that meet all nine of the EPCRA requirements and it's anticipated an additional 11 plans will be submitted for review in the coming months. We project to be approximately 70 percent complete with the process (29 plans) by June of 2019.

Policy Recommendations:

- LEPCs have benefitted tremendously from EMD's HazMat Planning Team's assistance. Many LEPCs have little to no training, skills or ability to develop plans that comply with EPCRA requirements without EMD's assistance. **The state should continue to provide assistance to LEPCs** so residents across the entire state will have the benefit of community emergency response plans that properly address the risks of known hazards and comply with state and federal requirements.
- Proper emergency planning requires a continual reinvestment in improvement. **The HazMat Planning Team should continue to work with LEPCs annually or as often as necessary** to ensure plans are updated as hazards and resources change. Should the program be discontinued, it is possible LEPC plans that currently meet EPCRA standards will fail annual review requirements, and many will be completely out of compliance and obsolete in five years.
- The fund source for EMD's HazMat Planning Team's efforts established in HB 1449 was temporary; use of this fund is not authorized beyond June 30, 2019. Furthermore, the use of this fund is limited to oil spill related planning rather than the all-hazard approach EMD employs for the rest of the state's emergency planning efforts. **Future funding for the HazMat Planning Team should allow the team to do all-hazard response planning.**

Budget Recommendations:

Increase funding to support the four current planners plus one supervisor from a fund source determined by the Office of Financial Management in coordination with the Governor's Policy office and the Washington State Legislature.

Introduction

In 1986, responding to a growing concern for safety around chemical facilities, the United States Congress enacted the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA). EPCRA establishes requirements for federal, state, tribal and local governments, and private industry regarding emergency response planning and the community's right-to-know about hazardous chemicals as well as use, exposure and transportation of hazardous materials.

EPCRA requires each state to have a State Emergency Response Commission (SERC). The SERC consists of a broad-based membership with representatives from private industry and state and local agencies. You can find a current list of SERC members at our the SERC website <https://mil.wa.gov/other-links/state-emergency-response-commission-serc>. In accordance with EPCRA, federal Public Law 99-499, and 38.52.040(3) RCW created the SERC which in turn adopted its administrative guidelines under Washington Administrative Code 118-40. Two of the primary responsibilities of the SERC include designating LEPCs and reviewing LEPC plans [requirement added by ESHB Sec17 (3)]. Currently, Washington SERC has designated 43 LEPCs.

The purpose of a LEPC and Tribal Emergency Planning Committee (TEPC) is driven by the coordination of hazardous materials issues and completing the mandate of EPCRA within their emergency planning district. LEPCs and TEPCs prepare and plan for chemical emergencies as well as ensure community awareness of the chemical risks around them. The success of EPCRA and its goals at the state level depend on LEPCs and TEPCs meeting their objectives. Additional information regarding EPCRA is available at the Environmental Protection Agency (EPA) website <https://www.epa.gov/epcra>.

Engrossed Substitute House Bill 1449 requires the Washington State Military Department's Emergency Management Division (EMD) to assist LEPCs in the development and annual review of LEPC plans required by EPCRA.

Excerpt from ESHB 1449 (Chapter 274, Laws of 2015):

Sec 17 (3) "The council or a council subcommittee shall serve and periodically convene in special session as the state emergency response commission required by the emergency planning and community 30 right-to-know act (42 U.S.C. Sec. 11001 et seq.). The state emergency response commission shall conduct those activities specified in federal statutes and regulations and state administrative rules governing the coordination of hazardous materials policy including, but not limited to, review of local emergency planning committee emergency response plans for compliance with the planning requirements in the emergency planning and community right-to-know (42 U.S.C. Sec. 11001 et seq.). Committees shall annually review their plans to address changed conditions and submit their plans to the state emergency response commission for review when updated, but not less than at least once every five years. The department may employ staff to assist local emergency planning committees in the development and annual review of these emergency response plans, with an initial focus on the highest risk communities through which trains that transport oil in

bulk travel. By March 1, 2018, the department shall report to the governor and legislature on progress towards compliance with planning requirements. The report must also provide budget and policy recommendations for continued support of local emergency planning.”

Section 1: LEPC Plan Status and Progress

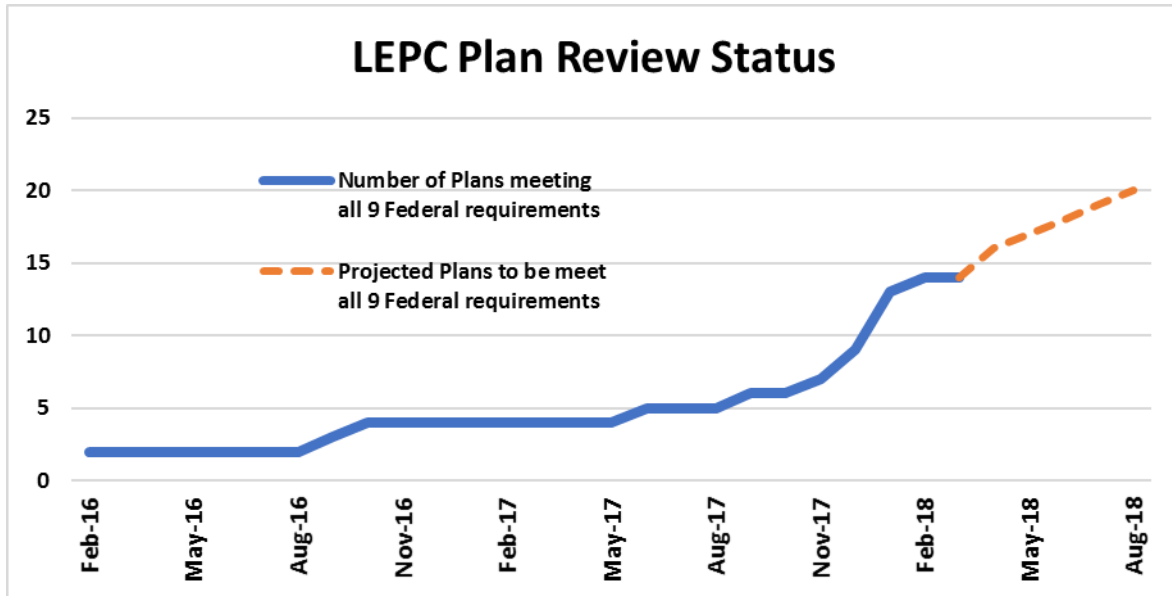
Many factors contribute to the timeline an LEPC takes to develop a plan. First, an LEPC must actively meet. While EPCRA only mandates that LEPCs meet once a year, it takes more than one meeting to develop a plan. It requires many work sessions for those doing the writing. After a community has developed its plan, the plan must undergo an approval process, gaining buy-in by all the participants, as well as the elected officials who ultimately hold them legally responsible for the plan. EMD's HazMat Planning Team members are limited in their ability to influence a plan's forward movement. The team can offer technical assistance but the initiative resides in the LEPC and the community leadership.

Once a community submits its plan to the Washington SERC, it must undergo a review process (see Appendix B), ensuring it meets basic planning and federal EPCRA requirements (see Appendix A). The process can take up to 90 days if the agency accomplishing the review have qualified staff available. A timeline may be lengthened due to lack of availability of qualified staff within the state agency required to participate in the review process. Appendix C provides a diagram of the Washington SERC review process.

Using funding provided through ESHB 1449, EMD fully staffed the Washington State Hazardous Material Planning Team on March 7, 2016. Since its inception, the team assisted 11 LEPCs in meeting all nine requirements and supported exercises related to LEPC plans. A map representation of Washington's LEPC Plan status as of March 2016 and a map with LEPC plan status as of February 2018 are in Section 2.

Between March 2016 and February 2018, the EMD HazMat Planning Team assisted with the design, development and staffing of 80 exercises. EMD's HazMat planning team also created exercise templates to provide LEPCs a tool to create effective exercises and save the LEPCs time and resources.

Between March 2016 and February 2018, the EMD HazMat Planning Team planned, coordinated or taught a total of 37 training events.

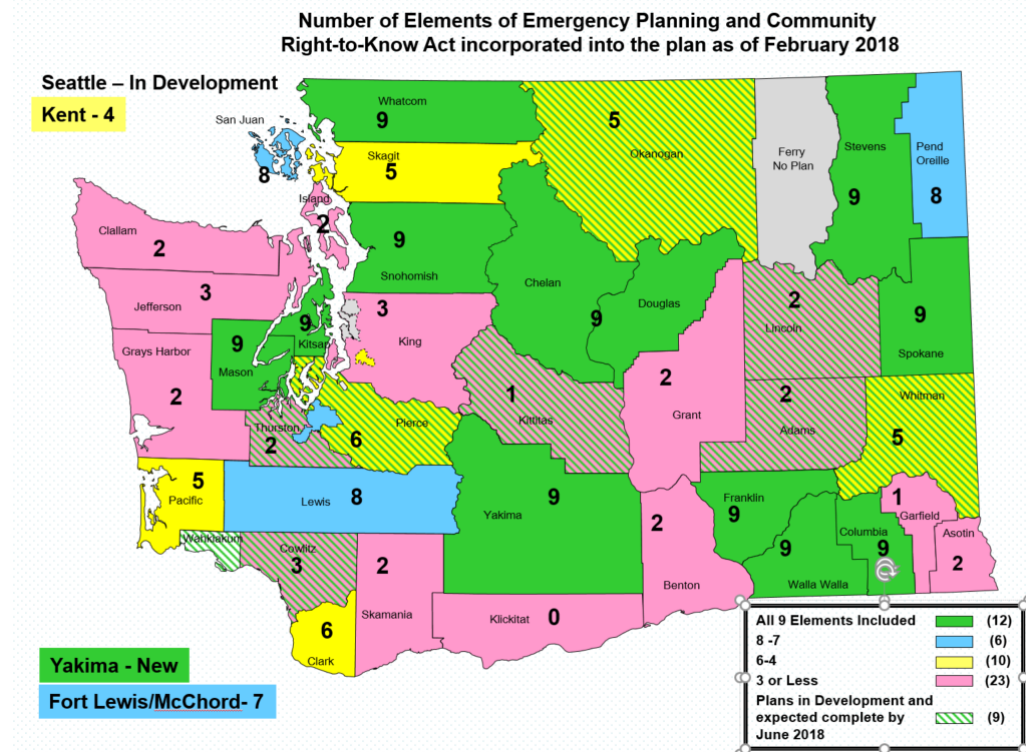
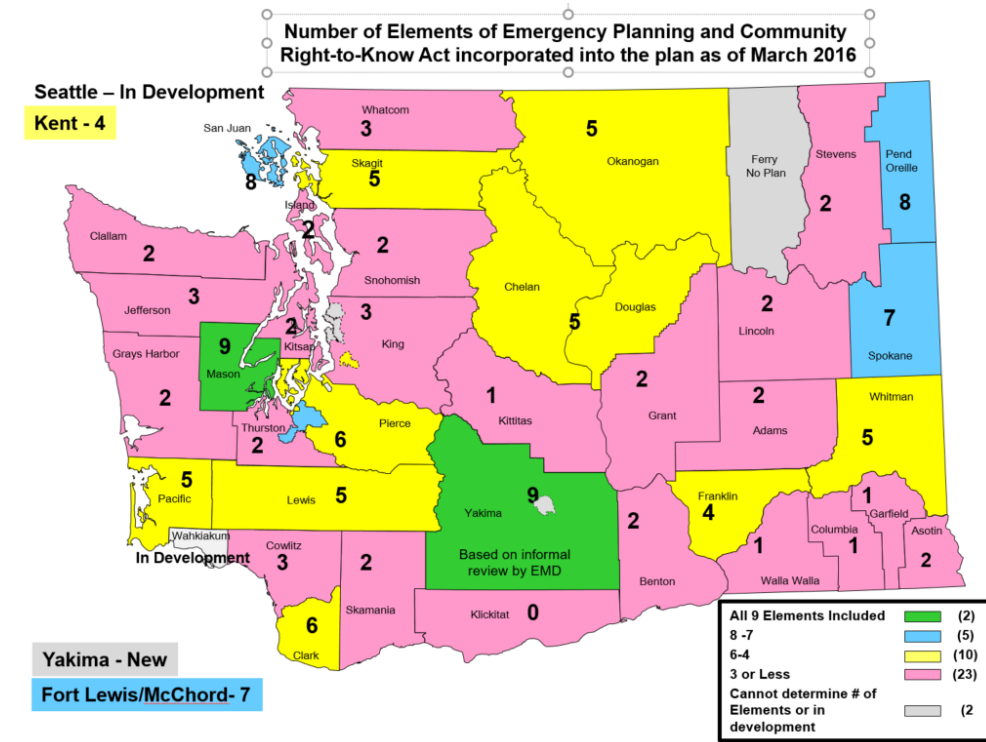


Another major training opportunity for LEPCs is the annual Washington State LEPC/Tribal Conference. This conference provides one or two members of every LEPC and tribal members the opportunity to participate in a two-and-a-half-day workshop and lecture series regarding LEPC issues.

- The 2017 conference included 73 attendees representing LEPCs, tribes and SERC members. The state funds the conference agenda through a federal grant and uses a subcommittee of the SERC to plan it. Last year's conference was led by a member of the HazMat Planning Team. The entire team played a significant role supporting the conference, to include planning the workshops and presenting during the event.

As a direct result, the state's modest investment of four full-time employees has revitalized LEPCs across the state. EMD's Hazardous Material Planners bring their expertise in preparing plans, hazardous material response, planning coordination and EPCRA to LEPCs and spend time helping with the whole planning process. This results in viable LEPC plans that meet the needs of a community, more standardization of the plan's content, as well as better whole of community participation and engagement in the process.

Section 2: LEPC Plan Status Maps as of March 2016



Section 3: Return on Investment

The effectiveness of planning prior to a hazardous material response is difficult to measure or quantify. FEMA uses the standard figure for every \$1 spent on mitigation activities, it saves \$6 during the response and recovery to an incident. LEPC planning for hazardous material response is the most prudent mitigation measure available to a community.

When you compare a community with a response plan versus the same incident occurring in a community lacking an adequate plan, it is generally accepted that response times improve when there is a plan that drives actions. When response times improve, there is an immediate correlation to reducing the potential impacts to the environment, economy and on public safety. Executable plans that have been exercised, providing validation of actions, remain the most prudent mitigation measure to life safety, minimizing the impacts to public/private property, and reducing negative impacts to our environment.

Prior to ESHB 1449, EMD's ability to commit resources to LEPC planning was practically non-existent. Previously, funding for this planning effort provided only .2 FTE while funding associated with ESHB 1449 provided for increased capability to aggressively focus LEPC planning efforts.

EMD's HazMat Planning team has improved the number of plans meeting all 9 planning requirements (from less than five percent of the LEPCs having plans that meet the minimum requirements to approximately 50 percent having plans that will meet that minimum requirements by July of 2018).

Funding of this program also provides an efficient legal risk reduction tool by providing the Department with the necessary funding to create and staff a full-time EMD Washington State Hazardous Material Planning Team of knowledgeable experts who are dedicated to assisting all 43 LEPCs in the State with meeting all EPCRA planning requirements. Based on our recent experience, it is unlikely that most of our LEPCs will meet these planning requirements without funding necessary to support and maintain the EMD Hazardous Material Planning Team. Increased legal risk associated with noncompliance with EPCRA requirements will result.

Local Emergency Management (EM) Offices and LEPCs have expressed that this program has resulted in real value across the state. Several statewide EM offices are minimally staffed and lack the subject matter expertise to support LEPC planning efforts. EMD's Hazmat Planning team has been able to fill voids in capability and expertise. The program has become a critical part of the state's ability to support planning at the community level and has given EMD the resources to reach out and directly support local planning efforts.

The return on investment is real and the costs of sustaining the program outweigh the costs of allowing the program to go unfunded after SFY19. With the advent of this program, we now have staff in geographically dispersed locations who provide direct assistance to the communities that need it, translating into direct customer service and robust plans ensuring a community can respond to hazardous material incidents with confidence.

Section 4: Policy Recommendations

Critical to the continued success of this program:

- The state should continue to provide assistance to LEPCs.
- The HazMat Planning Team should continue to work with LEPCs annually or as often as necessary.
- Funding for the HazMat Planning Team should provide the flexibility needed for the team to do all-hazard response planning.

Justification:

- The amendment to RCW 38.52.040 made by ESHB 1449 Sec 17 (3) created additional responsibilities for SERC and EMD.
 - o These responsibilities extend beyond its existing statutory mandate to deliberate on items in federal statute and administrative rules governing the coordination of hazardous materials policy.
 - o These added, ongoing requirements now include reviewing LEPC emergency response plans to ensure they're compliant with EPCRA (42 U.S.C. Sec. 11001 et seq.). LEPCs now must annually review their plans to address changing conditions and submit their plans to SERC for review when updated, but not less than at least once every five years. This will require continuous technical assistance, adding to EMD's workload.
 - o LEPC technical assistance provided by this still temporary funding has been vitally important to updating local hazardous materials spill plans statewide. It will take five years for all local jurisdictions to complete their plans. Continued assistance by EMD is critical to do the required reviews, assist jurisdictions with future updates, and train and exercise to maintain proficiency.
- Developing and sustaining compliant plans serves the public and mitigates risk.
- The HazMat Planning team's efforts have made a positive change.

If funding is not continued past SFY19, EMD recommends amending RCW 38.52.040 (3) to restore the language to the provisions it required prior to the ESHB 1449 Sec 17 (3) amendment. Without funding, the program will return to .2 FTE staffing of this planning effort.

Other considerations: the SERC is currently in the process of updating WAC 118-40 to reflect the current process LEPCs use to officially submit their plans to the SERC, as well as the state planning requirements. However, any loss of resources that support LEPC planning will severely limit the state's ability to support local HazMat incident response planning.

Section 5: Budget Recommendations

The Washington State Military Department's Emergency Management Division has identified the need for continued funding of the EMD HazMat Planning Team. When evaluating possible specific funding options, keep in mind the following considerations:

- Federal and state statutes require LEPCs to annually review their plans to address evolving conditions and submit their plans to the SERC at least every five years. The best way to accomplish this continual review process is by committing permanent, ongoing funding. LEPC plans that don't meet yearly exercise deadlines and not updated every five years will fall out of compliance in a short period of time.
- Separating Hazardous Materials planning contradicts one of the basic principles of Emergency Management and federal and state guidance. WAC 118-30 requires each community with an emergency management program to develop plans addressing all natural and man-made hazards which may impact the community. A flexible fund source will allow the EMD HazMat Planning team the flexibility to directly support all-hazards planning that impact hazardous material incidents.
- The current funding level provides salaries and benefits for four full time EMPS 3 planning positions. Increasing funding to allow for an EMPS 4 team supervisor position would vastly improve the effectiveness of the HazMat Planning Team. Currently, the LEPC planner for the southwest Washington region also serves as supervisor for the team, as well as SERC coordinator, and performs many of the duties of the vacant Hazardous Material Program Manager position. Due to this imbalance, the LEPCs in southwest Washington receive less direct and timely customer support. Additional funding for a supervisor position would allow the southwest Washington region to receive the time and attention it needs from a dedicated LEPC coordinator.

The core, fundamental requirement for continuation of this program is a funding recommendation like the one outlined in ESHB 1449. This proposed annual budget is \$519,000 per year, or \$1,038,000 per biennium.

To improve upon the current program, our aspirational recommendation would include an additional Emergency Management Program Specialist (EMPS) 4 that would enable the program to have a separate program manager who is not required to serve in a program coordinator capacity simultaneously. Total recommended funding level would include the \$1,038,000 above plus \$228,820 (EMPS4 salary, benefits, and associated goods and services) or \$1,266,820 per biennium.

Prior to ESHB 1449, EMD's ability to commit resources to LEPC planning was practically non-existent. Previously, funding for this planning effort provided only .2 FTE while funding associated with ESHB 1449 provided for increased capability to aggressively focus LEPC planning efforts. Inability to fund this program beyond SFY19 will return the planning effort back to .2 FTE.

Section 6: Moving forward

We will complete additional LEPC plans across our state before funding of this program expires at the end of SFY19, but there will be work left to accomplish. Why should this planning program continue?

- Hazmat incidents will continue and likely increase. In 2017, the Washington State Alert and Warning Center had 2,582 reports of hazmat incidents. We expect this number to increase as the population and traffic in the state continue to grow.
- EMD's Hazmat Planning team has proven, quantifiable results. Prior to the establishment of our Hazmat planning team, less than five percent of LEPC plans across the state met the EPCRA standards. That will not be the case at the end of SFY19.
- Plans improve community response times to incidents. Having plans ready to execute in the time of need creates positive conditions for the safety of our residents and protection of our environment. During a response to a hazardous materials incident is not the time to ask, "what should we do?" or "do we have a response plan?"
- Funding of this program also provides an efficient legal risk reduction tool. Based on our recent experience, it is unlikely that most of our LEPCs will meet these planning requirements without funding necessary to support and maintain the EMD Hazardous Material Planning Team. Increased legal risk associated with noncompliance with EPCRA requirements will result. This program provides the necessary funding to create and staff knowledgeable planning experts who are dedicated to assisting all 43 LEPCs in the State with meeting all EPCRA planning requirements.
- Planning remains a continuous and iterative process. Once a community has completed a plan, it cannot just be placed on a shelf waiting for an incident to occur. Our communities should train to and exercise their plans. Gathering lessons learned from exercises and real incidents assist in the revision process of plans.
- Compliant plans are "minimal" standards. It should be noted that compliance is defined as "meeting the minimum level" of what a community needs or should have. We have the opportunity, with continued funding, to ensure success across all 43 LEPCs and make our state a nationwide model, ensuring plans go beyond the minimum and provide communities real protection.

The goal is to bring every LEPC plan into compliance. If the state decides to continue funding this program, LEPCs, and ultimately those that live and contribute to the economy of Washington state, will be the primary benefactor. EMD will have the capacity to support LEPC planning efforts now and into the future. EMD can continue assisting with the creation of solid plans that are either not existent, not current, or otherwise require revision which ultimately provides our residents with the protections they deserve.

The Legislature's investment into this program has resulted in a significant return. Despite the hard work put into this endeavor to date, there is work still to be done to bring all LEPCs into compliance. That will require funding beyond SFY19.

Appendix A: EPCRA LEPC Planning Requirements

LEPCs must develop an emergency response plan and review the plan annually at a minimum. Plans are developed by LEPCs with stakeholder participation. All 43 LEPCs in Washington State are required to develop a Hazardous Material plan meeting all nine federal planning requirements outlined in EPCRA:

1. Identification of facilities that possess extremely hazardous substances and the transportation routes along which these substances may move
2. Emergency response procedures
3. Designation of a community emergency coordinator and facility emergency coordinators
4. Procedures providing reliable, effective and timely notification
5. Methods for determining the occurrence of a release and the area or population likely to be affected
6. A description of emergency equipment and facilities in the community
7. Evacuation plans
8. Training programs
9. Methods and schedules for exercising the plan

Appendix B: SERC Plan Review Process

The Washington State Emergency Management Division (EMD), the Washington State Patrol's State Fire Marshal's Office and the Washington State Departments of Ecology and Health are members of the SERC and all assist in the review of LEPC plans on the SERC's behalf. 118-40 WAC defines the SERC's role and requirement in this review process and states that the SERC has 90 days to complete the entire process. Coordination of plan reviews and assisting LEPCs in the development of plans is one of EMDs many responsibilities associated with the SERC.

The EMD developed a checklist for its portion of the review process to ensure consistency in plan reviews and to provide uniform recommendations to LEPCs. This checklist contains direction from the Comprehensive Preparedness Guide 101, provided by the Federal Emergency Management Administration (FEMA), in addition to the nine planning requirements established by EPCRA. The complete EMD checklist resides in Appendix I. Many LEPCs use this checklist to help focus their efforts during the development update of LEPC plans.

Appendix C: Planning Cycle

Federal regulations in EPCRA clearly state an LEPC shall have a training program, exercise their plans at least once a year, review their plans on a yearly basis and update this plan every five years. These requirements enforce the basic emergency management concept of the planning cycle. The intent of the planning cycle ensures a process that continually improves plans and improve response capabilities of local communities.

A common idiom in the emergency management field states that “an emergency is not the right time to exchange business cards.” Nothing could be closer to the truth when it comes to the intent of EPCRA and the purpose of an LEPC. Ideally, LEPCs should consist of members from the following groups or organizations: State and local officials, local elected officials, law enforcement, emergency management, firefighting, first aid, health professionals, local environmental agencies, hospitals, transportation personnel, media, community groups, and owners and operators of facilities subject to the requirements of EPCRA. When LEPC members use the planning cycle, members meet, develop a plan, train to the plan, exercise their plan, and then incorporate lessons learned into the plan. This enables key members of the hazardous response community the opportunity to work together and build on one another’s trust long before an incident occurs.



Appendix D: Exercising LEPC Plans

Exercises enable LEPCs the opportunity to test, validate and identify both strengths and areas for improvement. It's important to ensure corrective actions and lessons learned from training and exercises contribute to improving LEPC plans. The Homeland Security Exercise Evaluation Program (HSEEP) provides a structure and tools that help provide a realistic process to test plans, train and validate capabilities. It guides the overall direction of a progressive exercise program, where individual exercises build toward an increasing level of complexity over time. This process documents strengths, areas for improvement, and monitors corrective actions and outcomes. Each member of EMD's HazMat Planning Team received HSEEP training and use concepts of the program when they assist LEPCS with exercises. You will find more information regarding the HSEEP program at <https://www.fema.gov/media-library/assets/documents/32326> .

Between March 2016 and February 2018, the EMD HazMat Planning Team assisted with the design, development and staffing of 80 exercises. EMD's LEPC planning team also created exercise templates to provide LEPCs a tool to create effective exercises and save the LEPCs time and resources.

Appendix E: LEPC Training

EPCRA directs that a LEPC must have a training program, however, it does not define the scope of this training program. In fulfilling one of its roles in the SERC, EMD works closely with the Washington State Patrol to provide and administer training opportunities. Most of the training opportunities come from the following organizations:

- **Washington State Patrol** provides hazardous materials training including Hazardous Materials Awareness, and Hazardous Materials Chemistry for the Hazardous Materials Operation, Technician, Hazardous Materials Safety Officer, and On-Scene Incident Command. Based on the needs of the responder group, Washington State Patrol can offer other training courses.
- **Emergency Management Division** offers a wide range of emergency management courses across the state.
- **The National Domestic Preparedness Consortium (NDPC)** provides free in-person, mobile or web-based hazardous materials training for Emergency Management personnel and first responders. EMD coordinates and approves NDPC courses in Washington State.
- **The EMD HazMat Planning Team** includes two certified trainers for many FEMA courses and upon request have offered training to LEPC members. During the duration of the program, the two team members instructed or co-instructed 37 courses.

Another major training opportunity for LEPCs is the yearly Washington State LEPC/Tribal Conference. This conference provides one or two members of every LEPC and tribal members the opportunity to participate in a two-and-a-half-day workshop and lecture series regarding LEPC issues. The 2017 conference included 73 attendees representing LEPCs, tribes and SERC members. The state funds the conference agenda through a federal grant and uses a subcommittee of the SERC to plan it. Last year's conference was led by a member of the HazMat Planning Team. The entire team played a significant role supporting the conference, to include planning the workshops and presenting during the event.

Appendix F: Relationship between LEPC and other Hazardous Material Plans

Communities have many different ongoing planning efforts that impact different aspects of hazardous material planning. Most of these plans come with their own regulatory requirements. While developing plans, LEPCs need to understand the similarities and differences between these plans to ensure that they do not contradict each other or negatively impact a community's ability to respond.

Comprehensive Emergency Management Plan (CEMP)

This All-Hazards plan provides the framework for statewide mitigation, preparedness (including prevention and protection), response and recovery activities, while providing a structure for plan consistency throughout the state and facilitating interoperability between local, state and federal governments. Chapter 38.52 Revised Code of Washington (RCW) provides the requirements for CEMPs at the local and state level. EMD, as the keeper of the CEMP, has based it on experience supporting disaster response in the state, state legislation, U.S. Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) requirements.

To ensure that plans fit the needs of the community, EMD allows LEPCs to incorporate their LEPC plan into EMD's broader CEMP Emergency Support Function 10 (Hazardous Materials) Annex or have a stand-alone Hazardous Material Emergency Response Plan. Should the LEPC draft a stand-alone plan, care must be taken not to contradict any overarching community emergency plans and update the LEPC plan when the local emergency management organization makes changes to their CEMP.

Northwest Area Contingency Plan (NWACP)

In the Pacific Northwest, a three state (Washington, Oregon, and Idaho) Northwest Area Contingency Plan (NWACP) provides a platform to conduct planning for significant oil and hazardous spills incidents. The NWACP provides policies and tools to ensure a rapid and aggressive response occurs. Geographic Response Plans (GRP) are one of the many tools available in the NWACP. The NWACP follows the requirements in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 Code of Federal Regulations [CFR] Part 300). The federal government has established area committees for all areas of the country.

Geographic Response plans (GRPs)

GRPs are site specific plans that guide early actions when spills occur. GRPs have pre-identified strategies for specific areas of the state at risk from hazardous material spills. The GRP planners have designed strategies that minimize impacts to sensitive environmental, cultural and economic resources. The lead responsibility for creating new Washington state GRPs and updating existing GRPs belongs to the Washington State Department of Ecology. These plans are extremely specific to a geographical area and provide tactical guidance to clean up operations. They are intended specifically for responders. To the contrast, LEPC plans are much broader in scope and operate at a coordination level. LEPC plans and GRPs meet two different regulatory requirements.

Facility Plans

Federal and state laws require the owners and operators of facilities to develop facility plans containing site-specific emergency procedures to follow in the event of a hazardous material

incident. These plans typically contain information regarding product inventories, reporting procedures, training requirements, communications procedures, emergency recognition, safe distances, site security, evacuation routes, decontamination procedures, and emergency equipment. These plans differ from an LEPC plan because they are site specific and the bulk of the information in the plan primarily applies to facility employees.

Appendix G: Resource Demands to Maintain a Viable LEPC

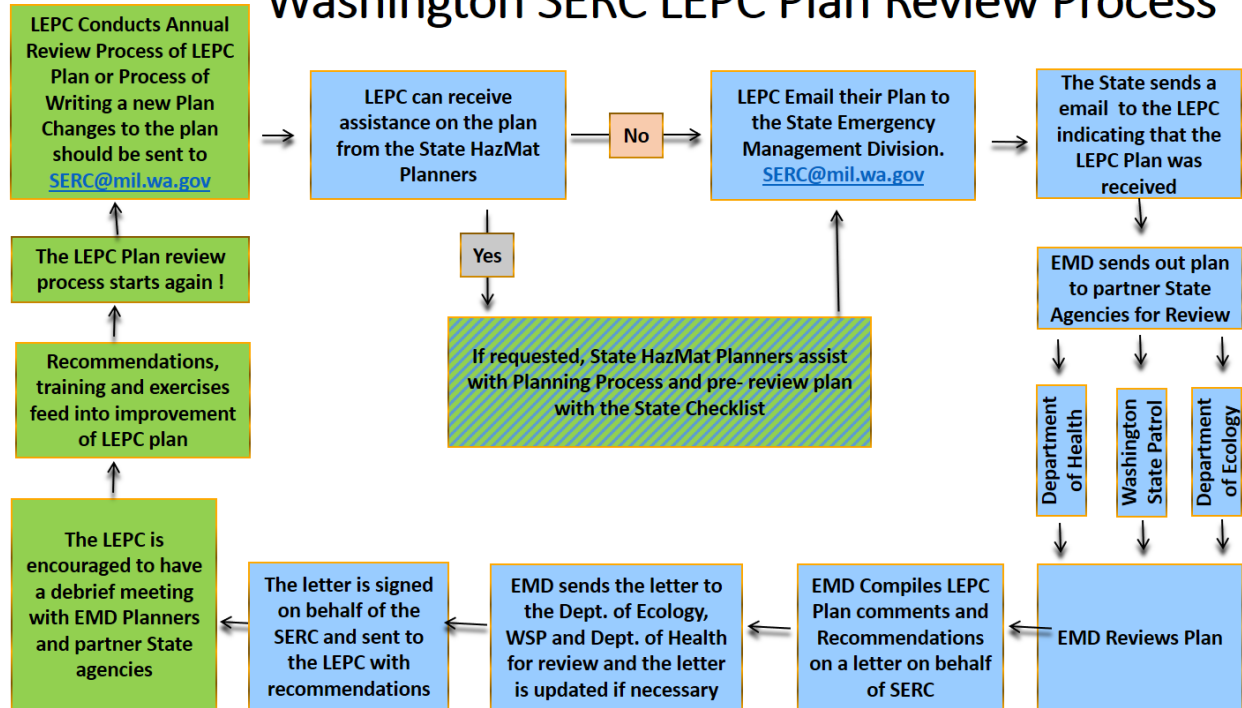
The EPCRA program remains an unfunded mandate from the Federal government, yet is the core of a community's ability to protect itself should a Hazmat Material incident occur. U.S. Department of Transportation (DOT) Hazardous Materials Emergency Preparedness (HMEP) grants provide some minimal funding to conduct this planning. Between FY2012 and FY2015, as many as 11 LEPCs and TEPCs took advantage of the grant each year. The average amount awarded was only \$7,713.16 (about .08 of a FTE), not enough to make a focused planning effort over the course of a year. Most LEPCs and TEPCs opt out of applying for these grants due to amount of employee hours it takes to apply for and manage the grant. For most of their activities, LEPCs and TEPCs must rely on indirect funding in the form of provided meeting space, materials and office supplies, and the use of computers or other equipment.

In addition to funding issues, every LEPC coordinator in Washington state is an employee of a county or city Emergency Management program with other responsibilities. In smaller counties, one FTE or less is expected to fulfill all the roles of an Emergency Management Office and just one of these responsibilities includes coordinating the efforts of the LEPC. Finally, for those that do not work in the jurisdiction's emergency management office, participation in the LEPC is an additional duty that takes them away from the focus of their primary responsibilities.

As a direct result, the state's modest investment of four full-time employees has revitalized LEPCs across the state. EMD's Hazardous Material Planners bring their expertise in preparing plans, hazardous material response, planning coordination and EPCRA to LEPCs and spend time helping with the whole planning process. This results in viable LEPC plans that meet the needs of each community, more standardization of the plan's content, as well as better community participation in the process.

Appendix H: SERC Plan Review Standard Operating Procedures

Washington SERC LEPC Plan Review Process



Appendix I: Emergency Management Division LEPC Plan Checklist

2016 Washington State Emergency Management Commission LEPC Comprehensive Emergency Response Plan Review Checklist

Federal Pub. L. 99-499, title III, §303; RCW – 38.52.040(3)

| | YES | | NO | | Page #(s) |
|--|-----|--|----|--|-----------|
| GENERAL CHECKLIST | | | | | |
| A. Does the plan have an <i>ESF - format</i> ? | | | | | |
| 1. If so, does the ESF follow the CEMP concept? | | | | | |
| B. Primary Agency: Has/have the agency/agencies, or organizations most responsible for managing the Hazardous Materials Program been designated? | | | | | |
| C. Support Agencies: Has/have the agency/agencies, or organizations for providing support to the management the Hazardous Materials Program been designated? | | | | | |
| D. Is each page of the plan dated? | | | | | |
| E. Is each page of the plan numbered? | | | | | |
| F. Does the plan contain: | | | | | |
| 1. Promulgation documents(s) signed by current executives? | | | | | |
| 2. Table of contents? | | | | | |
| 3. Record of amendment section? | | | | | |
| | | | | | |
| SPECIFIC CRITERIA | | | | | |
| I. Introduction | | | | | |
| A. Purpose: Is the objective, intent or goal of the plan stated? | | | | | |
| B. Scope: | | | | | |
| 1. Is the extent of the plan defined? | | | | | |
| 2. Is the level of coordination stated? | | | | | |
| 3. Is the relationship of this plan to other emergency/disaster plans described? | | | | | |
| | | | | | |

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| II. Policies | | | | | | |
| A. Are the laws, regulations, ordinances and statements of governance relative to hazardous materials listed and/or otherwise described? | | | | | | |
| B. Are relevant local plans and annexes, SOG/SOPs and/or run sheets referenced such as hazmat team, community alert and notification, and evacuation/shelter-in-place? | | | | | | |
| III. Situation & Assumptions | | | | | | |
| A. Are the emergency conditions and hazards identified and the effect they would have been stated? | | | | | | |
| B. Is a Hazard Analysis or Hazard Identification or Vulnerability Analysis? | | | | | | |
| C. Are the assumptions (conditions accepted as true) and/or planning factors upon which the plan is based listed? | | | | | | |
| IV. Concept of Operations | | | | | | |
| A. Does the plan contain a Concept of Operations (CONOPS)? | | | | | | |
| 1. Does the CONOPS identify the local emergency management organization responsible for providing direction and control to the overall emergency response system? | | | | | | |
| 2. Does the CONOPS identify persons or offices within each response organizations that provide direction and control to the organization? | | | | | | |
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| V. Actions | | | | | | |
| A. ** Describe the methods and procedures to be followed by facility owners/operators and local emergency personnel to respond to the release of substances subject to EPCRA Section 312. | | | | | | |
| B. ** Describe how facilities are to notify the LEPC's community emergency coordinator and local emergency response personnel of releases using reliable, effective notification methods. | | | | | | |
| 1. Is there a section on Responder Notification procedures? | | | | | | |
| 2. Is there a list of emergency contact names and telephone numbers attached to the plan including 24/7 contact numbers? | | | | | | |
| 3. Does it list all local institutions to be notified in event of a release? | | | | | | |

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| C. ** Describe the methods and procedures to be followed by local emergency response personnel once notified of a release or reference existing documents. Include methods and procedures for: | | | | | | |
| 1. ** Determining if a release has occurred. | | | | | | |
| 2. ** Determining and monitoring the affected areas. | | | | | | |
| D. ** Does the plan contain a section on emergency warning of the public or reference an existing plan? | | | | | | |
| 1. ** Describe the procedures by which the public is notified of a release, evacuation order, evacuation routes, and shelter locations, including methods to alert segments of the population with functional/ access needs that cannot be reached by sirens and/or EBS? | | | | | | |
| 2. Is there a section on Public Information describing? | | | | | | |
| a. Methods used prior to and during emergencies to educate the public about possible emergencies and protective measures including a list of radio, TV and press contacts? | | | | | | |
| b. The role and organizational position of the Public Information Officer during emergencies? | | | | | | |
| c. The related public information activities of covered facilities? | | | | | | |
| c. Is there a section on protection of citizens? | | | | | | |
| 1) Does it contain a subsection on indoor protection (shelter-in-place) and indicate the conditions under which such protection would be recommended, or reference an existing plan? | | | | | | |
| 2) Is there a section on evacuation procedures? | | | | | | |
| a) **Does it include plans for specific facilities, including provision for precautionary evacuations and alternative traffic routes? | | | | | | |
| b) Describe the authority for ordering or recommending an evacuation including person(s) authorized to do so? | | | | | | |
| c) Describe the responsibilities of all governmental and supporting agencies for an evacuation? | | | | | | |
| d) Is there a list of facilities for the provision of mass care to relocated populace? | | | | | | |

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| I. Emergency Response | | | | | | |
| A. **Does the plan describe the methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances? | | | | | | |
| 1. Include or reference the location of SOPs to establish incident zones, decon procedures, personal protective actions, roles etc. | | | | | | |
| B. Resource Management (Logistics) | | | | | | |
| 1. ** Does the plan include a section on Resource Management which describes the emergency equipment and resources available in the community and persons responsible for such capabilities? Does the section contain: | | | | | | |
| a. A list of hazardous materials experts and teams? | | | | | | |
| b. **A list of community emergency response equipment? | | | | | | |
| c. **A list of industry and facility emergency response capabilities, equipment and anticipated response timeframes, including how to request those assets? | | | | | | |
| d. A list of private cleanup resources? | | | | | | |
| e. A section dealing with volunteer personnel management? | | | | | | |
| C. Response Personnel Safety. Describe procedures for assuring the safety of response personnel during response or reference existing documents. | | | | | | |
| D. Communications. Describe all methods by which emergency responders will communicate with each other or reference existing documents. | | | | | | |
| E. On-Scene Management | | | | | | |
| 1. Does the plan explain the allocation of responsibilities between local authorities and facilities outlined in the CONOPS? | | | | | | |
| 2. Is a copy of the state CEMP ESF-10 referenced or attached? | | | | | | |
| 3. Are federal emergency response plans referenced? | | | | | | |
| 4. Are facility-specific plans referenced or attached? | | | | | | |
| F. Mutual Aid/Pre-Incident Agreements. Describe or reference any relevant mutual aid and/or pre-incident agreements. | | | | | | |

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| G. | | | | | | |
| H. Cleanup Operations | | | | | | |
| 1. Does the plan contain a section on cleanup operations? Does this section: | | | | | | |
| a. Include recommendations on pollution control facilities deemed most appropriate for control, collection, storage, treatment, disposal, and recycling of spilled material? | | | | | | |
| b. Outline resources available for long-term site control? | | | | | | |
| 2. Does the plan contain a section on documentation and investigative follow-up? Does this section: | | | | | | |
| a. List all reports required including offices and agencies responsible for preparing them? | | | | | | |
| b. Make provisions for cost recovery, including methods for tracking costs? | | | | | | |
| c. Describe procedures for investigating possible criminal acts involving hazardous substances? | | | | | | |
| d. Describe methods of evaluating responses? | | | | | | |
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| VI. RESPONSIBILITIES | | | | | | |
| A. ** Does the section identify specific individuals/positions, contact details, and include a narrative describing the responsibilities and tasks of the following? | | | | | | |
| 1. ** Community Emergency Coordinators | | | | | | |
| 2. ** Emergency Coordinators for each facility | | | | | | |
| 3. Are contact persons and phone numbers for non-facilities (railroads, pipelines, etc.) listed? | | | | | | |
| B. Local responder agencies and organizations | | | | | | |
| a. Emergency Management? | | | | | | |
| b. Fire Services? | | | | | | |
| c. Law Enforcement? | | | | | | |
| d. Emergency Medical Services? | | | | | | |
| e. Health Services? | | | | | | |
| f. Human Services? | | | | | | |
| g. Public Works | | | | | | |

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| C. State Agencies: Are state agency responsibilities outlined or referenced? | | | | | | |
| D. Federal Agencies: Are federal agency responsibilities outlined or referenced? | | | | | | |
| E. Non-Governmental Agencies: Are the responsibilities and/or services provided by non-governmental agencies/organizations summarize or outlined? | | | | | | |
| F. Are to responsibilities of other political subdivisions and/or Indian tribes outlined? | | | | | | |
| VII. TRAINING | | | | | | |
| A. Emergency Response Training | | | | | | |
| 1. **Does the plan outline the minimum training requirements for all major categories of response personnel? | | | | | | |
| 2. Describe any additional hazmat training pertinent to the hazmats in their community identified through Tier II reports and commodity flow studies | | | | | | |
| 3. Does it list and describe training programs to support these requirements, including training provided by the community, state and federal agencies, as well as, the private sector? | | | | | | |
| B. Training Schedule | | | | | | |
| 1. ** Is a schedule of training activities for the current year and following two years attached or referenced? | | | | | | |
| C. Training Records | | | | | | |
| 1. Is a system for the maintenance of training records described? | | | | | | |
| VIII. EXERCISING THE PLAN | | | | | | |
| A. Methods | | | | | | |
| 1. ** Describe the methods and schedules for testing and exercising the plan at least annually. | | | | | | |
| 2. Describe the exercise After Action Review process and method to identify meaningful ways to review and improve the plan. | | | | | | |
| 3. Explain the role of covered facilities and/or transportation companies in these exercises? | | | | | | |

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| B. Schedule | | | | | | |
| 1. Does the plan list the frequency and type of exercises? | | | | | | |
| 2. ** Contain a schedule of exercises for the current year and future years? | | | | | | |
| IX. ** FACILITIES | | | | | | |
| A. ** Does the plan list and describe the facilities in the planning district that possess chemicals subject to EPCRA Section 312? | | | | | | |
| B. ** Does the plan identify a facility emergency coordinator and an emergency contact person, by name, for all facilities subject to EPCRA Section 312? | | | | | | |
| 1. Is the 24/7 phone number, email addresses (if applicable) and notification procedure listed? | | | | | | |
| C. ** Describe the common transportation routes for EHS chemicals in the area (include rail, roadway, waterway and pipeline). | | | | | | |
| D. ** Does the plan identify additional facilities contributing or subject to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals, natural gas facilities, schools, hospitals, nursing homes, areas of large group gatherings etc.? | | | | | | |
| E. Does the plan include maps showing the location of EPCRA facilities, EHS transportation routes and special features of the district, including vulnerable areas? | | | | | | |
| F. Does the plan include information on which facilities are subject to the Risk Management Program under the Clean Air Act Section 112 (r)? | | | | | | |
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| X. TABS & APPENDICIES | | | | | | |
| A. Are tabs/appendices used for cohesive groups of information, detailed lists of telephone numbers, drawings, maps, etc.? | | | | | | |

****Required by SARA Title III**

Appendix J: Strengths and Challenges

Beginning with the inception of the program, the EMD Hazmat Planning Team continue to work toward building and improving the program, providing the best service possible to LEPC customers.

Strengths:

- The HazMat Planning program shows real value on moving communities across the state toward meeting all the EPCRA planning requirements. The number of LEPCs meeting federal requirements increased from two to 11 since the program began. The team expects another 11 plans to comply with EPCRA by June 2018. Additionally, the program created a cascading effect on strengthening all aspects of planning in communities around the state.
- LEPCs across the state have become dynamic programs. At least three inactive LEPCs in the state have now re-energized due to the work the of the HazMat Planning team. This includes one county with an inactive emergency management program that now has begun moving to reenergize.
- Based on direct feedback from the Emergency Management community across the state, the geographically diverse locations of the HazMat Planning Team near customers directly improves the customer service relationship with local emergency management.
- EMD hired staff with extensive experience and knowledge in the areas of local emergency management, planning and hazardous material response.

Challenges:

- The primary metric used to gauge the success of the EMD HazMat Planning Team is the number of LEPC plans that fully comply with the nine federal EPCRA planning requirements. However, the HazMat Planning Team has limited ability to control most aspects of the process in the community. The progress of fulfilling the metrics for LEPC planning relies on the availability, motivation and practices of local emergency management. To balance the issue, the team works to continually build strong relationships with LEPCs and improve their level of expertise and service.
- Currently, the supervisor of the Hazardous Material Team has a split role. The supervisor is expected to provide the same planning assistance with the LEPCs located in the southwest region of Washington (nine counties), supervise the HazMat Planning team, serve as the Washington SERC coordinator, and fulfill duties of the Hazardous Material Program Manager (vacant due to funding issues). The supervisor is only .8 FTE of the program due to the other expanded responsibilities. If the program is continued, we recommend funding of four full time planners and one additional FTE to cover supervisor duties and fulfill EMDs other EPCRA responsibilities.
- ESHB 1449 specifically addresses how the EMD HazMat Planning Team must spend their resources. However, most LEPCs in Washington State incorporate their LEPC plans into their community's Comprehensive Emergency Management Plan (CEMP). Local emergency managers practice All-Hazards planning. The current funding direction lacks flexibility and inhibits the EMD HazMat Planning Team with other planning activities that pertain to hazardous materials and other hazards ensuring that communities have supporting plans that provide a comprehensive response to any incident. If Washington State chooses to continue

this program using flexible funding, hazardous materials will be a part of the All-Hazards planning process and give the team the ability to assist local Emergency Managers and customers better.