

The background features a large, faint graphic consisting of a diamond shape divided into four quadrants. The top quadrant is red, the bottom is yellow, the left is blue, and the right is white. Overlaid on this are large, stylized numbers: a '1' in the top quadrant, a '2' in the right quadrant, and a '3' in the left quadrant. The text is centered over this graphic.

# **Building & Maintaining Your LEPC**

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# **Building & Maintaining Your LEPC**

**By:**

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# Keith Wilder

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# **Building & Maintaining Your LEPC**

## **4 Primary Areas Of Focus**

**LEPCs, Why Do We Have Them**

**LEPC Core Mission**

**LEPC Leadership**

**LEPC Stewardship**

# LEPCs, Why Do We Have Them

Quick Review

Why do we have LEPCs?

Time for a

**History Lesson**

# **LEPCs, Why Do We Have Them**

**December 11, 1980**

President Jimmy Carter signs into law:

**Comprehensive Environmental Response  
Compensation, and Liability Act (CERCLA)**

Also known as the **“Superfund”**

# LEPCs, Why Do We Have Them

- **CERCLA provided the following:**
  - **Tax on chemical and petroleum industries**
    - \$1.6 billion dollars was collected in the first 5 years
    - **Established a trust fund (aka Superfund)** to clean abandoned or uncontrolled waste sites
  - **Broad Federal Authority to respond** to releases or potential releases that may endanger the public health or the environment

# LEPCs, Why Do We Have Them

- **December 3, 1984 – Bhopal, India**
- **Union Carbide – pesticide plant**
  - **Water enters a tank** filed with 42k tons of methyl isocyanate (MIC)
  - Water and MIC are reactive, **creating pressure**
  - Tank vents, **releasing toxic gas**
  - **Immediate Deaths = 3,787 (25k related deaths)**
  - **Injured = 558,125**
  - **Partially Disabled = 38,478**
  - **Permanently Disabled = 3,900**



# LEPCs, Why Do We Have Them

- What contributed to this disaster?
  - **Storing MIC in large tanks and filling tanks beyond recommended levels**
  - **Poor facility maintenance** after the plant ceased MIC production in late 1984
  - **Failure of multiple safety systems** (due to poor maintenance)
  - **Some Safety systems were switched off to save money**—including the MIC tank refrigeration system which could have mitigated/reduced the severity of the disaster

# LEPCs, Why Do We Have Them

Could a similar situation happen in the  
United States?

**ABSOLUTELY!**

# **LEPCs, Why Do We Have Them**

After the Bhopal, India disaster and to  
amend CERCLA:

**October 17, 1986**

President Ronald Reagan signs into law:

**Superfund Amendments and  
Reauthorization Act (SARA)**

**SARA gives birth to EPCRA**

# **LEPCs, Why Do We Have Them**

## **Emergency Planning and Community Right To Know Act (EPCRA)**

**EPCRA, P.L. 99-499, Title III**

**Also known as “SARA Title III”**

- **Subtitle A : Section 301; Mandates:**
  - **States develop and maintain a: State Emergency Response Commission (SERC)**
  - **States designate Emergency Planning Districts**
  - **States establish an LEPC for each District**

# LEPCs, Why Do We Have Them

- Subtitle B : Section 311, **Mandates:**
  - **Facilities must submit to their local LEPC MSDSs of Extremely Hazardous Substances (EHS)** present at any one time if they manufacture, use or store 500 pounds or the threshold planning quantity (TPQ), whichever is lower.
  - For all other hazardous chemicals  $\geq 10,000$  pounds is the reporting threshold
  - **(Local rules may apply)**

# LEPCs, Why Do We Have Them

- Subtitle B : Section 312, Mandates:
  - Facilities must submit to their local LEPC by **March 1<sup>st</sup>** each year; an **Emergency and Hazardous Chemical Inventory Form** (Tier II & E-Plan) of Extremely Hazardous Substances (EHS) if they manufacture, use or store 500 pounds or the threshold planning quantity (TPQ), whichever is lower.
  - For all other hazardous chemicals  $\geq 10,000$  pounds is the reporting threshold
  - **(Local rules may apply)**

# LEPCs, Why Do We Have Them

- Subtitle B : Section 313, **Mandates:**
  - **Facilities** that manufacture or process >25k pounds or otherwise use >10k pounds (per calendar year) of EPCRA Section 313 Chemical List chemicals, **must submit information about routine releases of toxic chemicals to the environment by July 1<sup>st</sup> of the following calendar year, (Toxic Chemical Inventory Release Form R).**
  - **Lower thresholds exist** for facilities that manufacture, process or otherwise use Persistent Bioaccumulative Toxic Chemicals (PBTs)

# LEPCs, Why Do We Have Them

FYI... Chemical Lists (as of November 2010)

- **EPA currently lists 355 chemicals in the Extremely Hazardous Chemical (EHS) category**
- **EPA currently lists 682 Toxic Release Inventory (TRI) chemicals**
- **EPA currently lists 734 CERCLA chemicals**
- Google EPA “List of Lists” to find current data
- **The EPA, having authority over these lists may add or delete chemicals at any time**



# LEPCs, Why Do We Have Them

## Summary

- Federal Govt. could not effectively police hazardous chemical: production, storage and safe use and particularly waste emissions; **CERCLA (aka “Superfund”)** was born
- **SARA Title III amended CERCLA** to give more authority to States and Local governments.
- **SARA Title III (aka EPCRA) established** cooperative committees joining public and private sectors – **LEPCs**
- **LEPCs represent the stakeholders** in a given district

# LEPCs, Why Do We Have Them

Keith's Nugget:

If we're going to have a "right to know" society, someone has to:

- **L**ook for and visit target hazards in their district
- **E**nsure all affected facilities are reporting
- **P**rocess all received information
- **C**ustodian of the information for the public

A graphic consisting of four overlapping diamond shapes. The top diamond is pink and contains the number '4'. The left diamond is light blue and contains the number '3'. The right diamond is yellow and contains the number '2'. The bottom diamond is white and contains the number '1'. The text 'LEPC Core Mission' is centered over the diamonds.

# LEPC Core Mission

By Keith Wilder

# LEPC Core Mission

LEPCs must begin operation by first establishing 3 things:

- **Committee Officers** (Chairperson is required by EPCRA)
- **Committee Rules**
- **Means to notify public** of LEPC activities

# LEPC Core Mission

What is the federal charge to each LEPC?

Primary responsibility:

- **Develop an Emergency Response Plan (ERP)** by December 17, 1988
  - *There are 9 “absolutes” that must be outlined in the ERP*
  - **ERP must be approved initially by the SERC**
  - **ERP must be reviewed and approved annually by the LEPC**

# LEPC Core Mission

## 9 Absolutes In The ERP

- **Identification** of facilities and transportation routes of extremely hazardous substances
- **Description** of emergency response procedures, on and off site
- **Designation** of a community coordinator and facility emergency coordinator(s) to implement the plan
- **Outline** of emergency notification procedures

# LEPC Core Mission

## 9 Absolutes In The ERP (Cont.)

- **Description** of how to determine the probable affected area and population by releases
- **Description** of local emergency equipment and facilities and the persons responsible for them
- **Outline** of evacuation plans
- A **training program** for emergency responders (including schedules)
- **Methods and schedules** for exercising emergency response plans

# LEPC Core Mission

## Other Duties of the LEPC

- **Implement**, and exercise the ERP
- **Evaluate** resources needs
- Make resource **recommendations**
- Establish procedures to **receive and process Tier II reports** and **establish a custodian** of this information. (usually a county EM official)
- Establish procedures for **receiving and processing public requests for information**



# LEPC Core Mission

## Other Duties of the LEPC (Cont.)

- **Respond to a request** for Tier II information no later than 45 days after the date of receipt of the request.
- Section 312 & 324 – (Right to Know) **Make available to the public:** emergency response plans, MSDSs, lists of chemicals, Tier II inventory forms, toxic chemical release forms, and follow-up emergency notices.

# LEPC Core Mission

## Other Duties of the LEPC (Cont.)

- **Annually publish** a notice that the ERP, MSDSs and inventory forms have been submitted to the SERC.
- **Custodian of the Hazmat Data Box Program:**  
Do you have a data box program?
- **Site Specific Plan (SSP):** Ensure development and review for each Tier II facility

# LEPC Core Mission

## Other Duties of the LEPC (Cont.)

- May commence a **civil action** against an owner or operator of a facility for failure to provide information under Section 303(d) or **for failure to submit Tier II** information under Section 312(e)(l). (Section 326(a)(2)(B))
- Must **notify the SERC** of nominations for changes in the makeup of the LEPC. Nominations must be submitted in written form.

# LEPC Core Mission

## Summary

- **Primary mission** is to develop, implement, exercise and be the custodian of the **Emergency Planning District's (County's) ERP.**
- **Seek and ensure** facilities in the district are reporting
- **Receive, process and store information** about hazardous materials in the district (county).
- **Make information available to the public** about hazardous materials in the district (county).

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# LEPC Leadership

*"The task of the leader is to get his people from where they are to where they have not been."*

**— Henry Kissinger, Former Secretary of State  
and 1973 Nobel Peace Prize Winner**

# LEPC Leadership

- Who is the “**OFFICIAL**” leader of your LEPC?
  - Chairperson?
- What are the duties of the official leader?
  - **Preside** over all committee proceedings
  - **Preserve order** during committee proceedings
  - **Provide** a vision, direction and guidance to the committee
  - **Appoint** all subcommittee members and Chairs
  - **Serve** as an ex-officio to all subcommittees

# LEPC Leadership

- Must the official leader be an “**expert**” in any LEPC (group type) of area, to effectively lead the LEPC?

**No!**

– But the official leader **MUST** be a student of:

- **Committee rules, bylaws, local rules**

**PERIOD!**

*“Knowing the rules is half the game; the other half is enforcing them.”*

– **The McKenzie Mailer, February 2005**

# LEPC Leadership

- Must the official leader be “skilled” in any area to effectively lead the LEPC?

**YES!**

- **Public Speaker:** Must be comfortable speaking in front of a group. **(Join Toastmasters)**
- **Active listener:** Able to listen, digest, summarize and actually getting it RIGHT when you repeat it!
- **Motivator:** Able to lead internally and externally with contagious energy and enthusiasm



# LEPC Leadership

## Skilled LEPC Leader Cont.

- **Planner:** *“Always plan ahead. It wasn't raining when Noah built the ark.”*
  - **Richard Cushing, Cardinal**
- **Decision Maker:** *“Being responsible sometimes means pissing people off.”*
  - **Gen. Colin Powell**
- **Able to accept Criticism:** *“What the public criticizes in you, cultivate. It is you.”*
  - **Jean Cocteau, French Poet**

# LEPC Leadership

Who is the “**UNOFFICIAL**” leader of your LEPC?

- **Nicest** member?
- **Funniest** member?
- **Most active** member?
- **Longest sitting** member?
- **Most educated** member?
- **Most outspoken** member?
- **Most senior** (oldest) member?
- **Expert** member, by virtue of their employment?
- Member who always puts forth the **best discussion**?

# LEPC Leadership

“UNOFFICIAL” leader of your LEPC (Cont.)

- **No two people can successfully lead an organization simultaneously:** There can only be 1 leader if significant forward progress is going to be made by the committee.
- Give me 1 example of success by multiple leaders, within the same group/committee???

# LEPC Leadership

“**UNOFFICIAL**” leader of your LEPC (Cont.)

- In professional committees: **IF there is an unofficial leader** that person is usually elevated to that status **through no fault of their own**, by fellow committee members.
- Predictable results formula:  
**New Official Leader**  
**+ Any Unofficial Leader**
  - No Change
  - No significant forward progress

# LEPC Leadership

- Committee members want to be “led and fed” information.
  - Leaders point the way
  - Members clear the way for others to follow
- **If the official leader is not leading and feeding the committee, the members will seek their leadership in the: Wisdom, Praise, Expert Knowledge, Friendship, Professional Experience etc. of a fellow committee member.**

# LEPC Leadership

- **How does the Chair** of a professional committee **merge** their **Authority** as the Official Leader **with** the **Popularity** of the Unofficial Leader, **for** the **greater good** of the committee?

**Delicately** and sometimes **Frankly!**

To be successful the Chair must gain control of the committee.

# LEPC Leadership

## Here's the solution:

- Unofficial Leader:
  - **Recognize** that you are not the Chair of the committee
  - Take **step back**
  - Even if you know the answer... **Refer** all committee member's questions etc. **to the Chair**
  - **Support the Chair** as needed, but let the Chair do the work of the Chair

# LEPC Leadership

- Official Leader:
  - **Take charge** by: studying ALL the committee's rules and knowing your duties and authority as the Chair
  - **Identify** the strengths and weaknesses of your committee members
  - **Take advantage** of strengths
  - **Balance the committee** every chance you get by pairing strengths with weaknesses
  - **Be the first to ask questions** when someone knows more about something than you do



# LEPC Leadership

Official Leader Cont.

- **Set** short and long-term **Goals** for the committee
- **Lead** the committee by: Feeding, Developing and Challenging your members to do more today than yesterday
- **Don't be afraid to try something new**
- **Don't be afraid to fail**

*"The function of leadership is to produce more leaders, not more followers."*

— **Ralph Nader, Consumer Crusader**

By Keith Wilder

# LEPC Leadership

- How do you become the LEADER of the LEPC?
  1. You must be a Member
  2. You should be an Active Member
  3. You must have a desire to lead the LEPC

“A community is like a ship; everyone ought to be prepared to take the helm.”

**-Henrik Ibsen, Norwegian Playwright**

# LEPC Leadership

## LEPC Leadership Summary

- **Know the “duties” of the job:** Preside, Preserve Order, Provide, Appoint, Serve
- **Hone your leadership “skills”:** Public Speaking, Active Listening, Motivating, Planning, Decision Making, Accept Criticism
- **Use your leadership skills to perform your duties!!!**

# LEPC Leadership

## LEPC Leadership Summary Cont.

- **Lead and Feed** your committee; If you don't someone else will by your omission
- **Set the bar higher** than the previous Chair

BECAUSE

- **Never forget:** The next Chair is a member of your committee and is watching everything you do.

# LEPC Leadership

- **By your example:** Make the Chair a position every LEPC member aspires to reach
- **Always remember:** Don't ever take anything personal

*"If it's not criticized, it's not leadership"*

**- James P. Cramer, Architect**

# LEPC Stewardship

*"There are two kinds of people in the world; the givers and the takers. The difference between the two is that the takers eat well and the givers sleep well at night."*

**— Joy Mills, Author**

# LEPC Stewardship

What is Stewardship

***Stewardship: conducting, supervising, managing; the careful and responsible management of something entrusted to one's care***

**- Merriam-Webster**

# COMMITMENT

# LEPC Stewardship

How **committed** are you to your LEPC

- Are you **here by choice**
- Do you **attend** meetings **regularly**
- Are you **excited** about coming to the meetings
- Do you **know** the **duties** of your committee
- Do you **know** the **rules** of your committee.
- How well **do you know the person sitting next to you...** first & last name, employer's name, group represented... anything?



# LEPC Stewardship

How **committed** are you to the LEPC Cont.

- Have you **volunteered** for any LEPC projects, committees, etc
- **Do you know** who are the **stakeholders** in your planning district
- Who **represents** the **stakeholders**
- Are you **sharing information** with your **peers** and other **stakeholders** in the planning district

# LEPC Stewardship

Assess your **commitment** to the LEPC

- On a scale of **1-10... (10 being STRONGEST)** how would you rank yourself in the following:
  - **Interest**
  - **Availability**
  - **Enthusiasm**
  - **Participation**
  - **Knowledge (duties and rules)**

# LEPC Stewardship

What is your **commitment** score

- 50 = 100% - Ever thought about being the Chair
- 45 = 90% - You should consider a leadership role
- 40 = 80% - Average, but dependable member
- 35 = 70% - Can you give more effort to the LEPC
- 30 = 60% - Reassess your “commitment”
- 25 or less - You might want to consider stepping aside and allowing the chair to find a replacement

# LEPC Stewardship

## Summary

Stewardship is all about **commitment**

How far  
are you  
willing  
to go?



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# **Building and Maintaining Your LEPC**

## **Overall Summary**

# Overall Summary

- **Your community & responders need the LEPC**
  - Citizens and responders have a **“Right to Know”**
  - **No plan or poor planning is NO excuse** when an accident occurs (fixed facility or mobile),
  - **The Federal Government gave LEPCs:**
    - **Compliance authority** to seek and compel information reporting within their planning district
    - **Designated LEPCs as custodians** of Right to Know information and emergency contingency plans for their district

# Overall Summary

- **Stay focused on the Core Mission**
  - **Information collection** in your planning district is a constant effort
  - **Planning, exercising, reviewing and modifying** your emergency contingency plan (ERP) is a cycle
  - A post 9/11 LEPC can be “all hazards” but **at minimum** you must be the **Custodian** of sensitive information including your ERP and an **Incident Planner**
  - Your LEPC is the “**Right to Know**” **authority** for citizens, responders and other stakeholders in your planning district (community)

# Overall Summary

- **Leadership builds a bridge to the future**
  - **Leaders** have to **take charge**
  - **Skills and Duties:** Know them and use them
  - **Lead and Feed** your committee
  - Have a **vision** and set **goals** for the committee
  - Find and utilize the **strengths** of your members
  - **Balance** the strengths and weaknesses
  - **Try something new**
  - **Don't fear failure**



# Overall Summary

- **Stewardship** paves the road on both sides
  - A committees' **accomplishments** are the only **record** of the **memberships' commitment**
  - Must be **committed and prepared** to do the **work** of the committee
  - Members must **support the Chair**
  - **Stewardship** is the first step in **leadership**

# Overall Summary

Formula for a **VERY** successful LEPC

**Purpose + Mission + Leadership + Stewardship =**

- You fill in the blanks.... **It's your LEPC!**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_



# **Building and Maintaining Your LEPC QUESTIONS?**

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