

LEPC DUTIES AND RESPONSIBILITIES

The Emergency Planning and Community Right-To-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and a focus for action in matters pertaining to all-hazards planning. LEPCs also help to provide local governments and the public with information about all-hazards in their communities.

Primary LEPC Responsibilities

The major legal responsibilities of LEPCs in Kansas are listed below. The citations are from the EPCRA, Public Law 99-499. Each LEPC:

1. Shall review local emergency operations plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303(a)). Plan review results and updates should be submitted to KDEM in writing along with a copy of the LEPC meeting minutes documenting review of the Plan. (Detailed LEPC meeting minutes may be submitted in lieu of written review results.)
2. Shall make available each Material Safety Data Sheet (MSDS), chemical list described in Section 311(a)(2) or Kansas Tier II report, inventory form, toxic chemical release form, and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC (Section 324(a)).
3. Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information (Section 301(c)).
4. Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(c)).
5. Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304(b)(1)(a)).
6. Shall be given follow-up emergency notice information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).
7. Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described in paragraph (2) (Section 311(a)).
8. Shall, upon request by any person, make available an MSDS to the person in accordance with Section 324 (Section 311(a)).

9. Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312(e)).
11. 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)(1) (Section 326(a)(2)(B)).

Additional LEPC Responsibilities

1. The LEPC shall appoint a Chairperson, an Information Coordinator, and establish bylaws under which the committee shall function (EPCRA, Section 301(c)). The bylaws shall include provisions for public notification of committee activities, public meetings to discuss the emergency operations plan, public comments, and response to such comments by the committee (See Appendix A for sample bylaws). Other considerations that the LEPC should make in rulemaking are:
 - a. Term of office
 - b. Removal from the LEPC
 - c. Authority of the LEPC
 - d. Immunity for LEPC members
2. The LEPC shall notify the CEPR of nominations for changes in the makeup of the committee. **The LEPC members shall be nominated by County Commissioners and will be approved by the CEPR.** Nominations must be submitted in written form. A current membership list should be sent to the CEPR on an annual basis to be considered "active". Provide the CEPR an address for LEPC correspondence to include where facilities should submit their Tier II forms. Provide the CEPR an email address for the LEPC Chairperson.
3. The LEPC shall evaluate the need for resources necessary to develop, implement, and exercise the jurisdiction's local emergency operations plan. Recommendations shall be made with respect to additional resources that may be required and the means for providing such additional resources (Section 303 (a)).
4. The LEPC shall annually publish a notice through print or electronic means that the local emergency operations plan, MSDS, and Tier II inventory forms have been submitted under this section (Section 324(b)).
5. The LEPC shall submit the *LEPC Compliance Certification Form* annually by December 31st (see page v).