

PENNSYLVANIA'S HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE ACT 1990-165

2010 ANNUAL REPORT

Prepared by



pennsylvania

EMERGENCY MANAGEMENT AGENCY

Prepared for

Pennsylvania Emergency Management Council



Pennsylvania Emergency Management Agency
2605 Interstate Drive
Harrisburg, Pennsylvania 17110-9364
Phone: 717-651-2001 Fax: 717-651-2021

Website: www.pema.state.pa.us

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

 BACKGROUND:..... 1

 REVENUES: 2

 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ACTIVITIES:..... 2

 STATUS OF ACT 165 FACILITIES: 3

 EMERGENCY NOTIFICATION: 3

 HAZARDOUS MATERIAL RESPONSE CAPABILITY: 3

 TRAINING:..... 3

 EXERCISES: 4

 OPERATION AND ADMINISTRATION OF THE PROGRAM:..... 4

 OUTREACH AND PUBLIC EDUCATION:..... 4

2010 HIGHLIGHTS 5

STATE EMERGENCY RESPONSE COMMISSION..... 9

SARA, TITLE III AND ACT 165: 15

 SARA, TITLE III VIS-À-VIS ACT 165..... 15

LOCAL EMERGENCY PLANNING COMMITTEES (LEPC) 19

REVENUES..... 25

GRANTS 27

 INITIAL GRANTS..... 27

 RETROACTIVE GRANTS 27

 EMERGENCY MANAGEMENT GRANT (MATCH GRANT)..... 28

HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORTS... 31

ACT 165 FACILITIES AND CHEMICAL REPORTING..... 35

 EMERGENCY RESPONSE PLANNING FACILITIES..... 35

 EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY (FORM TIER II) FACILITIES: 35

 TOXIC RELEASE INVENTORY (TRI) FACILITIES: 36

HAZARDOUS MATERIAL INCIDENT RESPONSE CAPABILITY..... 47

EMERGENCY NOTIFICATIONS AND INCIDENTS..... 57

REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES FOR 2010 79

DEPARTMENT OF LABOR AND INDUSTRY ANNUAL REPORT FOR 2010 81

ATTACHMENT 1 A-1-1

ATTACHMENT 2 A-2-1

LIST OF TABLES

TABLE 1 - 2010 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION 11

TABLE 2 – STATE EMERGENCY RESPONSE COMMISSION ORGANIZATION 13

TABLE 3 - 2010 LOCAL EMERGENCY PLANNING COMMITTEE CHAIRPERSONS 21

TABLE 4 - ACT 165 REVENUES THROUGH CY 2010 33

TABLE 5 - SARA PLANNING FACILITIES BY COUNTY AS OF
DECEMBER 31, 2010..... 37

TABLE 6 - SARA, TITLE III – TIER II SUBMISSIONS 2010 REPORTING YEAR 39

TABLE 7 – SARA, TITLE III REPORTING TRENDS, TIER II FACILITIES 41

TABLE 8 – SARA, TITLE III TRI SUBMISSIONS, 2010 REPORTING YEAR..... 43

TABLE 9 – SARA, TITLE III REPORTING TRENDS, TRI FACILITIES 45

TABLE 10 - 2010 COUNTY COVERAGE BY CERTIFIED HAZARDOUS
MATERIAL RESPONSE TEAMS 49

TABLE 11 - PEIRS INCIDENTS REPORTED TO PEMA JANUARY -
DECEMBER 2010..... 59

TABLE 12 - INCIDENT SUMMARY REPORT BY COUNTY, JANUARY 01, 2010 –
DECEMBER 31, 2010..... 61

**COMMONWEALTH OF PENNSYLVANIA
HAZARDOUS MATERIAL
EMERGENCY PLANNING AND RESPONSE ACT
Annual Report - 2010**

EXECUTIVE SUMMARY

This report addresses the activities associated with the Commonwealth of Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 1990-165 as amended) for calendar year 2010. An annual report to the General Assembly is a requirement of the Act.

Background: The Hazardous Material Emergency Planning and Response Act (Act 1990-165) was enacted December 7, 1990, and became effective 60 days thereafter. This legislation, hereafter to be referred to as Act 165, established several fees which were to terminate 10 years after the effective date of the Act unless reestablished by the General Assembly by statute. Pursuant thereto an amendment was enacted December 20, 2000, and became effective February 18, 2001 to re-establish the fees. This amendment also made minor revisions to the Act, the most significant being reduction of the time chemical facilities are required to report the presence of hazardous chemicals on site from 30 days, as required by federal statute, to five business days as required by Pennsylvania.

The Pennsylvania Hazardous Materials Act formalized compliance with the federal Superfund Amendment and Reauthorization Act (SARA), Title III which mandates the establishment of a chemical safety program to include planning for possible accidental spills and releases of hazardous chemicals, and for making available information regarding potential hazards to those who may be affected.

Additionally, the Act created the State Hazardous Material Response Fund, and directed the creation of a Hazardous Material Emergency Response Account in each county. These funding sources, have provided the primary means by which the statewide chemical safety program is funded. The Act defines the power and duties of the Pennsylvania Emergency Management Council, the Pennsylvania Emergency Management Agency (PEMA), the counties and the local governments. The Pennsylvania Emergency Management Council augmented by the Secretary of Labor and Industry, is designated the State Emergency Response Commission (SERC) which is required by SARA, Title III. PEMA is designated as the primary agent for the Council, responsible for performing the functions and duties of the Council established under Act 165. PEMA is required to staff and operate a 24-hour state emergency operations center to provide effective emergency response coordination for all types of natural and man-made disaster emergencies. Further, Act 165 establishes immunity from civil liability for emergency responders and provides for the imposition of civil and criminal penalties against those who fail to comply with the requirements of the Act. It fulfills critical needs of the emergency management community by defining obligations, liabilities, and penalties, and by directing the establishment of training standards and a certification program for the formation of hazardous material response teams.

The funding base for chemical emergency preparedness at the state and county levels is based upon fees collected from the chemical industry. This has enabled the development of response plans, the acquisition of response equipment, the development of public Right-to-Know education programs, the conduct of chemical industry awareness and compliance programs, and the conduct of relevant training, drills, and exercises. The passage of this Act was made possible by the actions of the environmental committees of both chambers of the legislature. The concerns of the business community for an equitable fee levy and collection system, along with adequate legal and administrative controls, were considered during the development of the original legislation and the amendment. These concerns were balanced against the need for public safety improvements expressed by legislative committees, the County Commissioners Association, county emergency management coordinators/directors, and hazardous material response team members. The business community was willing to pay a reasonable amount for the development of safety programs for the inherent dangers created by their industry. However, it is required that the funds go to the direct benefit of chemical emergency preparedness and not to general expenditures. The Act, in both its original and amended forms, provides this assurance and strengthens the three-way business/state/county partnership. In the amendment there were no changes to the funding system which had proven its viability and success during the first ten-year life of the program.

Revenues: The Act established two non-lapsing restricted accounts. One is in the State Treasury known as the Hazardous Material Response Fund. The other at the county level is known as the Hazardous Material Emergency Response Account.

The Hazardous Material Response Fund consists of hazardous chemical fees, toxic chemical registration fees and toxic chemical release fees imposed on chemical facilities, civil penalties and fines, and funds appropriated by the General Assembly. These funds are collected by the Department of Labor and Industry and administered by PEMA. The majority of the funds are distributed to counties in the form of an annual grant to assist in achieving/maintaining compliance with SARA, Title III and the Commonwealth's hazardous material safety program. During 2010, a total of \$824,000 was distributed to counties via these grants.

The Hazardous Material Emergency Response Account established by each county consists of county imposed chemical and planning fees; county, federal or state funds; grants; loans or penalties; and any private donations provided to finance the hazardous material safety program. Each county is to establish by county ordinance an annual hazardous chemical fee of \$35 to \$75 for each hazardous chemical in inventory, and an annual emergency planning fee of up to \$100 for each facility with a chemical inventory requiring the development of an Offsite Emergency Response Plan. Expenditures by the county are authorized consistent with the needs identified in the annual update of the county Hazardous Material Emergency Response Preparedness report. During 2010, the county annual update reports showed a total of \$2,343,805.48 acquired by the counties in chemical and planning fees and interest. A copy of the PEMA Directive providing direction on the expenditure of these revenues is included at the end of this report.

Local Emergency Planning Committee (LEPC) Activities: Act 165 legislatively created the LEPCs and expanded the federal membership requirements in order to ensure that county and municipal elected officials are represented. Every county of the Commonwealth has an LEPC.

Associated administrative and operational expenses may be paid through Act 165-generated funds. LEPC members are nominated by the governing body of the county and are appointed by the Pennsylvania Emergency Management Council (PEMC). Under SARA, Title III and Act 165, the LEPC is subject to the supervision of the PEMC and is required to prepare Offsite Emergency Response plans in cooperation with the county emergency management agency and chemical facility representatives. Pennsylvania adopted a facility-specific plan approach to implement the federal requirements. As of December 31, 2010, of the 3,355 plans known to be required, 3,344 or 99.7% had been developed by their respective LEPC, and were submitted to and reviewed by PEMA on behalf of the Pennsylvania Emergency Management Council. These numbers change constantly as facilities enter into or go out of business or change their chemical inventories, resulting in a continual requirement for plan development. Each plan must be reviewed annually and updated, if required.

Status of Act 165 Facilities: SARA, Title III requires Offsite Emergency Response plans for facilities which have on site a designated quantity of an extremely hazardous substance. Owners/operators of these facilities must cooperate in the development of these plans. All facilities which manufacture, produce, use, transfer, store, supply, or distribute any hazardous material at or above a specified weight threshold must report annually on their chemical inventory. Federal form Tier II is used. In 2010, a total of 10,055 facilities reported on 34,460 hazardous chemicals. Additionally, facilities dealing with large quantities of a specified list of toxic chemicals must report annually on emissions. In the 2010 reporting year, 1,174 facilities reported on 4,063 toxic chemicals released during the preceding year.

Emergency Notification: During 2010, the number of incident-type events reported to the State Emergency Operations Center (SEOC) was 9,008. Of these 1,640 were reported as being hazardous material / petroleum related. None required prolonged evacuation.

Hazardous Material Response Capability: In accordance with Act 165, hazardous material emergency response teams are issued state certification by PEMA. To achieve state certification, teams must conform to state standards regarding personnel, training, equipment, organizational structure, and operating procedures, and must satisfactorily pass an inspection by representatives of PEMA, the Department of Environmental Protection (DEP), the Department of Health, and the Office of the State Fire Commissioner. As of December 31, 2010, Pennsylvania had 35 state-certified hazardous materials response teams.

Training: In keeping with training standards for emergency response personnel set by federal regulation (OSHA 29 CFR 1910.120/EPA 40 CFR 311, "Hazardous Waste Operation and Emergency Response"), all paid and volunteer emergency response personnel must be trained to the Awareness Level if their duties involve potential contact with substances listed in the EPA Title III List of Lists. All firefighters and several other categories of response individuals must be trained to the Operations level. Some hazardous materials team personnel must be trained to the Technician, Specialist or Incident Command level. Training courses are offered throughout the Commonwealth.

Exercises: The Commonwealth facilitates an exercise program to review the capability of the hazardous materials teams' staffs and emergency response personnel. Hazardous material scenario incident events are a regular part of natural and technological hazards exercises.

Operation and Administration of the Program: During this reporting period, available program funds were used for the administrative costs, including travel and related expenses associated with county compliance workshops, training seminars for county emergency management and emergency response personnel, LEPC meetings, and hazmat team inspections.

Outreach and Public Education: The county Local Emergency Planning Committees use opportunities to train and educate the public through displays, lectures, discussions, press releases and responses to requests for information. The Department of Labor & Industry (L&I) Bureau of PENNSAFE (Pennsylvania Safety First) serves as the repository for Right-To-Know data generated by SARA, Title III and Act 165. PENNSAFE makes available this information to the public consistent with the Federal and Commonwealth "Right-to-Know" law and policy and operational security discretion in an era of the threat of terrorism. This function encourages an ongoing dialogue among all members of the public concerned about the nature and potential dangers of hazardous materials in the community. A compliance manual explaining SARA, Title III and Act 165 has been developed jointly by PENNSAFE and PEMA and is made available to employers who are subject to the requirements and provisions of the Hazardous Material Emergency Planning and Response Act (Act 1990-165).

Glenn M. Cannon, Esq.
Director, PA Emergency Management Agency

2010 HIGHLIGHTS

CHEMICAL EMERGENCY PREPAREDNESS PROGRAM

The counties submitted their annual updated reports of their Hazardous Material Emergency Response Preparedness as required by Act 165. The report in 2011 reflected the events of calendar year 2010 and the status as of December 31, 2010. The contents of these reports are specified in the Act and include “such other information as PEMA may deem necessary.” The contents and formats are outlined in a Directive provided to the counties. In these documents each county reports the status of its chemical safety program to include an analysis of the threat, unmet needs, trends, goals, special concerns, and plans for the future. Also included are training and exercise data, significant incidents and developments, and enforcement actions. Major elements of these reports are financial statements regarding the county Hazardous Material Emergency Response (HMER) Account. On these statements the counties report the fee structure established by county ordinance, the fees collected during the report year, the account balance, and the fees collected during the current year. The funds generated through the provisions of Act 165 are to be expended by the counties in accordance with the spending plans in the updates, the provisions of Act 165, and Emergency Management Directive No. D2001-1 dated January 25, 2001, *Expenditure of Act 16-Generated Revenues at the County Level*. During 2010 the reported generated funds amounted to \$2,343,805.48.

The annual grant from the Hazardous Material Response Fund was again administered in 2010. A total of \$824,000.00 was awarded to counties that applied for eligible expenditures as outlined in Act 165.

The on-line Pennsylvania Tier II System (PATTS) that was implemented in 2006 was upgraded in 2009 and moved to an Enterprise platform through a homeland security grant. The Enterprise reporting process reduced data management costs in 2010 and moved the Department of Labor and Industry, Bureau of PENNSAFE closer to its goal of implementing a centralized reporting process in which chemical facilities can file the Tier II report with the state program to fulfill the requirement of providing reports to the state, county, and local fire department as a one-step enterprise reporting system. The Enterprise platform can filter the data for use by the appropriate county and local emergency response personnel. The safety and security of these data will be maintained through the implementation of user acceptance agreements between the department and the county Local Emergency Planning Committee (LEPC).

The Marcellus Shale activity in Pennsylvania continued to result in an increase of drilling sites to which hazardous chemicals were introduced during the drilling process. The drilling companies continued to provide timely information to the county LEPCs and the local fire departments. In some cases the well owners filed advance reports as a courtesy for emergency planning. These electronically stored data can be accessed by a facility and updated to meet the compliance requirements in subsequent years. This system also provides PEMA access to this information 24 hours per day in a geographic information system.

Because of the sensitive nature of the information in the PATTS, facility users are required to create a secure user identification. Only the authorized facility user can enter information and access the database to revise the data. Only PENNSAFE staff and PEMA representatives can view the data. The immediate access to this information by the PEMA State Emergency Operations Center (SEOC) can assist greatly in determining what type and level of response is necessary in emergency situations.

The Pennsylvania State Fire Academy is utilized as a primary training facility pursuant to its duties under Act 35. In 2010, it maintained its expanded diversified training program which included hazardous materials, incident management, safety, and terrorism training. Training was conducted in the Academy's resident facility in Lewistown, PA, and in local stations upon requests from public, private, or military groups. Additionally, a significant amount of training in the chemical safety program for first responders was conducted in Community Colleges. See the Report of Hazardous Material Training Activities later in this report.

Again in 2010, PEMA, along with the Harrisburg Area Community College and the Pennsylvania Association of Hazardous Material Technicians, co-sponsored a conference and educational seminar for hazardous material technicians which was well attended by emergency responders.

December 6, 2010 marked the seventeenth anniversary with no responder deaths attributed to offsite releases of hazardous materials in Pennsylvania. This is a significant achievement considering the high threat in the Commonwealth and is attributed to industry and responder awareness and preparedness due to training and planning from local to state level.

Calendar year 2010 was the sixteenth year of an U.S. DOT Hazardous Material Emergency Preparedness (HMEP) Grant Program which provides funds passed through the Commonwealth to the counties for the development of plans to respond to transportation related hazardous material incidents, and for the transportation related training of emergency responders. In 2010, HMEP grant funds were awarded to 35 counties for planning in the amount of \$171,731 and were awarded to 41 counties for training in the amount of \$426,384. The counties applied for the grant funds by proposing projects which were approved by PEMA. The counties were subsequently reimbursed for the actual expenditures for the approved projects.

PEMA continued to encourage the counties to conduct frequent Commodity Flow Studies to analyze the quantity and types of chemicals being transported into and through the counties. In 2010, these studies were updated in 15 counties. These studies are primarily funded by the HMEP grant. They are very important in determining the requirements and adequacies of response plans and the training requirements of emergency responders.

In September 2010 the final payments of the Retroactive Grant were made to 36 counties in the amount of \$2,358,419.85. The SARA, Title III federal legislation was enacted in 1986 and required the states to take actions to implement a chemical safety program. Many counties began to take action and make significant expenditures following the federal legislation. PA Act 165, which provided a means of funding the chemical safety program was not enacted until 1990. The latter provided for a retroactive grant to reimburse the counties for expenditures made in the

interim. An initial payment of \$214,094.82 was made to the counties in March 1993 based on the limited funds available as generated by Act 165 to that date. With this final payment, a total of \$2,573,514.67 was retroactively reimbursed to the counties for approved expenditures. This grant is discussed in detail under Grants on page 27.

THIS PAGE IS INTENTIONALLY LEFT BLANK

STATE EMERGENCY RESPONSE COMMISSION

The federal Emergency Planning and Community Right-To-Know Act of 1986, commonly referred to as SARA, Title III, required that the Governor of each State appoint a State Emergency Response Commission (SERC) to supervise and coordinate the activities of Local Emergency Planning Committees (LEPC), and to establish procedures for receiving and processing requests from the public for information regarding hazardous substances in the community.

Pursuant to this federal legislation, Pennsylvania enacted the Hazardous Material Emergency Planning and Response Act which was signed on December 7, 1990, and is commonly referred to as Act 1990-165. By this Act, the Pennsylvania Emergency Management Council augmented by the Secretary of Labor and Industry was designated as the State Emergency Response Commission for Pennsylvania.

The Pennsylvania Emergency Management Council (PEMC) as established by Executive Order 1987-8 and Title 35, Pennsylvania Consolidated Statutes in 1989, and which was modified by the 1996 Cumulative Supplement to Title 35 consisted of the Governor, Lieutenant Governor, Adjutant General, Secretary of Health, Attorney General, General Counsel, Secretary of Community Affairs, Secretary of Environmental Protection, Secretary of Transportation, Secretary of Agriculture, Secretary of Public Welfare, Commissioner of the Pennsylvania State Police, Chairman of the Public Utility Commission, State Fire Commissioner, Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives. The position of Secretary of Community Affairs was eliminated in subsequent legislation. The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large, and one representative respectively of the Pennsylvania State Association of County Commissioners, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania League of Cities and the Pennsylvania State Association of Boroughs to be non-voting members of the council. The governor may designate a member of the council to serve as chairperson of the council. In the absence of the chairperson, the director of PEMA shall serve as chairperson.

The membership of the SERC for 2010 is shown at Table 1. The Council organization is shown at Table 2.

Act 165 greatly expanded on the duties and responsibilities of the SERC as originally designated by SARA, Title III. The Council shall supervise the Pennsylvania Emergency Management Agency (PEMA) as its primary agent responsible for performing the functions and duties of the Council established under this act. The powers and duties of the Council enumerated in Act 165 are:

- (1) Carry out all of the duties and responsibilities of a State emergency response commission as specified in SARA, Title III.
- (2) Promulgate as provided by law any rules and regulations necessary to carry out and implement this act and SARA, Title III.
- (3) Develop Commonwealth agency contingency plans relating to the implementation of this act and SARA, Title III.
- (4) Provide guidance and direction to counties for the implementation of this act and SARA, Title III.
- (5) Supervise the operation of local committees and ensure that local committees meet all Federal and Commonwealth standards and requirements as provided by law.
- (6) Develop a Commonwealth comprehensive hazardous material safety program.
- (7) Delegate authority and assign primary responsibility to the Department of Labor and Industry for receiving, processing and managing hazardous chemical information forms and data, trade secrets and public information requests under this act and in coordination with the act of October 5, 1984 (P.L.734, No.159), known as the Worker and Community Right-to-Know Act. Emphasis should be given to electronically processing the information reported under this act to maximize its use in emergency response and to enhance its availability to the public.
- (8) Delegate authority and assign responsibility to the Department of Environmental Protection and the Department of Health for providing technical advice and assistance consistent with established departmental responsibilities in the alleviation of public health and environmental hazards associated with hazardous material releases or threatened releases of hazardous materials, including, but not limited to, dispatching emergency response personnel to accident sites during emergency situations when requested by PEMA. This act shall not affect any existing authority these agencies have to respond to hazardous material releases.
- (9) Prescribe duties and responsibilities for Commonwealth agencies, counties and local emergency planning committees to conduct comprehensive emergency management activities consistent with this act.
- (10) Prescribe standards for hazardous material response team training or certification, the equipping of hazardous material response team units and other matters involving hazardous material response activities.
- (11) Develop a public information, education, and participation program for the public and facility owners covering the requirements of this act and the Worker and Community Right-to-Know Act and interpretation of the chemical information collected under this act and the risks those chemicals pose to public health and environment.
- (12) Develop a mechanism or guidelines for the use of local emergency planning committees to act as boards of arbitration for resolving cost recovery disputes concerning those costs defined in section 210 (c) {"response costs"} that arise between a person who causes a release of a hazardous material and the organizers of any certified hazardous material response teams and/or emergency service organizations that responded to the hazardous material release.
- (13) Do all other acts and things necessary for the exercise of the powers and duties of the council and for the implementation of this act and SARA, Title III.

TABLE 1

2010 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION

The Honorable Edward G. Rendell
Governor

Senate President Pro Tempore Joseph Scarnati, III
Lt. Governor

Major General Jessica L. Wright
Adjutant General
(1-01-10- to 10-29-10)

Major General Stephen Sicho
Acting Adjutant General
(10-30-10 to 12-31-10)

Everette James
Secretary of Health
(1-01-10 to 10-1-10)

Michael Huff
Acting Secretary of Health
(10-2-10 to 12-31-10)

Thomas W. Corbett, Jr.
Attorney General

Barbara Adams
General Counsel

John Hanger
Secretary of Environmental Protection

Allen D. Biehler
Secretary of Transportation

Russell C. Redding
Secretary of Agriculture

George E. Cornelius
Secretary of Community and Economic Development
(1-01-10 to 6-30-10)

Austin Burke
Secretary of Community and Economic Development
(7-3-10 to 12-31-10)

Harriet Dichter
Secretary of Public Welfare
(1-01-10 to 9-15-10)

Michael Nardone
Acting Secretary of Public Welfare
(9-16-10 to 12-31-10)

Colonel Frank E. Pawlowski
Commissioner, Pennsylvania State Police

James H. Cawley
Chairman, Public Utility Commission

Sandi Vito
Secretary of Labor and Industry

Edward A. Mann
State Fire Commissioner

Representing House Speaker Keith R. McCall
State Representative Timothy J. Solobay

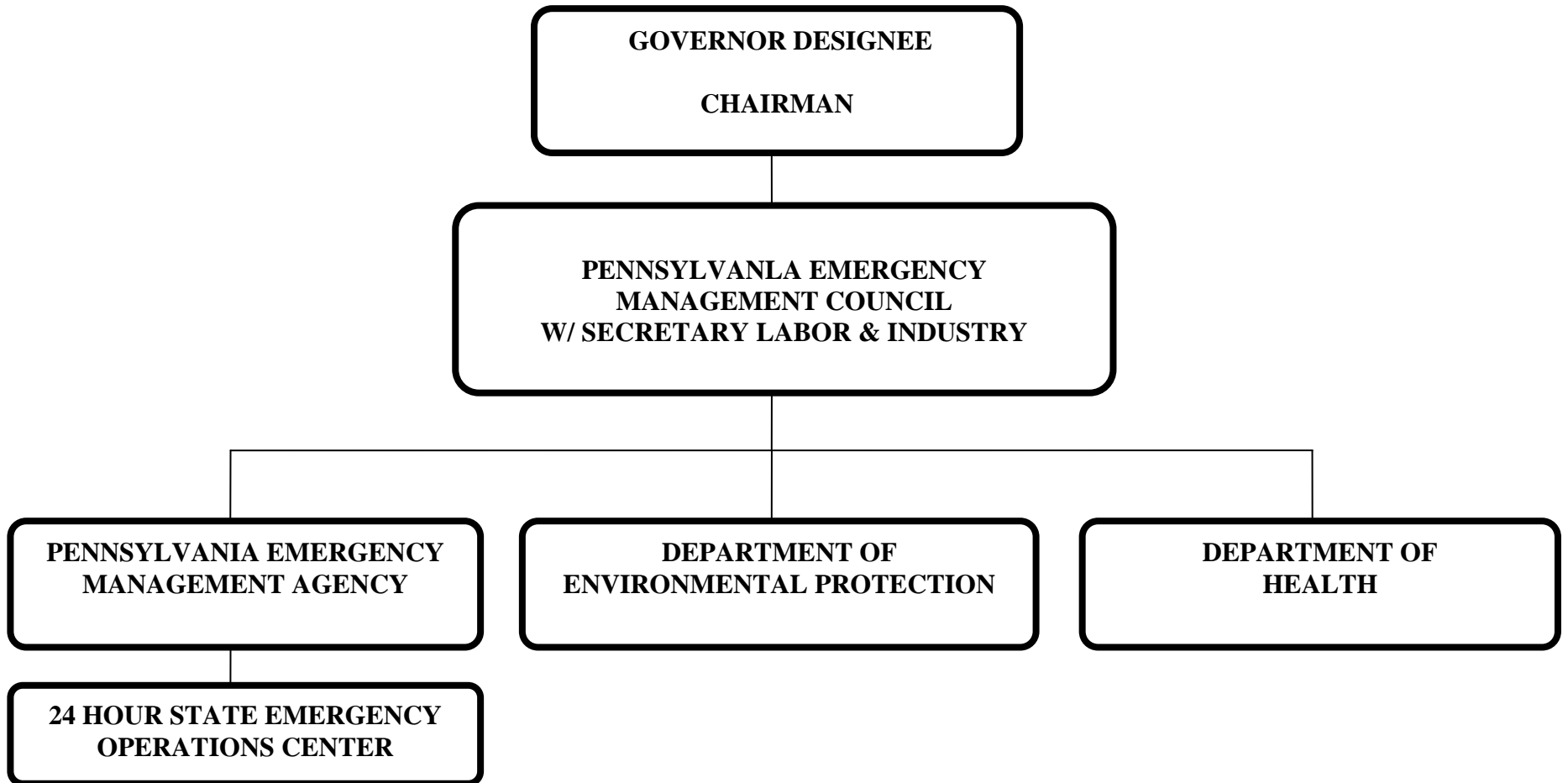
Representing Senate President Pro Tempore Joseph Scarnati, III
Senator Lisa Baker

Representing Minority Senate Leader Robert Mellow
Senator Andrew Dinniman

Representing Minority House Leader Samuel Smith
State Representative Russell Fairchild

TABLE 2

STATE EMERGENCY RESPONSE COMMISSION ORGANIZATION



13

The Pennsylvania Emergency Management Agency provides administrative support to the Council.

THIS PAGE IS INTENTIONALLY LEFT BLANK

SARA, TITLE III AND ACT 165: AN OVERVIEW

On October 17, 1986, President Reagan signed into law the *Superfund Amendments and Reauthorization Act of 1986* (SARA). One part of the SARA provisions is Title III: the *Emergency Planning and Community Right-to-Know Act of 1986*. Title III established requirements for Federal, State and local governments, and industry regarding emergency planning and community right-to-know reporting on hazardous chemicals. This legislation builds upon the Environmental Protection Agency's (EPA's) Chemical Emergency Preparedness Program (CEPP), numerous state and local programs aimed at helping communities meet their responsibilities in regard to potential chemical emergencies, and the nationwide efforts of the Chemical Manufacturers Association.

Pennsylvania's Hazardous Material Emergency Planning and Response Act 1990-165 (Act 165) implements the federal Emergency Planning and Community Right-to-Know Act (SARA, Title III). Act 165 creates a strong working relationship and partnership between business and industry, the Commonwealth, and its counties and municipalities to protect and safeguard the citizens and the environment from the effects of accidental hazardous materials spills and releases.

Title III has four major segments: Emergency Planning (Sections 301 and 303), Notification Requirements (Sections 302 and 304), Community Right-To-Know reporting requirements (Sections 311 and 312), and Toxic Chemical Release Reporting (Section 313). Other sections of this law provide for confidentiality of trade secrets (Section 322), public access to all reported information from facilities and emergency response plans (Section 324), and stringent enforcement provisions (Section 325).

SARA, Title III vis-à-vis Act 165

- a. **Title III Section 301** requires the governor of each State to establish a State Emergency Response Commission (SERC), to establish emergency planning districts, and to establish Local Emergency Planning Committees (LEPC). **Act 165, Section 201** designates the Pennsylvania Emergency Management Council as the State Emergency Response Commission; **Section 202** designates each county as an emergency planning district; and **Section 203** requires each county to establish one Local Emergency Planning Committee, increases the membership over that required by Title III, and establishes the duties of the committees.

- b. **Title III Section 303** requires each Local Emergency Planning Committee to prepare an emergency plan and provides instructions on what the plan is to contain. **Act 165 Section 203** requires a separate off-site emergency response plan for each facility where extremely hazardous chemicals are present at or above the EPA-established threshold planning quantity. These plans are to be prepared by the LEPCs in cooperation with the county emergency management agencies and the facilities for which these off-site emergency response plans are required.

- c. **Title III Sections 302 and 303 and Act 165 Section 205** require the owner or operator of a facility which at any time during a year would have a substance designated as extremely hazardous by the EPA on its premises at or above the EPA-designated threshold planning quantity to notify the SERC of this fact and provide the LEPC with the name of a facility representative who will participate in the emergency planning process.
- d. **Title III Section 304** requires that immediately upon release of a hazardous substance extending off the facility at or above the EPA-designated reporting quantity (RQ), the owner or operator of the facility must ensure a notification is made to the community emergency coordinator for the local emergency planning committee and to the state emergency planning commission. **Act 165 Sections 205 and 206** specify the recipients of these notifications to be first, the county emergency management office 24-hour response number (9-1-1 Center), and second, the PEMA 24-hour response number (State Emergency Operations Center (SEOC)). With respect to transportation of hazardous substances, the notification requirements are satisfied by dialing 9-1-1, or in the absence of a 9-1-1 system, calling the operator.
- e. **Title III Section 311** requires that Material Safety Data Sheets (MSDS) and **Section 312** requires that emergency and hazardous chemical inventory forms be submitted to the appropriate LEPC, the SERC, and the fire department with jurisdiction over the facility. **Act 165 Section 205** designates the Department of Labor and Industry as the repository for these documents at the State level.
- f. **Title III Section 313** requires that owners or operators of facilities that have 10 or more full time employees and that are in Standard Industrial Classification Codes 20 through 39 that use 10,000 pounds or manufacture 25,000 lbs of toxic chemicals per year report releases during the year. These reports are intended to provide information to the federal, state, and local governments and the public, including citizens of communities surrounding the facilities. **Act 165 Section 205** designates the Department of Labor and Industry as the repository for these documents at the State level.
- g. **Title III Section 322 and Act 165 Section 211** address protecting the confidentiality of trade secrets.
- h. **Title III Section 324** mandates that each emergency response plan, material safety data sheet, list of chemicals grouped in categories of health and physical hazards, inventory form, toxic chemical release form, and follow-up emergency notice shall be made available to the general public during normal working hours. Although Act 165 does not address this, the federal legislation pertains. Exceptions and specific guidelines apply.

- i. **Title III Section 325** addresses significant federal administrative and criminal penalties in the enforcement of the legislation. **Act 165 Section 303** addresses significant state and local penalties.

In other important aspects, Act 165 provides specific instructions on how all aspects of SARA, Title III are to be implemented in the Commonwealth, establishes a funding mechanism for a Statewide chemical safety program, directs the development of requirements for hazardous material response teams, permits the recovery of response costs resulting from hazardous materials spills, establishes authority for enforcement actions including penalties for non-compliance, and ensures immunity from civil liability for all personnel involved in any emergency service or response activity involving a hazardous material release.

The fees established by Act 165 were to terminate ten years after the effective date of the Act unless re-established by the General Assembly by statute. The reauthorization along with minor amendments was signed by the Governor on December 20, 2000. The most significant of the amendments was the requirement to report the receipt of hazardous materials at a facility within 5 working days as opposed to the original requirement to report within 60 days.

THIS PAGE IS INTENTIONALLY LEFT BLANK

LOCAL EMERGENCY PLANNING COMMITTEES (LEPC)

Section 203 of Act 165 specifies that at least one Local Emergency Planning Committee (LEPC) shall be established in each county. The local committee shall be subject to the supervision of the PA Emergency Management Council and shall cooperate with the county emergency management agency and the chemical facilities in preparing the required Offsite Emergency Response Plans. Members are appointed by the Council from nominees submitted by the governing body of the county.

The LEPC shall be composed of the county emergency management coordinator, one county commissioner, and at least one person appointed from each of the following groups:

1. Elected officials representing local governments within the county;
2. Law enforcement, first aid, health, local environmental, hospital and transportation personnel;
3. Firefighting personnel;
4. Civil defense and emergency management personnel;
5. Broadcast and print media;
6. Community groups not affiliated with emergency service groups;
7. Owners and operators of facilities subject to the requirements of SARA, Title III.

The LEPC elects a chairperson from its members. The county emergency management coordinator provides administrative support to the LEPC and has the lead responsibility for ensuring that the plans and activities of the LEPC comply with Act 165; SARA, Title II; and other applicable statutes and laws.

An LEPC has the duty and authority to:

1. Make, amend and repeal bylaws and other procedures in order to carry out its duties;
2. Take appropriate actions to ensure the implementation and updating of the local emergency response plans required by Act 165;
3. Report to the Council on alleged violations of Act 165;
4. Prepare reports, recommendations, or other information related to the implementations of Act 165 as requested by the Council;
5. Meet, when appropriate, with any Commonwealth agency, or local or regional agency to discuss and review all mitigation factors necessary to protect the health, safety, and welfare of the general public from a potential release of hazardous materials from a proposed facility;
6. Accept and deposit into its county Hazardous Material Emergency Response Account any grants, gifts, or other funds received which are intended for the purpose of carrying out Act 165.

Table 3 lists the LEPC chairpersons of the Commonwealth counties.

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 3

2010 LOCAL EMERGENCY PLANNING COMMITTEE
CHAIRPERSONS

COUNTY		CHAIRPERSON
1.	Adams	Ms. Kimberly S. Frank
2.	Allegheny	Mr. Steven J. Wilharm
3.	Armstrong	Mr. J. Larry Rice
4.	Beaver	Mr. David Linkimer
5.	Bedford	Mr. David E. Cubbison
6.	Berks	Mr. Kevin Docherty
7.	Blair	Mr. Drew McGhee
8.	Bradford	Mr. Joel Bonnell
9.	Bucks	Ms. Kelli Scarlett
10.	Butler	Ms. Maria L. Chvala
11.	Cambria	Mr. Ronald J. Springer
12.	Cameron	Mr. Adam Johnson
13.	Carbon	Mr. Howard Girer
14.	Centre	Mr. Walter A. Wise
15.	Chester	Dr. Robert S. Fleming
16.	Clarion	Mr. Randall L. Stahlman
17.	Clearfield	Mr. John Hallowell
18.	Clinton	Mr. Kevin Perry
19.	Columbia	Mr. Philip Yoder
20.	Crawford	Mr. John M. Bauer
21.	Cumberland	Mr. John Gleim
22.	Dauphin	Mr. Christopher J. Fisher
23.	Delaware	Mr. Edward T. Doyle Jr.

COUNTY	CHAIRPERSON
--------	-------------

24.	Elk	Mr. Michael H. Bauer Jr.
25.	Erie	Ms. Jessica Brown
26.	Fayette	Mr. Guy Napolillo
27.	Forest	Mr. Robert Summers
28.	Franklin	Mr. William L. Little
29.	Fulton	Commissioner Bonnie Mellott-Keefer
30.	Greene	Mr. Gregory C. Leathers
31.	Huntingdon	Mr. James Raabe
32.	Indiana	Mr. Daniel Sacco
33.	Jefferson	Mr. Albert Reid
34.	Juniata	Mr. John Shirk
35.	Lackawanna	
36.	Lancaster	Mr. Randall Gockley
37.	Lawrence	Mr. Donald J. Cataldi
38.	Lebanon	Mr. Daniel J. Kauffman
39.	Lehigh	
40.	Luzerne	Mr. Joseph Perugino
41.	Lycoming	Mr. Joseph Neyhart
42.	McKean	Mr. Richard Kallenborn
43.	Mercer	Mr. Richard J. Weinzierl, CPE
44.	Mifflin	Mr. Robert Barlett
45.	Monroe	Dr. Clarence Murphy
46.	Montgomery	Mr. Steven Wittmer
47.	Montour	Mr. Richard Blosky
48.	Northampton	Mr. William B. Hillanbrand

COUNTY		CHAIRPERSON
49.	Northumberland	Mr. Frank J. Sawicki
50.	Perry	Mr. Michael Minich
51.	Philadelphia	Mr. David Binder
52.	Pike	Mr. Robert Palumbo
53.	Potter	Ms. Helen Turner
54.	Schuylkill	Mr. Daniel Evans
55.	Snyder	Mr. John Reigle
56.	Somerset	Mr. Fred Rosemeyer
57.	Sullivan	Mr. Deveron Wilcox
58.	Susquehanna	Mr. Blaine Dibble
59.	Tioga	Mr. Dennis A. Colegrove
60.	Union	Mr. James McCormick
61.	Venango	Mr. Bob Ferguson
62.	Warren	Ms. Gail Anderson
63.	Washington	Mr. Jeffrey Yates
64.	Wayne	Mr. Brian Smith
65.	Westmoreland	Mr. Les Harvey
66.	Wyoming	Ms. Grace Dove-Ostrum
67.	York	Mr. Daniel J. O'Connell

THIS PAGE IS INTENTIONALLY LEFT BLANK

REVENUES

Act 165 established two funds, one at the county level known as the Hazardous Material Emergency Response (HMER) Account, and one at the state level known as the Hazardous Material Response Fund (HMRF). The county fund consists primarily of chemical and planning fees paid by the facilities and interest thereon, but may also include county, federal or State funds, grants, loans, penalties, and private donations. For each chemical reported on the Tier II report by March 1 of each year, there is a fee of payable to the county of \$35 to \$75 as established by county ordinance. Additionally, a fee established by county ordinance of up to \$100 will be paid to the county by March 1st each year by each facility requiring an off-site emergency response plan. In 2010 a total of \$2,343,805.48 was reported to have been generated through the counties' chemical and planning fee schedules (See Table 4). State policy on utilization of Act 165 revenues, Pennsylvania Emergency Management Agency (PEMA) Directive D2001-1, is attached to this Report.

The state HMRF is a restricted revenue account used to carry out the purposes, goals, and objectives of SARA, Title III and the Commonwealth's hazardous material safety program. It consists of a \$10 fee for each chemical on the Tier II reports, paid by owners or operators of chemical facilities to the state by March 1 of each year, plus a fee of \$250 for each toxic chemical release which is required by Section 313 of SARA, Title III to be listed on the toxic chemical form by July 1 of each year. There is a cap of \$5,000 per facility on the latter fee. Also included in this fund are civil penalties, fines, and funds appropriated by the General Assembly. The state HMRF is used for costs related to training, public and facility owner education, information and participation programs, general administration and operational expenses of this Act, and supplements to local programs and special needs. The Pennsylvania Department of Labor & Industry, Bureau of PENNSAFE, is the recipient of all such reports and fees submitted to the state HMRF. Monies in the fund with accumulated interest are appropriated annually to PEMA for disbursement.

Section 207(a) (2) of Act 165, as amended, directs PEMA to administer and allocate monies in the state's HMRF as follows:

1. Up to 10% may be expended on training programs;
2. Up to 10% may be expended for public and facility owner education, information, and participation programs.
3. Up to 10% may be expended for general administration and operational expenses of this Act.
4. The remaining revenue in the fund shall be used as grants to support certain specified activities of the counties under this Act.

Guidance is provided annually to the counties on applying for grants from the HMRF Account.

THIS PAGE IS INTENTIONALLY LEFT BLANK

GRANTS

Grant programs established under Act 165 include an Initial Grant, the Retroactive Grant Program, and the Match Grant Program, all administered as part of the state's Hazardous Material Response Fund (HMRF). (See Table 4)

Initial Grants

Act 165 provided that, on a one-time basis, each county of the third through eighth class receive an initial grant of \$1,500 for the purpose of complying with the provisions of the Act. All 63 counties eligible for this grant from the HMRF received their check in 1992. A total of \$94,500 was awarded.

Retroactive Grants

The Act provided for a grant to eligible counties for costs which would otherwise have been eligible under the Act but were actually incurred after the effective date of SARA, Title III and before the initial effective date of the Act, i.e., the period between November 1, 1986 and February 4, 1991.

A one-time application deadline of March 31, 1992 was set for the retroactive grants. Thirty-six counties submitted applications which were required to include:

1. A formal application/contract (Form HMRF-2)
2. A financial accounting statement in a prescribed format
3. An itemized list of expenditures
4. The date of each expenditure
5. The purpose of each expenditure
6. A copy of the receipt or other financial documentation that verified payment
7. A statement that the expenditures were not primarily recouped or reimbursed from a federal or state source or any other source.
8. A statement that the expenditures were made by the county for the purpose of complying with the requirements and provisions of SARA, Title III and the Emergency Management Services Code with respect to hazardous material releases. Those expenditures may have included, but were not limited to, the following:
 - a. The cost of establishing and operating the county's local emergency planning committee.
 - b. Costs associated with the local emergency planning committee's preparation of SARA, Title III facility off-site emergency response plans.

- c. Costs associated with the local emergency planning committee's receipt and processing of SARA, Title III chemical reports.
- d. Costs associated with the county's receipt and documentation of SARA, Title III emergency notifications of chemical releases.
- e. Costs associated with SARA, Title III public information / community right-to-know requirements.
- f. Costs associated with the development of an emergency response capability.

Procedures established for administration of the Retroactive Grant Program stipulated that, following Council approval of the one-time application, payments would be made based upon the availability of funds in the HMRF following disbursement of the higher-priority match grants. Thus, the Retroactive Grant payments may continue on an incremental basis over more than one year depending upon the availability of funds.

Applications for this grant were submitted by 36 counties requesting reimbursements of a total of \$4,736,894.02. Each application was given a line-by-line review to determine the eligibility and appropriateness of the request. The result of this review was that a total of \$2,573,514.67 was considered appropriate for reimbursement. This amount, with specific justifications, was presented to the full session of the State Emergency Response Commission. An initial reimbursement of \$214,094.82 was approved by the Commission on July 16, 1992 and was paid to the counties on March 31, 1993. The remainder of the recommended amount of \$2,573,514.67 was approved by the full session of the Commission in November 1992. It was paid on September 1, 2010. Table 4 shows the total payments of the Retroactive Grant by county.

Emergency Management Grant (Match Grant)

Under Act 165, each county and each state-certified hazardous materials response team may be eligible to receive an emergency management grant from the Hazardous Material Response Fund in order to enhance, through state supplementation, the resources available for county hazardous materials safety programs. This grant program is voluntary. There is no requirement that a county or a team submit a grant application, except that the Act requires that counties submit copies of all applications and requests they receive from certified hazardous materials response teams as part of their application.

This is an annual grant program. Monies available in the state's HMRF may vary from year to year. Therefore, grant applicants are advised to avoid developing a fixed amount by item or total as an ongoing grant expectation. The Emergency Management Grant (Match Grant) Awards are shown at Table 4.

This grant is referred to as a match grant because the maximum award for which a county is eligible is based upon the total multiple source revenues collected by the county and deposited by the county into its Hazardous Material Emergency Response (HMER) Account during the calendar year immediately prior to the grant year. Those revenues are accounted for in the grant application and consist of the following:

1. Fees that the county has collected under its county hazardous material fee ordinance during the calendar year and deposited into the Hazardous Material Emergency Response Account.
2. All county funds deposited into the Hazardous Material Emergency Response Account during the calendar year.
3. Fee credits that the county granted during the calendar year to any SARA, Title III facility owners located within the county for training, equipment, or other in-kind services that the facility owner donated to the county in the same year to support the county's hazardous material safety program. The credit must be based on the fair market value of the equipment donated and the agreed-upon value of training or in-kind services donated. Although there is no limit on the amount of any contribution, the value of any fee credit granted may not exceed the total amount of the fees that the facility owner owed to the county under the county's hazardous material fee ordinance for the calendar year. Documentation of fee credits granted by the county plus the facility owner's fee levels are required.

In order to be eligible for a match grant, a county must:

1. Meet the requirements of the Commonwealth's hazardous material safety program
2. Submit a grant application for eligible costs listed under Act 165
3. Have demonstrated that previous grants have been managed in accordance with the terms and conditions of the application and award and in accordance with policy for expenditure of Act 165 revenues, and certify that a new grant award will be managed accordingly
4. Have accounted for previous grant funds awarded through standard accounting and property accountability practice and the requirements of the Commonwealth, and certify that a new grant award will be accounted for accordingly.

The following requirements of the Commonwealth's Hazardous Material Safety Program, as provided by Act 165, are used to determine a county's grant eligibility:

1. The county LEPC's timely and active processing of emergency response plans and plan updates for all SARA Title III facilities located within the county.
2. The county's completion of its annual update report on Hazardous Material Emergency Response Preparedness, and approval of that update by the Pennsylvania Emergency Management Agency.
3. The county's provision for certified hazardous material response team coverage within the county.
4. The county's continued active participation, through its county commissioners or county executive and its county emergency management coordinator, in the operation

of the county's local emergency planning committee and the performance of the committee's assigned functions, duties, and responsibilities under SARA, Title III and Section 203 of Act 165. In order to ensure that each county can remain abreast of the constantly changing hazardous material threat environment, the Pennsylvania Emergency Management Council requires that the LEPC meet with a quorum at least quarterly and that meeting minutes be submitted to PEMA Area Offices with quarterly emergency management activity reports.

5. The county's operation of an emergency response office or center to: (a) receive facility or transportation accident emergency notification reports required by Section 206 of Act 165 on a 24-hour-a-day basis with (b) the subsequent and timely notification to the PEMA 24-hour response number of all reports of accidental releases of hazardous chemicals per Pennsylvania Emergency Incident Reporting System (PEIRS), and (c) the immediate notification to PEMA of a certified hazardous material response team's dispatch to any incident.
6. The county's participation in hazardous material release tests, drills, or exercises, including simulated evacuations, as scheduled or required by the Council, PEMA, or the federal government.
7. The county's participation in state or federally sponsored training courses, certification programs, and outreach programs that are designed to educate the general public, emergency responders, public employers or other designated groups of individuals about the health hazards and other risks of harm resulting from or incident to the manufacture, use, storage, distribution, transportation, and release of hazardous materials.
8. The county's performance of other duties and responsibilities as assigned to it by the Pennsylvania Emergency Management Agency as the primary agent for the Pennsylvania Emergency Management Council/State Emergency Response Commission under the provisions of the Commonwealth's hazardous material safety program.

HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORTS

Each county is required by Act 165 to develop and update annually a report of "Hazardous Material Emergency Response Preparedness" (formerly called "Assessment"). This is an evaluation of the hazardous material threat to the county from both fixed facilities and transportation, the county's capability to respond, the short term and long term administrative and financial plan to maintain and improve the chemical safety program and the response capability, a statement of unmet needs, and a statement regarding an audit of the Hazardous Materials Emergency Response (HMER) Account. The Local Emergency Planning Committee (LEPC) assists in the preparation of the county report.

Each county's report is reviewed by PEMA, the primary agent for the State Emergency Response Commission (SERC), and is approved on behalf of the SERC if it satisfactorily fulfills the above and any additional requirements PEMA may deem necessary. A major element of this document is an accounting of the Act 165 generated revenues in the Hazardous Material Emergency Response (HMER) Account. These funds are to be expended by the county in accordance with the spending plan outlined in the update, the provisions of Act 165, and the current Emergency Management Directive regarding Expenditure of Act 165 Generated Revenues at the County Level. (See the attached PEMA Directive)

The total of the Act 165-generated revenues reported by the counties for 2010 was \$2,343,805.48. (See Table 4)

THIS PAGE IS INTENTIONALLY LEFT BLANK

**TABLE 4
ACT 165 REVENUES
THROUGH CY 2010**

COUNTY	ASSESSMENT FUNDS REPORTED 2010	ASSESSMENT TOTAL THROUGH 2010	INITIAL GRANT	RETRO GRANT PAID AS OF 12-31-2010	MATCH GRANT 2010	TOTAL MATCH GRANTS THROUGH 2010	ACT 165-GENERATED FUNDS TOTAL THROUGH 2010
Adams	24,486.39	362,801.14	1,500.00	4,593.12	18,065.00	361,311.21	730,205.47
Allegheny	179,675.00	4,052,013.19		562,915.64	33,157.00	997,855.18	5,612,784.01
Armstrong	22,065.09	334,683.53	1,500.00	14,729.81	6,800.00	116,266.34	467,179.68
Beaver	91,888.16	1,291,910.85	1,500.00	41,647.19	16,612.00	399,579.73	1,734,637.77
Bedford	9,360.00	137,391.97	1,500.00		6,914.00	103,974.57	242,866.54
Berks	107,056.51	2,527,587.10	1,500.00	211,352.03	33,470.00	625,306.05	3,365,745.18
Blair	40,109.83	949,443.72	1,500.00		12,711.00	298,803.78	1,249,747.50
Bradford	10,163.77	237,261.03	1,500.00		3,796.00	69,934.86	308,695.89
Bucks	180,638.00	2,973,057.80	1,500.00	172,882.81	33,383.00	912,654.25	4,060,094.86
Butler	48,180.57	880,469.90	1,500.00	85,648.95	14,492.00	410,524.01	1,378,142.86
Cambria	20,523.13	437,779.95	1,500.00	76,320.10	13,112.00	284,754.26	800,354.31
Cameron	3,198.22	36,201.84	1,500.00		342.00	6,904.61	44,606.45
Carbon	7,108.60	155,341.60	1,500.00		5,726.00	116,688.88	273,530.48
Centre	11,592.00	373,719.00	1,500.00		11,387.00	255,979.27	631,198.27
Chester	51,500.00	1,201,554.86	1,500.00	230,289.89	34,607.00	817,299.40	2,250,644.15
Clarion	9,356.13	124,426.77	1,500.00	8,741.62	5,381.00	48,533.16	183,201.55
Clearfield	21,523.53	436,731.89	1,500.00		10,287.00	237,972.59	676,204.48
Clinton	16,860.96	275,655.32	1,500.00	4,813.71	13,782.00	298,647.67	580,616.70
Columbia	17,055.18	253,045.19	1,500.00			114,280.47	368,825.66
Crawford	27,448.70	358,131.84	1,500.00		11,423.00	247,614.30	607,246.14
Cumberland	26,722.00	437,433.53	1,500.00	9,795.00	19,513.00	316,578.43	765,306.96
Dauphin	49,707.51	1,012,701.00	1,500.00	55,597.01	31,276.00	541,788.13	1,611,586.14
Delaware	59,988.37	1,979,798.16		228,094.69		99,287.90	2,307,180.75
Elk	18,441.80	327,770.78	1,500.00		2,983.00	75,072.67	404,343.45
Erie	50,885.00	1,011,674.61	1,500.00	60,030.79	29,089.00	307,276.45	1,380,481.85
Fayette	16,617.51	307,243.62	1,500.00	74,433.61	5,317.00	201,850.24	585,027.47
Forest	150.00	400.00	1,500.00			0.00	1,900.00
Franklin	21,625.00	343,431.48	1,500.00		19,649.00	336,082.98	681,014.46
Fulton	2,146.54	25,402.88	1,500.00		6,233.00	104,055.66	130,958.54
Greene	15,104.40	160,043.70	1,500.00			42,432.96	203,976.66
Huntingdon	6,438.88	108,079.65	1,500.00		7,283.00	135,231.45	244,811.10
Indiana	36,204.33	411,336.46	1,500.00	62,261.93	7,519.00	245,457.19	720,555.58
Jefferson	13,135.61	209,472.57	1,500.00	1,800.37	5,786.00	127,057.84	339,830.78
Juniata	4,082.63	55,371.29	1,500.00	13,106.96	7,030.00	131,292.52	201,270.77

**TABLE 4
ACT 165 REVENUES
THROUGH CY 2010**

COUNTY	ASSESSMENT FUNDS REPORTED 2010	ASSESSMENT TOTAL THROUGH 2010	INITIAL GRANT	RETRO GRANT PAID AS OF 12-31-2010	MATCH GRANT 2010	TOTAL MATCH GRANTS THROUGH 2010	ACT 165-GENERATED FUNDS TOTAL THROUGH 2010
Lackawanna	*	383,723.14	1,500.00			87,631.23	472,854.37
Lancaster	94,632.54	2,109,903.53	1,500.00	109,205.74	27,728.00	672,910.29	2,893,519.56
Lawrence	20,717.74	348,597.98	1,500.00	382.94	4,083.00	119,024.95	469,505.87
Lebanon	14,160.49	290,683.17	1,500.00	32,229.94	11,876.00	187,413.67	511,826.78
Lehigh	*	1,082,083.68	1,500.00		10,631.00	373,137.49	1,456,721.17
Luzerne	54,475.40	1,113,053.80	1,500.00	22,763.50	14,620.00	316,288.05	1,453,605.35
Lycoming	27,961.90	518,364.81	1,500.00	108,620.80	18,609.00	426,744.75	1,055,230.36
McKean	24,507.67	181,636.56	1,500.00		3,594.00	61,756.32	244,892.88
Mercer	27,358.95	518,397.50	1,500.00	10,268.42		74,077.89	604,243.81
Mifflin	8,428.53	258,999.62	1,500.00		7,722.00	226,847.07	487,346.69
Monroe	23,144.11	378,670.51	1,500.00		3,468.00	86,793.90	466,964.41
Montgomery	144,780.00	2,767,884.17		126,085.00	63,380.00	1,233,158.07	4,127,127.24
Montour	4,202.70	63,222.55	1,500.00	446.59		17,650.54	82,819.68
Northampton	194,091.11	830,581.11	1,500.00		6,353.00	85,147.86	917,228.97
Northumberland	28,850.00	468,423.82	1,500.00		12,618.00	161,291.60	631,215.42
Perry	2,398.76	38,791.89	1,500.00		7,200.00	126,761.46	167,053.35
Philadelphia	131,335.33	2,458,419.83		56,381.57	82,400.00	1,438,883.44	3,953,684.84
Pike	1,350.00	21,578.57	1,500.00	1,204.00	5,984.00	73,870.43	98,153.00
Potter	7,549.79	74,407.79	1,500.00	3,274.15	8,065.00	131,027.28	210,209.22
Schuylkill	37,099.11	680,879.42	1,500.00		9,839.00	213,124.95	895,504.37
Snyder	5,604.85	97,077.34	1,500.00		8,210.00	133,788.13	232,365.47
Somerset	14,742.47	239,257.17	1,500.00		9,611.00	185,574.01	426,331.18
Sullivan	1,920.11	8,814.12	1,500.00		4,027.00	69,247.39	79,561.51
Susquehanna	4,057.99	67,630.62	1,500.00	2,383.32	8,297.00	26,302.23	97,816.17
Tioga	5,796.14	89,962.04	1,500.00	22,829.99	8,357.00	141,045.36	255,337.39
Union	7,787.00	147,719.27	1,500.00	15,664.75	8,187.00	165,850.31	330,734.33
Venango	17,310.10	443,540.35	1,500.00			57,490.42	502,530.77
Warren	16,006.98	237,936.89	1,500.00		2,538.00	90,817.70	330,254.59
Washington	44,297.85	886,785.57	1,500.00	15,744.27	7,450.00	255,281.44	1,159,311.28
Wayne	4,539.80	89,907.63	1,500.00		7,836.00	107,489.18	198,896.81
Westmoreland	67,706.13	1,341,874.55	1,500.00	65,709.99	11,483.00	484,775.00	1,893,859.54
Wyoming	3,927.74	50,611.45	1,500.00		6,398.00	97,453.79	149,565.24
York	82,024.84	1,498,871.62	1,500.00	61,264.47	16,311.00	388,852.66	1,950,488.75
TOTALS	2,343,805.48	43,577,660.29	94,500.00	2,573,514.67	824,000.00	17,705,857.87	63,951,532.83

ACT 165 FACILITIES AND CHEMICAL REPORTING

Emergency Response Planning Facilities

SARA, Title III requires that an emergency plan be developed which includes procedures for response to releases of hazardous materials from chemical facilities. Pennsylvania had adopted a policy that requires the Local Emergency Planning Committees (LEPC) to prepare an off-site emergency response plan for each facility that has one or more extremely hazardous substances (EHS) at or above EPA specified planning quantities.

SARA, Title III, Section 302, requires that any facility with one or more of the listed EHS in quantities at or greater than the Threshold Planning Quantity (TPQ) listed notify the State Emergency Response Commission (SERC) and the LEPC within 60 days after any change which would make the facility subject to planning requirements. Act 165, as amended, reduces that time lag to five business days.

By the end of 2010, off-site emergency response plans had been developed and approved by the LEPCs, and reviewed by PEMA on behalf of the Council, for 3,344 of the 3,355 facilities known to be subject to the SARA, Title III planning requirements. These figures vary each year reflecting facilities going out of, and starting businesses, and changes in chemical inventories. (See Table 5 for county statistics)

Emergency and Hazardous Chemical Inventory (Form Tier II) Facilities:

SARA, Title III requires the owner/operator of any facility which is required to prepare and have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970, and regulations promulgated under that Act, to prepare and submit an emergency and hazardous chemical inventory form to the appropriate LEPC and fire department with jurisdiction over the facility, and to the Council. Pennsylvania adopted the federal Emergency and Hazardous Chemical Inventory Form - Tier II. The Tier II is required annually by March 1 reporting for the preceding calendar year when the chemicals at the facility meet or exceed designated thresholds at any one time. For SARA, Title III Extremely Hazardous Substances (EHS), it is 500 pounds or the threshold planning quantity, whichever is less. For all other hazardous substances which require an MSDS, the threshold is 10,000 pounds. Public sector employers are excluded from this requirement. Six categories of hazardous substances are exempted: Food and Drug Administration (FDA)-regulated products; articles; household packaged products; substances used in research labs, hospitals or other medical facilities under the direct supervision of a technically qualified person; substances used in routine agriculture operations; and fertilizers held for sale by a retailer. For the 2010 calendar/reporting year 10,055 facilities submitted reports on 34,460 chemicals. (See Table 6 for lists of Tier II submissions by county, and Table 7 for Tier II reporting trends)

Toxic Release Inventory (TRI) Facilities:

SARA, Title III and Act 165 require owners/operators of facilities in the manufacturing sector (i.e., facilities with Standard Industrial Classification Codes (SIC) 20 through 39), which employ 10 or more full-time employees and which manufacture or process 25,000 pounds or more, or otherwise use 10,000 pounds or more, of any SARA Section 313-listed toxic chemical in the course of a calendar year to file the Toxic Chemical Release Inventory form, also known as Form R. This form lists the amount of and methods by which toxic chemicals are released from a facility into the environment. Facilities must report the quantities of both routine and accidental releases of Section 313 chemicals, as well as the maximum amount of the Section 313 chemical on-site during the calendar year and the amount contained in waste transferred off-site. For the 2010 calendar/reporting year, 1,174 facilities submitted reports on 4,063 chemicals. The Department of Environmental Protection (DEP) is charged by the Council to analyze the TRI data to determine significance, if any, to the population and the environment. As these studies are produced and approved by Council, they are published and distributed.

(See Table 8 for listings of toxic release inventory submissions by county, and Table 9 for TRI reporting trends.)

TABLE 5

SARA PLANS FACILITIES BY COUNTY

As of: December 31, 2010

COUNTY	Facility Plans Required	LEPC Developed & PEMA REVIEWED	COUNTY	Facility Plans Required	LEPC Developed & PEMA REVIEWED
ADAMS	100	100	LACKAWANNA	35	35
ALLEGHENY	244	241	LANCASTER	191	191
ARMSTRONG	34	34	LAWRENCE	28	28
BEAVER	70	70	LEBANON	50	50
BEDFORD	18	17	LEHIGH	93	93
BERKS	159	159	LUZERNE	40	39
BLAIR	43	43	LYCOMING	86	86
BRADFORD	15	15	McKEAN	28	28
BUCKS	143	143	MERCER	38	38
BUTLER	45	45	MIFFLIN	12	12
CAMBRIA	50	50	MONROE	25	25
CAMERON	2	2	MONTGOMERY	298	298
CARBON	17	17	MONTOUR	9	9
CENTRE	42	42	NORTHAMPTON	40	40
CHESTER	76	76	NORTHUMBERLAND	38	37
CLARION	13	13	PERRY	12	12
CLEARFIELD	31	31	PHILADELPHIA	155	154
CLINTON	22	22	PIKE	2	2
COLUMBIA	29	29	POTTER	14	14
CRAWFORD	36	36	SCHUYLKILL	57	57
CUMBERLAND	94	94	SNYDER	20	20
DAUPHIN	122	122	SOMERSET	31	31
DELAWARE	77	77	SULLIVAN	4	4
ELK	17	17	SUSQUEHANNA	16	16
ERIE	64	64	TIOGA	21	21
FAYETTE	31	31	UNION	13	13
FOREST	4	4	VENANGO	16	16
FRANKLIN	61	61	WARREN	16	16
FULTON	3	3	WASHINGTON	54	52
GREENE	10	10	WAYNE	14	14
HUNTINGDON	10	10	WESTMORELAND	81	81
INDIANA	14	14	WYOMING	5	5
JEFFERSON	20	20	YORK	85	85
JUNIATA	12	10	TOTAL	3,355	3,344

THIS PAGE IS INTENTIONALLY LEFT BLANK

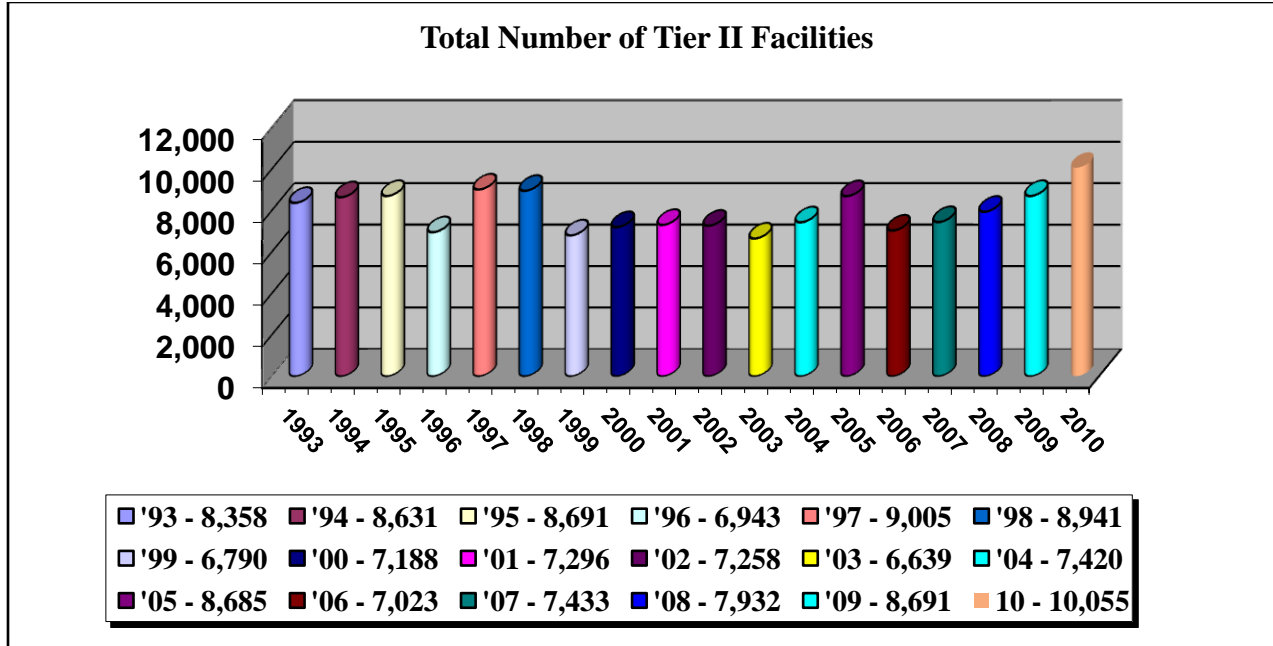
TABLE 6
SARA, TITLE III - TIER II SUBMISSIONS
2010 Reporting Year

County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	128	371	35	Lackawanna	109	366
02	Allegheny	589	2468	36	Lancaster	314	1171
03	Armstrong	87	289	37	Lawrence	82	250
04	Beaver	128	778	38	Lebanon	103	353
05	Bedford	42	137	39	Lehigh	203	738
06	Berks	250	1112	40	Luzerne	193	630
07	Blair	130	633	41	Lycoming	142	585
08	Bradford	180	967	42	McKean	441	621
09	Bucks	322	2366	43	Mercer	467	900
10	Butler	167	719	44	Mifflin	35	89
11	Cambria	95	272	45	Monroe	93	297
12	Cameron	13	61	46	Montgomery	407	1403
13	Carbon	45	122	47	Montour	13	57
14	Centre	105	301	48	Northampton	144	624
15	Chester	220	778	49	Northumberland	90	418
16	Clarion	43	126	50	Perry	20	43
17	Clearfield	96	269	51	Philadelphia	426	1532
18	Clinton	63	374	52	Pike	15	19
19	Columbia	50	202	53	Potter	43	138
20	Crawford	662	849	54	Schuylkill	159	545
21	Cumberland	178	567	55	Snyder	42	85
22	Dauphin	250	782	56	Somerset	96	204
23	Delaware	143	848	57	Sullivan	31	79
24	Elk	64	239	58	Susquehanna	125	399
25	Erie	219	566	59	Tioga	192	1409
26	Fayette	116	291	60	Union	44	107
27	Forest	100	112	61	Venango	72	250
28	Franklin	109	393	62	Warren	85	219
29	Fulton	9	25	63	Washington	283	872
30	Greene	125	212	64	Wayne	36	62
31	Huntingdon	38	115	65	Westmoreland	294	813
32	Indiana	97	296	66	Wyoming	23	92
33	Jefferson	75	198	67	York	271	1188
34	Juniata	24	64		TOTAL	10,055	34,460

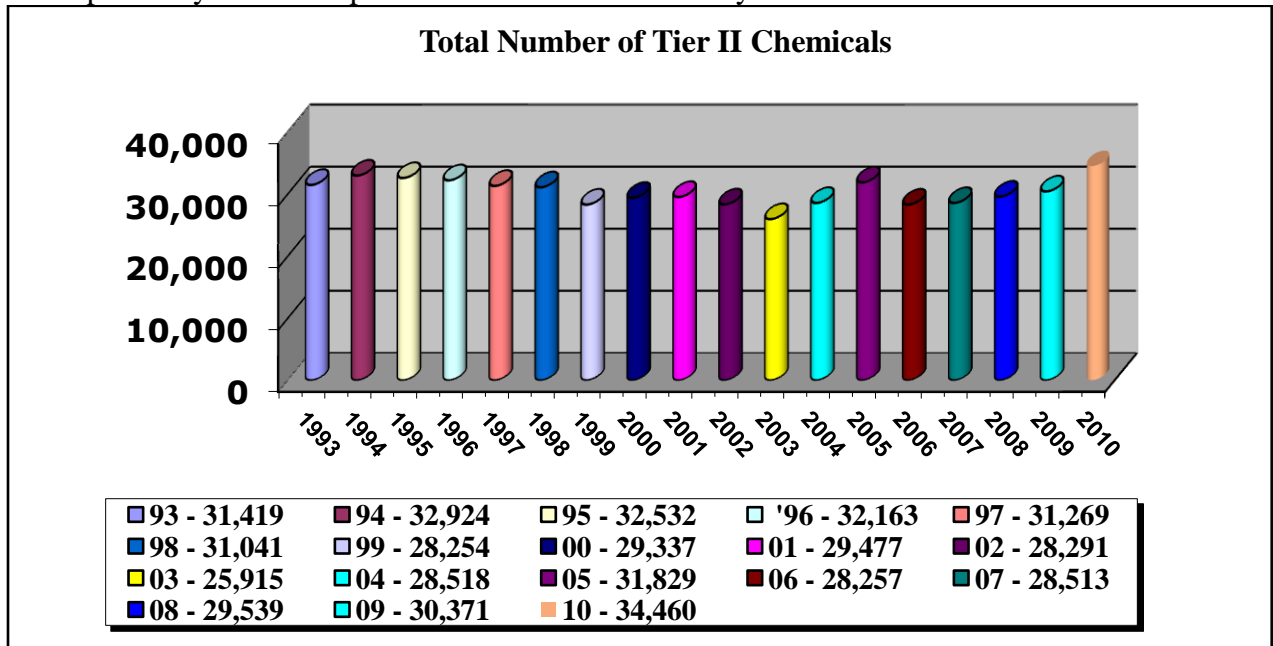
* As reported by the PA Department of Labor and Industry

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 7
COMMONWEALTH OF PENNSYLVANIA
SARA TITLE III
REPORTING TRENDS
OF TIER II FACILITIES



*As reported by the PA Department of Labor and Industry



In February 1999 the EPA passed an amendment increasing the TPQ for gasoline and diesel fuel for retail service stations. This ruling has affected most service stations in Pennsylvania and has thus resulted in lower Tier II filing numbers.

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 8
SARA TITLE III - TRI SUBMISSIONS
2010 REPORTING YEAR

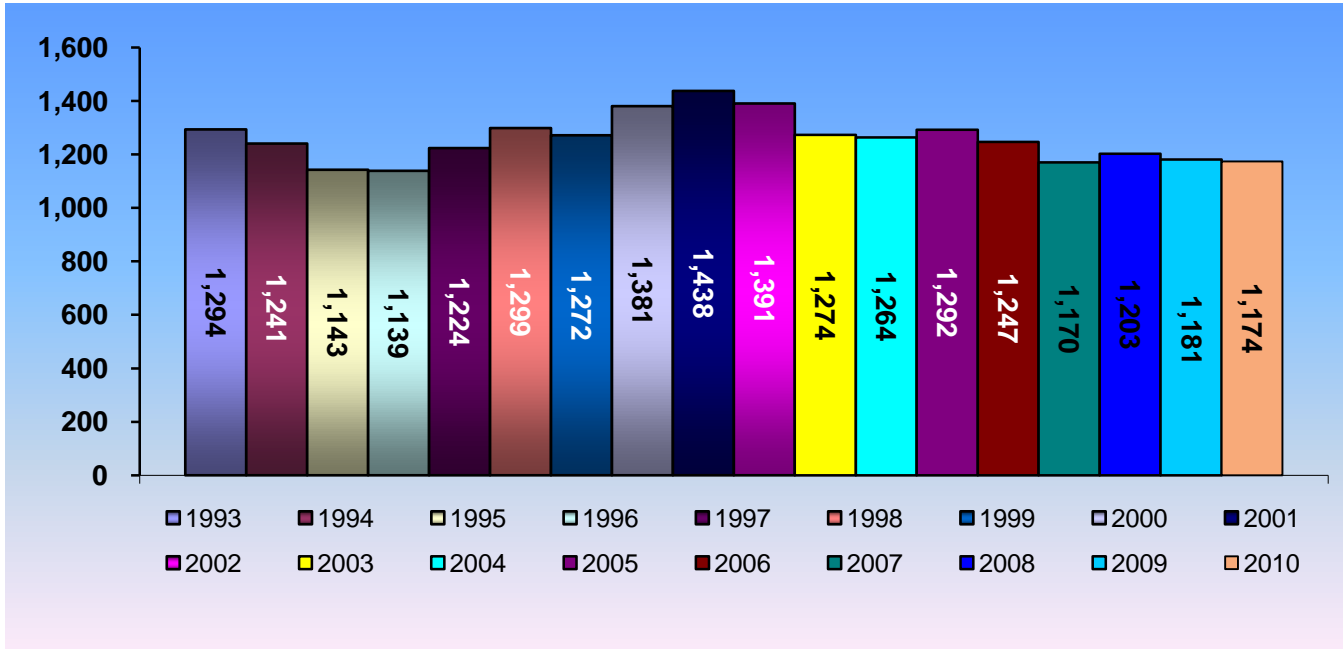
County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	10	19	35	Lackawanna	14	35
02	Allegheny	78	389	36	Lancaster	70	187
03	Armstrong	5	32	37	Lawrence	16	66
04	Beaver	41	229	38	Lebanon	20	58
05	Bedford	5	13	39	Lehigh	34	76
06	Berks	45	171	40	Luzerne	27	62
07	Blair	15	67	41	Lycoming	17	42
08	Bradford	8	43	42	McKean	11	47
09	Bucks	54	154	43	Mercer	25	93
10	Butler	34	123	44	Mifflin	4	8
11	Cambria	12	63	45	Monroe	8	21
12	Cameron	5	9	46	Montgomery	68	174
13	Carbon	8	37	47	Montour	2	18
14	Centre	7	11	48	Northampton	32	138
15	Chester	28	93	49	Northumberland	11	44
16	Clarion	5	14	50	Perry	0	0
17	Clearfield	11	29	51	Philadelphia	35	123
18	Clinton	3	22	52	Pike	0	0
19	Columbia	5	13	53	Potter	4	6
20	Crawford	15	52	54	Schuylkill	26	113
21	Cumberland	15	40	55	Snyder	3	34
22	Dauphin	16	53	56	Somerset	14	30
23	Delaware	22	107	57	Sullivan	0	0
24	Elk	26	74	58	Susquehanna	0	0
25	Erie	47	109	59	Tioga	8	19
26	Fayette	5	8	60	Union	6	8
27	Forest	0	0	61	Venango	16	59
28	Franklin	10	28	62	Warren	8	39
29	Fulton	2	6	63	Washington	34	119
30	Greene	2	17	64	Wayne	2	4
31	Huntingdon	3	10	65	Westmoreland	40	110
32	Indiana	8	75	66	Wyoming	2	6
33	Jefferson	13	21	67	York	51	186
34	Juniata	3	7				
				Total		1,174	4,063

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 9

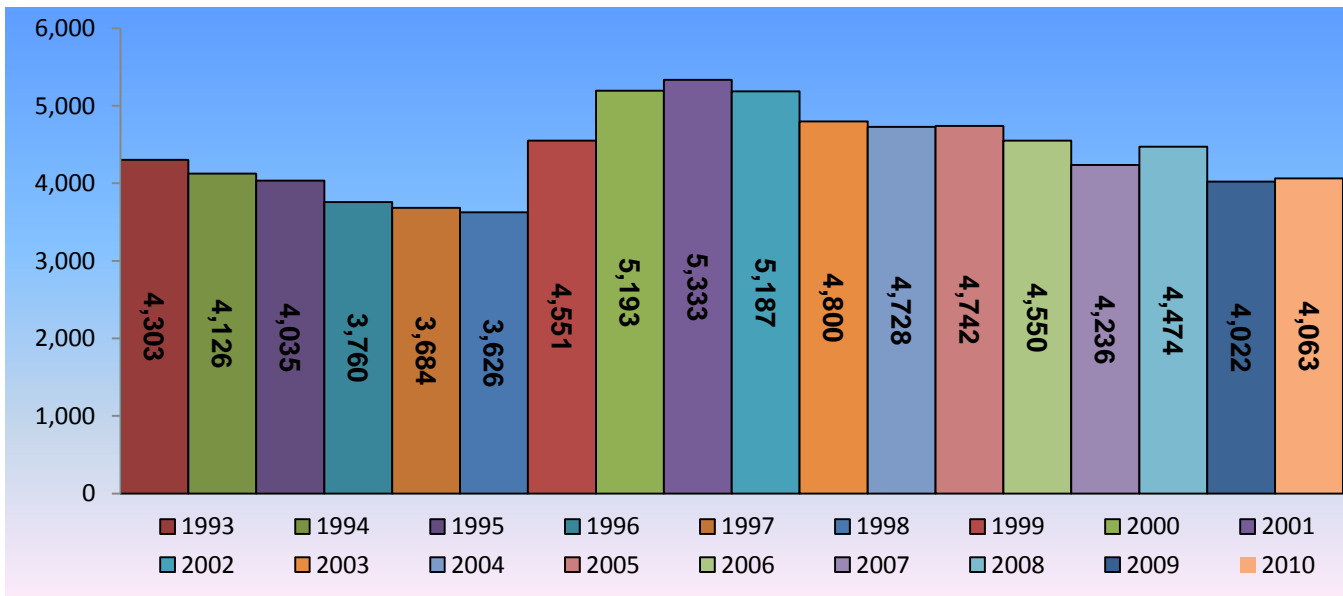
**SARA TITLE III
REPORTING TRENDS
TRI Facilities**

Total Number of TRI Facilities Reporting



* As reported by the PA Department of Labor and Industry

Total Number of TRI Chemicals Reported



* As reported by the PA Department of Labor and Industry

THIS PAGE IS INTENTIONALLY LEFT BLANK

HAZARDOUS MATERIAL INCIDENT RESPONSE CAPABILITY

Act 165 places great emphasis on the capability of emergency organizations to respond to spills and releases of hazardous materials. SARA, Title III requires an information base regarding the nature and location of the chemical hazard and the requirement for off-site safety planning. The logical state extension of this knowledge is to develop a response capability to address the recognized hazards.

A major requirement of the counties under Section 209 of Act 165 is to select the type of hazardous material emergency response capability which best meets the needs of the county to protect the health and safety of the population and the environment. Three options were provided:

1. Individually organize and operate a state-certified hazardous material response team.
2. Contract or have formal agreements with a state-certified hazardous material response team.
3. Participate as a member of a state regional hazardous material organization for the purpose of creating and organizing a state-certified hazardous material response team.

The Pennsylvania Emergency Management Agency (PEMA), as the primary agent for the Pennsylvania Emergency Management Council, established a program to certify hazardous material response teams and set standards for training, equipment, safety, and operations. The Pennsylvania Emergency Management Directive D2004-1 of August 23, 2004, provided organizational and operational guidelines. The standards were patterned after those established by the United States OSHA regulation at 29 CFR 1910.120. The EPA adopted the OSHA regulations in 40 CFR 311. The PEMA Directive also included applicable training and equipment guidance for response to terrorism weapons of mass destruction incidents.

Act 165 provides a number of benefits to state-certified hazmat response teams. These include cost recovery, protection from civil liability, grants to support training and equipment purchases, and consideration for reduced premiums for insurance.

During 2010, the 67 counties were served by a total of 35 state-certified hazardous material response teams. Of these, 24 were county teams and 11 were independent teams. Three of the independent teams were fire departments which had entered into special agreements with their counties. Nine counties entered into contracts or agreements with other counties for hazardous material team coverage, and 37 counties entered into contracts or agreements with the independent teams. Some counties maintained contracts or agreements with more than one team.

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 10

**2010 COUNTY COVERAGE BY CERTIFIED
HAZARDOUS MATERIAL RESPONSE TEAMS**

COUNTY	HMRT	STATUS
Adams	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Allegheny	Allegheny County –City of Pittsburgh Hazardous Material Response Team (Formerly Gold Team)	Certified
	Allegheny County Hazardous Material Response Team (Formerly Green Team)	Certified
Armstrong	McCutcheon Enterprises, Inc. Hazardous Materials Response Team Apollo (Armstrong County)	Contract; certified
Beaver	Beaver County Emergency Response Team 700 Beaver (Beaver County)	Certified
Bedford	Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	Contract; certified
Berks	Berks County Special Operations Group Leesport (Berks County)	Certified
Blair	Altoona Hazmat Team Altoona (Blair County)	Certified
Bradford	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Bucks	Bucks County Hazardous Incident Response Team (HIRT) Ivyland (Bucks County)	Certified
Butler	Butler County Hazmat Team 100 Butler (Butler County)	Certified

COUNTY	HMRT	STATUS
Cambria	Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	Certified
Cameron	Elk County Hazardous Material Response Team Ridgway (Elk County)	Contract; certified
Carbon	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Centre	Penn State University Hazmat Team State College (Centre County)	Contract; certified
	Eagle Towing Jr. Recovery, Inc. Bellefonte (Centre County)	Contract; certified
Chester	Chester County Hazardous Materials Response Team West Chester (Chester County)	Certified
Clarion	McCutcheon Enterprises, Inc. Hazardous Materials Response Team Apollo (Armstrong County)	Contract; certified
Clearfield	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract; certified
Clinton	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract; certified
Columbia	Environmental Products and Services Old Forge (Lackawanna County)	Contract; certified
Crawford	Crawford County Hazardous Material Response Team Meadville (Crawford County)	Certified
Cumberland	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Certified

COUNTY	HMRT	STATUS
Dauphin	Dauphin County Hazardous Materials Response Team Harrisburg (Dauphin County)	Certified
Delaware	HMHTTC, Inc. Wilmington, Delaware	Contract; certified
Elk	Elk County Hazardous Material Response Team Ridgway (Elk County)	Certified
Erie	Erie County Hazardous Materials Response Team Erie (Erie County)	Certified
Fayette	Fayette County Hazardous Materials Response Team 900 Uniontown (Fayette County)	Certified
Forest	McCutcheon Enterprise Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Franklin	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Fulton	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Greene	Weavertown Environmental Group (WEG) Carnegie (Allegheny County)	Contract; certified
Huntingdon	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract; certified
Indiana	Indiana Co. EMA Hazmat Team 900 Indiana (Indiana County)	Certified
Jefferson	Elk County Hazardous Material Response Team Ridgway (Elk County)	Contract; certified
Juniata	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified

COUNTY	HMRT	STATUS
Lackawanna	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
	Datom Products Hazardous Materials Response Team Dunmore (Lackawanna County)	Contract; certified
Lancaster	Hazmat 2 Environmental Fire Rescue Company, Inc. Lancaster (Lancaster County)	Certified
Lawrence	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Lebanon	Lebanon County EMA Hazmat Team Lebanon (Lebanon County)	Certified
Lehigh	Lehigh County Hazardous Materials Response Team Allentown (Lehigh County)	Certified
	Allentown Fire Department HMRT Allentown (Lehigh County)	Contract; certified
Luzerne	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
	Daton Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
	Minuteman Spill Response, Inc. Mifflinville (Columbia County)	Contract; certified
Lycoming	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified

COUNTY	HMRT	STATUS
McKean	Elk County Hazardous Materials Response Team Ridgway (Elk County)	Contract; certified
Mercer	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Mifflin	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract; certified
Monroe	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Montgomery	Montgomery County Hazardous Materials Response Team Eagleville (Montgomery County)	Certified
Montour	Minuteman Spill Response, Inc. Mifflinville (Columbia County)	Contract; certified
Northampton	Lehigh County Hazardous Materials Response Team Allentown (Lehigh County)	Contract; certified
	Bethlehem Fire Dept. Hazmat Team Bethlehem (Northampton County)	Contract; certified
Northumberland	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Perry	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Philadelphia	Hazmat Task Force 1 Philadelphia	Certified
Pike	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified

COUNTY	HMRT	STATUS
Potter	Elk County Hazardous Material Response Team Ridgway (Elk County)	Contract; certified
Schuylkill	Datom Products Hazardous Materials Response Team Dunmore (Lackawanna County)	Contract; certified
Snyder	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Somerset	Somerset Volunteer Fire Dept. HAZMAT Team 601 Somerset (Somerset County)	Contract; certified
Sullivan	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Susquehanna	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Tioga	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
Union	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract; certified
Venango	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Warren	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Washington	Washington County Hazmat Team Washington (Washington County)	Certified

COUNTY	HMRT	STATUS
Wayne	Datom Products Hazardous Materials Response Team Dunmore (Lackawanna County)	Contract; certified
Westmoreland	Westmoreland County Hazardous Materials Response Team 800 Greensburg (Westmoreland County)	Certified
Wyoming	Environmental Products and Services Old Forge (Lackawanna County) (Formerly TEEM Environmental Services)	Contract; certified
York	York County HMRT (HazMat 91) York (York County)	Certified

THIS PAGE IS INTENTIONALLY LEFT BLANK

EMERGENCY NOTIFICATIONS AND INCIDENTS

Since the passage of SARA, Title III, facilities which produce, use or store hazardous chemicals must notify the public through the county emergency dispatch center and the Pennsylvania Emergency Management Agency (PEMA) if an accidental release of a hazardous substance meets or exceeds a designated reportable quantity (RQ), and affects or has the potential to affect persons and/or the environment outside the plant. SARA, Title III and Pennsylvania Act 165 also require a written follow-up report to PEMA and the county. These written follow-up reports are to include any known or anticipated health risks associated with the release, and actions to be taken to mitigate potential future incidents. They are maintained at the county and the state and are available to the public as part of the community right-to-know provisions of SARA, Title III and Act 165.

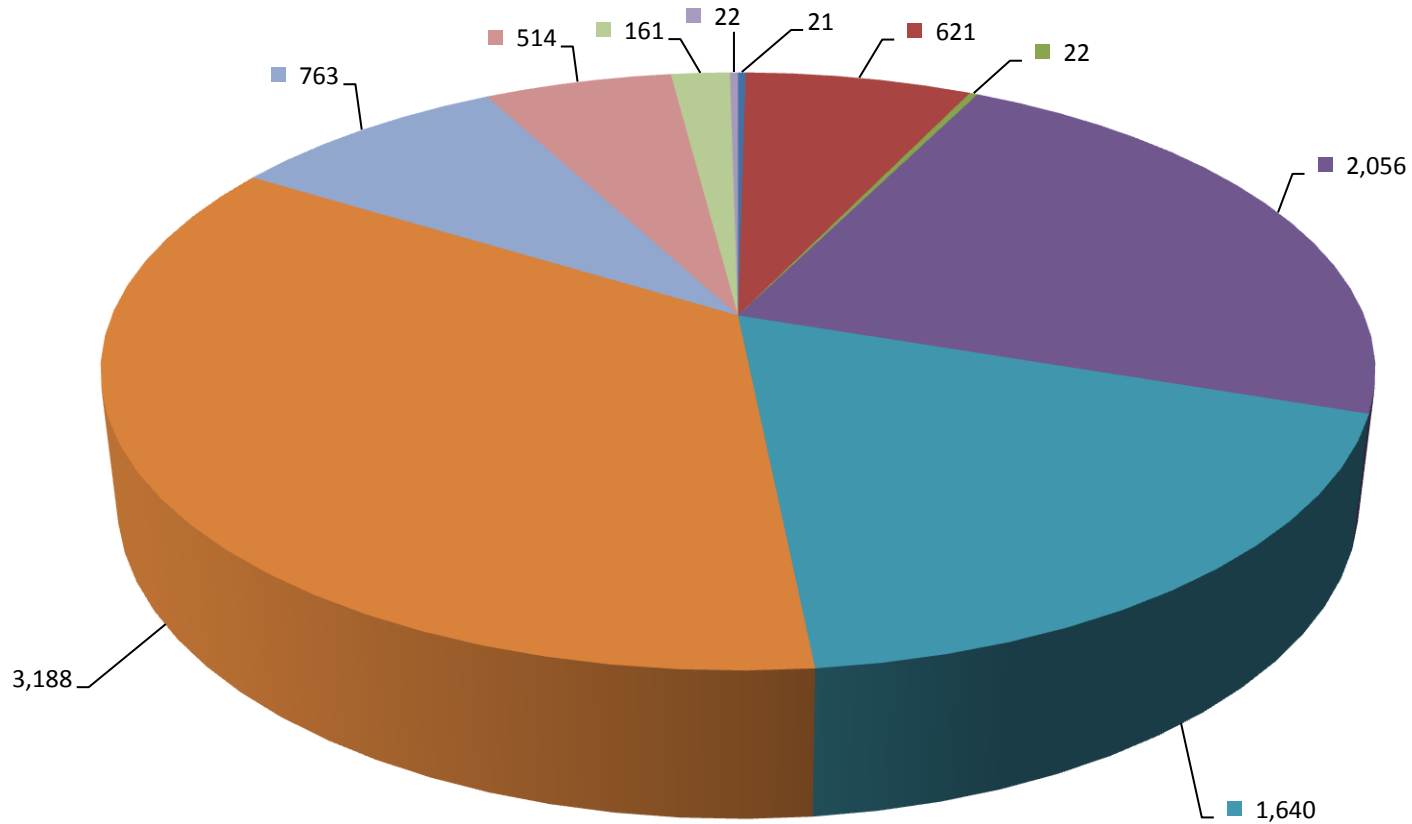
Section 204(a) (10) of Act 165 requires PEMA to staff and operate a 24-hour State emergency operations center to provide effective emergency response coordination, including the ability to receive and monitor the emergency notification reports required by the Act. This Operations Center serves to receive reports and coordinate responses to all types of significant incidents. During 2010, there were 9,008 incident-type events reported to the State Emergency Operations Center (SEOC). Of these, 1,640 were reported as hazardous materials/petroleum incidents.

A graphic summary of incidents reported to the Pennsylvania Emergency Management Agency (State EOC) during the period of this report is at Table 11.

Table 12 provides a summary by county of all incidents reported to the SEOC.

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 11
PEIRS INCIDENTS REPORTED TO PEMA
JANUARY 2010 - DECEMBER 2010



- | | |
|---|---------------------------|
| ■ 21 - ADMIN REMARKS | ■ 621 - ADVERSE/WEATHER |
| ■ 22 - AGRICULTURAL/ANIMAL EMERGENCY | ■ 2,056 - FIRE/RESCUE |
| ■ 1,640 - HAZARDOUS MATERIALS/PETROLEUM | ■ 3,188 - INFRASTRUCTURE |
| ■ 763 - LAW ENFORCEMENT | ■ 514 - OTHER UNSPECIFIED |
| ■ 161 - PUBLIC HEALTH EMERGENCY | ■ 22 - RESOUCCE REQUEST |

THIS PAGE IS INTENTIONALLY LEFT BLANK

TABLE 12

INCIDENT SUMMARY REPORT BY COUNTY

JANUARY 01, 2010 – DECEMBER 31, 2010

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
ADAMS	ADVERSE/WEATHER	5
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	13
	INFRASTRUCTURE	22
	LAW ENFORCEMENT	8
	OTHER UNSPECIFIED	2
		<hr/>
		55
ALLEGHENY	ADMIN REMARKS	9
	ADVERSE WEATHER	63
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	285
	HAZARDOUS MATERIAL/PETROLEUM	147
	INFRASTRUCTURE	264
	LAW ENFORCEMENT	179
	OTHER UNSPECIFIED	109
	PUBLIC HEALTH EMERGENCY	14
	RESOURCE REQUEST	1
		<hr/>
		1,072
ARMSTRONG	ADVERSE WEATHER	3
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/ PETROLEUM	13
	INFRASTRUCTURE	25
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	7
	PUBLIC HEALTH EMERGENCY	8
		<hr/>
		76
BEAVER	ADVERSE WEATHER	7
	FIRE/RESCUE	55
	HAZARDOUS MATERIAL/PETROLEUM	43
	INFRASTRUCTURE	46

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
BEAVER		
	LAW ENFORCEMENT	7
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	2
		<hr/> 164
BEDFORD		
	ADVERSE WEATHER	5
	FIRE/RESCUE	12
	HAZARDOUS MATERIAL/PETROLEUM	17
	INFRASTRUCTURE	23
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	1
		<hr/> 59
BERKS		
	ADVERSE WEATHER	10
	AGRICULTURAL/ANIMAL EMERGENCY	2
	FIRE/RESCUE	53
	HAZARDOUS MATERIAL/PETROLEUM	46
	INFRASTRUCTURE	86
	LAW ENFORCEMENT	33
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	8
		<hr/> 242
BLAIR		
	ADVERSE WEATHER	1
	FIRE/RESCUE	18
	HAZARDOUS MATERIAL/PETROLEUM	11
	INFRASTRUCTURE	59
	LAW ENFORCEMENT	12
	OTHER UNSPECIFIED	7
	PUBLIC HEALTH EMERGENCY	1
		<hr/> 109
BRADFORD		
	ADMIN REMARKS	1
	ADVERSE WEATHER	1
	FIRE/RESCUE	30
	HAZARDOUS MATERIAL/PETROLEUM	19

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
BRADFORD		
	INFRASTRUCTURE	47
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	3
		106
BUCKS		
	ADMIN REMARKS	1
	ADVERSE WEATHER	3
	FIRE/RESCUE	10
	HAZARDOUS MATERIAL/PETROLEUM	31
	INFRASTRUCTURE	27
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	6
	PUBLIC HEALTH EMERGENCY	1
		82
BUTLER		
	ADVERSE WEATHER	2
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	9
	INFRASTRUCTURE	9
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	3
	PUBLIC HEALTH EMERGENCY	1
		32
CAMBRIA		
	ADVERSE WEATHER	9
	FIRE/RESCUE	55
	HAZARDOUS MATERIAL/PETROLEUM	18
	INFRASTRUCTURE	71
	LAW ENFORCEMENT	12
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	5
		178
CAMERON		
	ADVERSE WEATHER	3
	FIRE/RESCUE	2

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
CAMERON	INFRASTRUCTURE	7
	LAW ENFORCEMENT	1
	PUBLIC HEALTH EMERGENCY	1
		<u>14</u>
CARBON	ADVERSE WEATHER	6
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	12
	HAZARDOUS MATERIAL/PETROLEUM	14
	INFRASTRUCTURE	21
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	1
	<u>64</u>	
CENTRE	FIRE/RESCUE	11
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	18
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	2
	PUBLIC HEALTH EMERGENCY	2
	<u>42</u>	
CHESTER	ADMIN REMARKS	1
	ADVERSE WEATHER	11
	FIRE/RESCUE	44
	HAZARDOUS MATERIAL/PETROLEUM	41
	INFRASTRUCTURE	98
	LAW ENFORCEMENT	42
	OTHER UNSPECIFIED	40
	PUBLIC HEALTH EMERGENCY	2
	<u>279</u>	
CLARION	ADVERSE WEATHER	5
	FIRE/RESCUE	15

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
CLARION		
	HAZARDOUS MATERIAL/PETROLEUM	29
	INFRASTRUCTURE	55
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	5
		113
CLEARFIELD		
	ADVERSE WEATHER	6
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	21
	INFRASTRUCTURE	56
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	11
	PUBLIC HEALTH EMERGENCY	5
		117
CLINTON		
	ADVERSE WEATHER	1
	FIRE/RESCUE	21
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	35
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	2
		70
COLUMBIA		
	ADVERSE WEATHER	4
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	18
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	1
		31
CRAWFORD		
	ADVERSE WEATHER	16
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	15

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
CRAWFORD		
	INFRASTRUCTURE	27
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	5
	PUBLIC HEALTH EMERGENCY	2
		73
CUMBERLAND		
	ADVERSE WEATHER	9
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	27
	INFRASTRUCTURE	62
	LAW ENFORCEMENT	16
	OTHER UNSPECIFIED	2
		130
DAUPHIN		
	ADVERSE WEATHER	5
	FIRE/RESCUE	73
	HAZARDOUS MATERIAL/PETROLEUM	55
	INFRASTRUCTURE	73
	LAW ENFORCEMENT	21
	OTHER UNSPECIFIED	11
	PUBLIC HEALTH EMERGENCY	3
	RESOURCE REQUEST	1
		242
DELAWARE		
	ADVERSE WEATHER	4
	FIRE/RESCUE	4
	HAZARDOUS MATERIAL/PETROLEUM	39
	INFRASTRUCTURE	8
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	4
	RESOURCE REQUEST	1
		63

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
ELK	ADVERSE WEATHER	1
	FIRE/RESCUE	12
	HAZARDOUS MATERIAL/PETROLEUM	3
	INFRASTRUCTURE	15
	OTHER UNSPECIFIED	2
	PUBLIC HEALTH EMERGENCY	2
		<hr/>
		35
ERIE	ADVERSE WEATHER	31
	FIRE/RESCUE	104
	HAZARDOUS MATERIAL/PETROLEUM	27
	INFRASTRUCTURE	130
	LAW ENFORCEMENT	27
	OTHER UNSPECIFIED	24
	PUBLIC HEALTH EMERGENCY	3
	RESOURCE REQUEST	2
		<hr/>
		348
FAYETTE	ADVERSE WEATHER	9
	FIRE/RESCUE	27
	HAZARDOUS MATERIAL/PETROLEUM	15
	INFRASTRUCTURE	29
	LAW ENFORCEMENT	7
	OTHER UNSPECIFIED	9
	PUBLIC HEALTH EMERGENCY	3
		<hr/>
		99
FOREST	ADMIN REMARKS	1
	ADVERSE WEATHER	2
	FIRE/RESCUE	2
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	2
	OTHER UNSPECIFIED	2
		<hr/>
		13
FRANKLIN	ADVERSE WEATHER	7
	FIRE/RESCUE	49
	HAZARDOUS MATERIAL/PETROLEUM	16
	INFRASTRUCTURE	43

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
FRANKLIN	LAW ENFORCEMENT	14
	OTHER UNSPECIFIED	2
		131
FULTON	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	2
	INFRASTRUCTURE	10
		14
GREENE	ADVERSE WEATHER	40
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	29
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	3
	97	
HUNTINGDON	ADVERSE WEATHER	4
	FIRE/RESCUE	8
	HAZARDOUS MATERIAL/PETROLEUM	7
	INFRASTRUCTURE	9
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	1
	34	
INDIANA	ADVERSE WEATHER	18
	FIRE/RESCUE	6
	HAZARDOUS MATERIAL/PETROLEUM	15
	INFRASTRUCTURE	22
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	3
	77	

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
JEFFERSON		
	ADVERSE WEATHER	15
	AGRICULTURAL/ANIMAL EMERGENCY	2
	FIRE/RESCUE	20
	HAZARDOUS MATERIAL/PETROLEUM	45
	INFRASTRUCTURE	60
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	9
	PUBLIC HEALTH EMERGENCY	8
		161
JUNIATA		
	ADVERSE WEATHER	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	3
	INFRASTRUCTURE	10
		15
LACKAWANNA		
	ADVERSE WEATHER	5
	FIRE/RESCUE	12
	HAZARDOUS MATERIAL/PETROLEUM	12
	INFRASTRUCTURE	17
	LAW ENFORCEMENT	7
	OTHER UNSPECIFIED	3
	RESOURCE REQUEST	1
		57
LANCASTER		
	ADVERSE WEATHER	13
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	24
	HAZARDOUS MATERIAL/PETROLEUM	45
	INFRASTRUCTURE	47
	LAW ENFORCEMENT	13
	OTHER UNSPECIFIED	10
	RESOURCE REQUEST	1
		154
LAWRENCE		
	ADMIN REMARKS	1
	ADVERSE WEATHER	9
	FIRE/RESCUE	23
	HAZARDOUS MATERIAL/PETROLEUM	15

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
LAWRENCE		
	INFRASTRUCTURE	23
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	3
		85
LEBANON		
	ADVERSE WEATHER	3
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	48
	HAZARDOUS MATERIAL/PETROLEUM	21
	INFRASTRUCTURE	36
	LAW ENFORCEMENT	18
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	3
		131
LEHIGH		
	ADVERSE WEATHER	12
	FIRE/RESCUE	26
	HAZARDOUS MATERIAL/PETROLEUM	57
	INFRASTRUCTURE	74
	LAW ENFORCEMENT	14
	OTHER UNSPECIFIED	11
	PUBLIC HEALTH EMERGENCY	4
	RESOURCE REQUEST	1
		199
LUZERNE		
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	59
	HAZARDOUS MATERIAL/PETROLEUM	39
	INFRASTRUCTURE	26
	LAW ENFORCEMENT	11
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	3
	RESOURCE REQUEST	2
		142
LYCOMING		
	ADVERSE WEATHER	3
	FIRE/RESCUE	9

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
LYCOMING	HAZARDOUS MATERIAL/PETROLEUM	16
	INFRASTRUCTURE	41
	LAW ENFORCEMENT	6
	OTHER UNSPECIFIED	3
		<hr/> 78
MCKEAN	ADVERSE WEATHER	10
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	33
	HAZARDOUS MATERIAL/PETROLEUM	18
	INFRASTRUCTURE	67
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	6
	PUBLIC HEALTH EMERGENCY	5
		<hr/> 145
MERCER	ADMIM REMARKS	1
	ADVERSE WEATHER	2
	FIRE/RESCUE	18
	HAZARDOUS MATERIAL/PETROLEUM	13
	INFRASTRUCTURE	19
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	1
		<hr/> 57
MIFFLIN	ADVERSE WEATHER	2
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	3
	INFRASTRUCTURE	13
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	1
		<hr/> 34
MONROE	ADVERSE WEATHER	2
	FIRE/RESCUE	26
	HAZARDOUS MATERIAL/PETROLEUM	7
	INFRASTRUCTURE	92
	LAW ENFORCEMENT	7

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
MONROE		
	OTHER UNSPECIFIED	13
	PUBLIC HEALTH EMERGENCY	1
		148
MONTGOMERY		
	ADVERSE WEATHER	7
	AGRICULTURAL/ANIMAL EMERGENCY	3
	FIRE/RESCUE	45
	HAZARDOUS MATERIAL/PETROLEUM	92
	INFRASTRUCTURE	116
	LAW ENFORCEMENT	35
	OTHER UNSPECIFIED	10
	PUBLIC HEALTH EMERGENCY	7
	RESOURCE REQUEST	1
		316
MONTOUR		
	FIRE/RESCUE	4
	HAZARDOUS MATERIAL/PETROLEUM	2
	INFRASTRUCTURE	1
	LAW ENFORCEMENT	2
		9
NORTHAMPTON		
	ADVERSE WEATHER	45
	FIRE/RESCUE	193
	HAZARDOUS MATERIAL/PETROLEUM	147
	INFRASTRUCTURE	431
	LAW ENFORCEMENT	38
	OTHER UNSPECIFIED	44
	PUBLIC HEALTH EMERGENCY	19
		917
NORTHUMBERLAND		
	ADVERSE WEATHER	3
	FIRE/RESCUE	26
	HAZARDOUS MATERIAL/PETROLEUM	23
	INFRASTRUCTURE	36
	LAW ENFORCEMENT	4
		92

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
PERRY	AGRICULTURAL/ANIMAL EMERGENCY	1
	HAZARDOUS MATERIAL/PETROLEUM	6
	INFRASTRUCTURE	13
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	1
		24
PHILADELPHIA	ADMIN REMARKS	1
	ADVERSE WEATHER	4
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	9
	HAZARDOUS MATERIAL/PETROLEUM	52
	INFRASTRUCTURE	35
	LAW ENFORCEMENT	36
	OTHER UNSPECIFIED	5
	RESOURCE REQUEST	4
	147	
PIKE	ADVERSE WEATHER	1
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	2
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	7
		12
POTTER	ADVERSE WEATHER	1
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	8
	18	
SCHUYLKILL	ADVERSE WEATHER	4
	FIRE/RESCUE	21
	HAZARDOUS MATERIAL/PETROLEUM	12
	INFRASTRUCTURE	37
	LAW ENFORCEMENT	4
	RESOURCE REQUEST	1
	79	

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
SNYDER		
	FIRE/RESCUE	7
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	20
	LAW ENFORCEMENT	1
		<hr style="width: 100%; border: 1px solid black;"/> 33
SOMERSET		
	ADVERSE WEATHER	18
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	86
	HAZARDOUS MATERIAL/PETROLEUM	16
	INFRASTRUCTURE	63
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	10
	PUBLIC HEALTH EMERGENCY	2
		<hr style="width: 100%; border: 1px solid black;"/> 200
SULLIVAN		
	ADVERSE WEATHER	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	2
	INFRASTRUCTURE	7
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	1
		<hr style="width: 100%; border: 1px solid black;"/> 13
SUSQUEHANNA		
	ADVERSE WEATHER	13
	FIRE/RESCUE	21
	HAZARDOUS MATERIAL/PETROLEUM	10
	INFRASTRUCTURE	27
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	4
	RESOURCE REQUEST	1
		<hr style="width: 100%; border: 1px solid black;"/> 77
TIOGA		
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	3
	HAZARDOUS MATERIAL/PETROLEUM	10
	INFRASTRUCTURE	24
	LAW ENFORCEMENT	3

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
TIOGA		
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	1
		<hr/> 43
UNION		
	ADVERSE WEATHER	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	16
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	2
	PUBLIC HEALTH EMERGENCY	1
	RESOURCE REQUEST	1
		<hr/> 33
VENANGO		
	ADVERSE WEATHER	2
	FIRE/RESCUE	21
	HAZARDOUS MATERIAL/PETROLEUM	10
	INFRASTRUCTURE	42
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	3
		<hr/> 81
WARREN		
	ADVERSE WEATHER	9
	FIRE/RESCUE	69
	HAZARDOUS MATERIAL/PETROLEUM	20
	INFRASTRUCTURE	36
	OTHER UNSPECIFIED	13
	PUBLIC HEALTH EMERGENCY	3
	RESOURCE REQUEST	1
		<hr/> 151
WASHINGTON		
	ADVERSE WEATHER	7
	FIRE/RESCUE	89
	HAZARDOUS MATERIAL/PETROLEUM	34
	INFRASTRUCTURE	90
	LAW ENFORCEMENT	11

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
WASHINGTON		
	OTHER UNSPECIFIED	16
	PUBLIC HEALTH EMERGENCY	7
		254
WAYNE		
	ADVERSE WEATHER	5
	FIRE/RESCUE	7
	HAZARDOUS MATERIAL/PETROLEUM	6
	INFRASTRUCTURE	5
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	2
		26
WESTMORELAND		
	ADVERSE WEATHER	35
	FIRE/RESCUE	79
	HAZARDOUS MATERIAL/PETROLEUM	31
	INFRASTRUCTURE	86
	LAW ENFORCEMENT	21
	OTHER UNSPECIFIED	25
	PUBLIC HEALTH EMERGENCY	16
		293
WYOMING		
	ADVERSE WEATHER	4
	FIRE/RESCUE	15
	HAZARDOUS MATERIAL/PETROLEUM	17
	INFRASTRUCTURE	23
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	2
	RESOURCE REQUEST	1
		66
YORK		
	ADVERSE WEATHER	7
	FIRE/RESCUE	56
	HAZARDOUS MATERIAL/PETROLEUM	118
	INFRASTRUCTURE	84
	LAW ENFORCEMENT	72
	PUBLIC HEALTH EMERGENCY	1
		338

County	CATEGORY	Reported Incidents 1/1/2010 to 12/31/2010
CENTRAL AREA		
	ADMIN REMARKS	1
	ADVERSE WEATHER	4
	INFRASTRUCTURE	2
		<hr/> 7
EASTERN AREA		
	ADMIN REMARKS	1
	ADVERSE WEATHER	6
	FIRE/RESCUE	2
	HAZARDOUS MATERIAL/PETROLEUM	1
		<hr/> 10
WESTERN AREA		
	ADVERSE WEATHER	12
	OTHER UNSPECIFIED	2
	RESOURCE REQUEST	1
		<hr/> 15
STATEWIDE		
	ADMIN REMARKS	3
	ADVERSE WEATHER	64
	INFRASTRUCTURE	8
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	8
	RESOURCE REQUEST	2
		<hr/> 87
GRAND TOTAL		9,008

SUMMARY TOTALS BY REPORT CATEGORY
January 1, Through December 31, 2010

CATEGORY	Number of Reports
ADMIN REMARKS	21
ADVERSE WEATHER	621
AGRICULTURAL/ANIMAL EMERGENCY	22
FIRE/RESCUE	2,056
HAZARDOUS MATERIAL/PETROLEUM	1,640
INFRASTRUCTURE	3,188
LAW ENFORCEMENT	763
OTHER UNSPECIFIED	514
PUBLIC HEALTH EMERGENCY	161
RESOURCE REQUEST	22
TOTAL INCIDENTS REPORTED TO PEMA	9,008

REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES FOR 2010

In 2010, the Pennsylvania State Fire Academy's (PSFA) extensive statewide training program was available at the Academy's resident facility in Lewistown, PA, to all response disciplines, public, private, and military, located in the Commonwealth's 67 counties.

The PSFA's courses are offered as a mechanism to assist "employers" in meeting the Federal requirements outlined in 29 CFR 1910.120 and 40 CFR 311. Those requirements dictate that employees who are expected to respond to hazardous materials incidents receive training that is appropriate for their assigned duties.

The PSFA delivered the bulk of the courses offered in 2010 in local community fire stations or other facilities. This was accomplished through a partnership the PSFA has with our Educational Training Agencies, county fire training schools, the community college network and Mercyhurst College. Other courses were delivered at the Lewistown campus as part of the resident program.

The Office of the State Fire Commissioner (OSFC) also conducted certification testing for hazardous materials response personnel. The certification testing consists of a written examination and a skills performance evaluation. All test items and skill performance are based on the NFPA 472 Standard for Professional Qualifications for Hazardous Materials Response Personnel, current edition.

A large portion of the training for first responders to hazardous material incidents was conducted at the community colleges. The students receiving this training included the following:

	<u>HACC</u>	<u>Beaver County CC</u>	<u>Westmoreland County CC</u>	<u>Montgomery County CC</u>
Awareness	281	38	286	82
Awareness Refresher	347		116	100
Operations	206	89	175	481
Operations Refresher	1589	179	726	1271
Technician	24			52

The PA State Fire Academy has identified a significant need for training in the hazardous materials arena of emergency response because of the threat of terrorism and the increased volume of hazardous materials located in and being transported through our communities. Likewise, because of the complexity of these potential incidents, the need for effective management of a multi-disciplinary, multi-jurisdictional response team has been recognized and is being addressed through the Academy's training program. All incident management courses are National Incident Management System (NIMS) compliant. The courses offered reflect a growing recognition of the complex nature of these types of incidents to which our emergency response organizations are being tasked to respond and resolve.

Pennsylvania is the only state in the nation that delivers all categories of emergency response training to its emergency responders in their stations adapted to meet their schedules. This is called “training on demand” and is a concept unique unto Pennsylvania. The Academy recognizes that many emergency responders have limited training time available to them. Therefore the courses are guaranteed to be concise, up-to-date and accurate, and require only the absolute minimum time necessary to become competent in the knowledge and skills needed to perform the tasks.

Like the training on demand, certification at the awareness level is conducted at the fire stations on a schedule convenient to the emergency responder. Operations level certification is offered at many of the Commonwealth’s 27 field test sites across the Commonwealth.

DEPARTMENT OF LABOR AND INDUSTRY
BUREAU OF PENNSAFE
ANNUAL REPORT FOR 2010

In accordance with the provisions of the Pennsylvania Hazardous Materials Emergency Planning and Response Act (PA Act 1990-165), the Pennsylvania Emergency Management Council/State Emergency Response Commission (SERC) delegated authority and assigned primary responsibility to the Department of Labor and Industry for receiving, processing and managing hazardous chemical information forms and data, trade secrets, and public information requests under that Act and in coordination with the Act of October 5, 1984 (P.L. 734, No. 159), known as the Worker and Community Right-to-Know Act. Within the Department these tasks are performed by the Bureau of PENNSAFE.

Collection Efforts:

Collection of the hazardous chemical fee established by Act 165 continued in 2010 primarily through the use of the Pennsylvania Tier II System (PATTS) which was established in 2006. This system permits the facilities to file their annual reports electronically. It allows for the timely processing and deposit of the fees received from the chemical facilities. Variances in reports from the previous year are reconciled with each county Emergency Management Agency.

An upgrade to the original PATTS through a Homeland Security grant enables the facilities to meet the requirements to report their chemical inventories to Labor and Industry PENNSAFE, the county Local Emergency Planning Committees (LEPC), and the local fire departments by a single report. This provides significant cost savings in terms of reduced resources committed to data collection at multiples levels, the elimination of the annual reconciliation process between the counties and the state, and overall data base maintenance at multiple levels.

The hazardous chemicals fee established by PA Act 165 of 1990 is \$10 per chemical reported as part of the annual reporting cycle but includes fee exemptions for federal, state or municipally owned facilities, service stations, and family farms storing agricultural chemicals. All new reporting facilities that claimed a fee exemption for the Tier II fees were reviewed to validate that claim.

The major portion of the Hazardous Materials Response Fund deposits are realized from the toxic chemical registration (TRI) fees. The TRI reports are detailed reports of the quantities of hazardous chemicals released into the environment by facilities that fall within particular SIC codes. Reporting guidelines and the chemicals to be reported are established by the Environmental Protection Agency (EPA). Facilities are required to submit these reports to both the EPA and to the state by July 1 for the prior calendar year. The state fee is \$250 per chemical reported, with a cap of \$5000 for any facility. In the past the facilities were required to submit their reports to EPA with a copy to the state. As part of the paperwork reduction initiative, EPA established the Central Data Exchange (CDX) to encourage facilities to file their reports online at the federal level. Copies could be printed to be sent to the state, or EPA would forward the information via their secure node exchange to the appropriate state. Using EPA grant funding, in 2009 L&I developed a nodal communication between L&I and EPA's CDX. Starting in 2010,

the majority of facilities reported TRI data directly to EPA via the CDX. EPA then transmits the Pennsylvania data to L&I where it is converted to populate the L&I database. L&I still sends each TRI facility a letter and a blank invoice at the start of the reporting season advising that we are participating in the CDX Exchange and that the facility is required to submit the related state TRI fees directly to L&I. PENNSAFE staff reconciles the amount of the check received against the chemicals that were reported via the CDX. In the past we had also reconciled the reports received at the state with EPA to verify that companies had reported with both agencies. A handful of companies filed hard copies this year, and in many cases they had already filed via the CDX so the data was already imported into the L&I system. For those that were not on the system, PENNSAFE staff completed the data entry internally and notified EPA of the hard copy report. Since we are now receiving the information from EPA directly, the full reconciliation process became both unnecessary and redundant. PENNSAFE validates the data stream and downloading process on a regular basis.

Over the several reporting cycles, Pennsylvania TRI reporting numbers declined as shown below:

REPORT YEAR	NUMBER OF REPORTS	NUMBER OF CHEMICALS
2001	1,438	5,333
2002	1,391	5,187
2003	1,274	4,800
2004	1,264	4,728
2005	1,292	4,272
2006	1,247	4,550
2007	1,277	4,549
2008	1,249	4,467
2009	1,232	4,182
2010	1,191	4,104

Because this is the more significant revenue source, the drop in the number of TRI chemicals reported resulted in a significant decline in the revenue deposited into the Hazardous Material Response Fund.

The reduction in the number of TRI chemicals can be attributed to a variety of factors.

1. For the 2009 reporting cycle, the EPA delisted several chemicals from the reporting requirements. This would reduce the number of chemicals being reported.
2. The goal of the Toxics Release Inventory is to provide the EPA and communities with clear representation of the chemicals being released into the environment and identifying those companies that release the most hazardous chemicals. EPA actively encourages companies to reduce these emissions, which results in some companies migrating to chemical processes that reduce or eliminate the toxicity of their releases. It is also good public relations for a company to reduce its emissions and present itself a good neighbor within the community.
3. With the continued economic problems facilities have relocated, combined operations from multiple sites to a single site, declared bankruptcy and /or closed for business.

Outreach Efforts:

It should be noted that following standard procedures, even with a reduced workforce due to mandatory budgetary reductions, PENNSAFE staff sent a standard letter to every company that had filed a TRI report in the last year but failed to file in the current report year, reminding them of the reporting guidelines and the associated fees. While a response can be requested, the law does not require a facility to formally notify PENNSAFE when they no longer need to report.

There has been a major emphasis on encouraging schools, water and waste water treatment plants to report their hazardous chemicals in the interest of emergency planning and preparedness, which is reflected in the increase in the number of facilities and chemicals reported. However, because most of these facilities are municipally owned and fee exempt, an increase in the fees was not realized.

While PENNSAFE can and does reach out to facilities that might be required to report, the Act currently does not provide PENNSAFE with the ability to conduct an on-site spot inspection.

PENNSAFE staff participated in numerous outreach events throughout the state, including SARA Summits at the county level, presentations at LEPC meetings, and outreach activities specific to Marcellus Shale focus groups. In addition, PENNSAFE staff participated in several PEMA-sponsored events at the state and regional levels. PENNSAFE maintains an active relationship with the EPA Region 3 staff in Philadelphia, as well as with neighboring state programs responsible for SARA Title III reporting activities.

THIS PAGE IS INTENTIONALLY LEFT BLANK

ATTACHMENT 1

PEMA Directive D2001-1



SUBJECT: Expenditure of Act 165-Generated Revenues At the County Level

DATE: January 25, 2001

I. PURPOSE and APPLICABILITY

- A. To clarify the funding/budgeting/expenditure process of the hazardous material safety program at the county level, providing policy guidance for the expenditure of all Act 165-generated funds. Based upon Sections 207, 208, 210, and 302 of Act 165, and Agency policy, Act 165-generated funds, also referred to as Act 165 revenues, include all of the following:
1. Chemical and planning fees collected by the county from owners or operators of facilities subject to the payment of Act 165 fees, as established by county ordinance.
 2. Private donations provided specifically to support a county's hazardous material safety program.
 3. Penalties and fines collected by the county for violations of the provisions of Act 165.
 4. Interest accrued on Act 165 revenues listed above and on grant funds provided under Act 165.
 5. Emergency management grants, also known as matching grants, awarded annually to counties from the State's Hazardous Material Response Fund.
 6. Funds received as reimbursement for Act 165 revenue expenditures in response to hazmat incidents.
- B. The expenditure policy explained herein applies to all Act 165-generated funds for expenditure at county level.

II. **AUTHORITY**

Hazardous Material Emergency Planning and Response Act
(35 P.S. §6022.101-6022.307) (Act 1990-165), hereinafter Act 165.

III. **BACKGROUND**

- A. Act 165 implements Title III of the federal Superfund Amendments and Reauthorization Act (SARA Title III) in Pennsylvania. The Act was established to create a strong working relationship between business and industry and the Commonwealth and its municipalities to protect our citizens from the health hazards and other risks incident to the use, storage, distribution and transportation of hazardous materials. The Act also provides a source of funding for the county hazardous material safety program by requiring facilities within the Commonwealth which use, store, or distribute hazardous chemicals to pay fees to the counties and to the Commonwealth, and by establishing civil penalties and fines for violations of the Act.
- B. Act 165 designated the Pennsylvania Emergency Management Council to supervise and coordinate the activities of the Local Emergency Planning Committees (LEPCs). PEMA was designated as the primary/executive agent for the Council.
- C. PEMA has interpreted its role under Act 165 to be dual - to assist counties in developing an effective hazardous material safety program, and to manage the statewide program in a manner that protects the interests of the Commonwealth's citizens as well as those of industry. This role requires the development of policy guidance for the expenditure of Act 165-generated funds.
- D. Each county is required by the Act to have a hazardous material safety program. In some counties the total cost of the program can be funded with the fees and fines collected from SARA facility owner/operators within the county. In others, a portion of the program costs is assumed by the county.

IV. **BUDGETING PROCESS**

- A. A county should give careful attention to the costs of an effective hazardous material safety program during its annual budgeting process. This should be done at the same time that the county develops its overall annual budget. A separate budget/proposed spending plan should be developed for the hazmat program.

- B. The development of a complete, detailed, and accurate spending plan (budget) for the hazardous material safety program in the county is essential. This spending plan should be based on the guidance contained herein which is derived from Act 165.

All collections and expenditures of Act 165-generated funds are subject to audit.

- C. The annual budget for Act 165-generated funds at county level should be developed as follows:

1. Estimate the total costs of the hazmat program for the coming year considering past expenses, planned activities, and known requirements for training, equipment, etc.
2. Estimate the income to be received for the program through the chemical and planning fees based on the number of paying facilities and the number of hazardous chemicals for which fees are collected in the county.
3. Determine the balance of unobligated funds available in the county's Hazardous Material Emergency Response Account established as directed by Section 207(b) of Act 165.
4. If estimated costs exceed the estimated income and the unobligated balance, county funds may be necessary to finance the remainder of the program.
5. Place into the hazmat safety program budget essential activities/costs.
6. Shortfalls from the above step become the county's unmet needs.
7. These unmet needs are items to which the annual Act 165 Match Grant from the State may be applied if they fall within one of the seven eligible costs listed in Section 208(c) of the Act. The Match Grant program under Act 165 is intended to enhance the county's hazardous material safety program through supplementation of funds.

V. **VALID PROGRAM COSTS**

- A. Act 165 revenues, including grant funds and interest earned by Act 165 revenues in the county's Hazardous Material Emergency Response Account, are to be expended only for the county hazardous material safety program. They are not to be used to fund general county expenditures, nor

to fully fund the costs of general emergency management/public safety items and activities.

1. Act 165-generated revenues can only be used to pay for actual hazardous materials program costs, to train emergency responders for hazmat emergencies, and to pay for other costs that directly advance and improve the county's hazmat program.
 2. No county employees or elected or appointed officials (e.g., commissioners, the treasurer, the comptroller, and county purchasing staff), except the county emergency management agency staff or others who work directly in the hazmat program, can be paid or compensated with funds generated by or under Act 165.
 3. Act 165 revenues may be used to fund multi-hazard/multi-program items provided that the percentage of the item's cost that is funded by Act 165 revenues is equivalent to the percentage of that item's use in the county's hazardous material safety program. For example, if the item will be used 50% of the time for hazmat program purposes, then 50% of the item's cost may be funded by Act 165 revenues.
 4. Determination of usage is to be made by the county Emergency Management Coordinator, or higher qualified authority, and is to be based on experience factors or documented analyses, consistently applied. An acceptable alternate method for determining the percentage of costs to be applied to Act 165 funds is to divide the costs equally among all the departments/agencies/functions utilizing the item regardless of the actual usage in each.
- B. Examples of authorized expenditures for Act 165-generated funds are listed below. Expenditures for any costs which do not conform to the following guidelines require prior approval of the Pennsylvania Emergency Management Agency acting on behalf of the Pennsylvania Emergency Management Council. A county is not required to purchase or accomplish all of the items listed below. The list of program costs is provided for guidance purposes only and is not to be construed as a priority list. Each county may determine which program costs/items should have funding priority based upon the county's decision-making process.

1. Administration

- a. office supplies, telephone usage, postage, printing/document reproduction.
- b. software purchases and license fees which are directly related and necessary for the county hazmat safety program.
- c. acquisition of computers, peripherals, and office equipment (Note: maintenance of such equipment is a county general fund responsibility).
- d. cost of billing and collecting chemical and planning fees, records keeping, files maintenance of Act 165 documents, and any costs directly related to an audit of the Hazardous Material Emergency Response Account in compliance with Act 165.
- e. costs associated with making facility off-site emergency response plans available to the public in accordance with SARA Title III.
- f. costs associated with development of grant applications and required program activity reports.

2. Detection and Warning Equipment

- a. devices to detect the presence of hazardous materials.
- b. alarms and alert notification systems.
- c. maintenance and calibration of these items of equipment.

3. Drills and Exercises

- a. planning hazmat drills and exercises.
- b. travel within the county, and lodging, if required, for county employees, LEPC members or representatives, and volunteers for the purpose of developing hazmat drills and exercises. Travel expense payment not to exceed current approved State rates.

- c. cost of usage of county and volunteer organization vehicles in hazmat drills and exercises, including gasoline, maintenance, tires, etc. Cost standards to be applied must be consistent with the county cost applications for vehicle usage for all other official purposes.
- d. replenishment of consumable supplies used in hazmat drills and exercises.
- e. meals and snacks for participants in hazmat drills and exercises.
- f. lodging and subsistence, if required, for participants in drills and exercises.

4. Hazmat Team Equipment

- a. equipment required by the county certified hazmat team, or contract certified hazmat team (provided that ownership of the equipment is retained by the county), as outlined in the required equipment list set forth in PEMA Emergency Management Directive No. D99-2, dated October 1, 1999, or its successor.
- b. reference materials to assist the certified hazmat team in its operations.
- c. other appropriate hazmat team equipment deemed necessary by the county for safe and effective hazmat team operations. Purchase to be approved by the LEPC and documentation of need to be retained for audit purposes.

5. LEPC Support (See also 8. Plans Development)

- a. office supplies, postage, use of computers and office equipment, and printing/document reproduction directly related to LEPC activities.
- b. reference materials to assist in SARA facility off-site response plans development.
- c. local travel costs of LEPC members to county facilities for meetings, inspections, etc. Travel reimbursement not to exceed current approved State rates.

- d. attendance at hazardous material/SARA Title III, LEPC conferences and training for LEPC members, to include travel, lodging and subsistence costs. Travel reimbursement not to exceed current approved State rates.
- e. public announcements of LEPC meetings and other LEPC activities.
- f. costs associated with public information or outreach programs, including the development, printing and distribution of brochures and information pamphlets.

6. Hazmat Operations

- a. stockage or replenishment of absorbent, containment, and over packing materials, and other consumables for use by first responders to hazmat incidents.
- b. cost of usage of county and volunteer organization vehicles, including gasoline, tires, maintenance, etc. Cost standards to be applied must be consistent with the county cost application for vehicle usage for other official purposes.
- c. communications equipment, including battery replacement, message transmission costs, etc.
- d. specialized needs for the county EOC and command post support operations.
- e. protective clothing and equipment for county emergency response personnel who respond to hazmat incidents.
- f. reference materials required by emergency responders who respond to hazmat incidents.
- g. decontamination equipment and supplies.
- h. hazmat incident response costs, in accordance with Section 210 of Act 165, for a county's certified hazmat team and its supporting paid or volunteer emergency service organizations that qualify under Section 210(b) of Act 165, when those costs cannot be recovered from the person (as defined in Section 103 of Act 165) responsible for the release. However, each supporting paid or volunteer emergency organization may receive from Act

165-generated funds no more per response than the amount provided for in Section 207(b)(1) of Act 165.

7. Personnel

- a. proportionate share of wages and benefits of full-time county personnel involved in the hazmat program consistent with the actual amount of time spent on the hazmat program. However, for any county position which is also funded by federal or state funds from other programs, the Act 165 revenues that are applied may not result in the wages and benefits for that position being funded at more than 100%.
- b. funding of wages for temporary or part-time employees' work in the hazmat program.
- c. contract personnel employed for specific functions in the hazmat program. Contracts must be approved by the LEPC and must pass the test of reasonableness.
- d. initial and maintenance physical examinations and health surveys of members of state-certified hazmat teams.

8. SARA Facility Off-site Response Plans Development

- a. travel to county SARA Title III planning facilities; reimbursement not to exceed current approved State rates.
- b. clerical support needed to prepare SARA facility off-site response plans.
- c. printing/document reproduction and distribution costs associated with the preparation of SARA facility off-site response plans.
- d. reference materials needed to prepare SARA facility off-site response plans.
- e. consultation or contract services needed to prepare facility plans. Requires approval of the LEPC and need and cost must pass the test of reasonableness.

9. Specialized Equipment

- a. specialized communications or other types of equipment that are needed to coordinate emergency response activities at a hazmat incident, including generators and portable lighting.
- b. weather monitoring devices.

10. Supplies

- a. replacement of other hazmat program consumables, such as batteries, components of detection devices, etc.
- b. purchase of specialized hazmat tools.

11. Training

- a. adequate training for all personnel who respond to and participate in a hazardous material incident. Certified hazmat team members must be trained in accordance with PEMA Emergency Management Directive No. D99-2, dated October 1, 1999, or its successor. Fire Department personnel are required to be trained to the Operations Level. Other emergency responders from police departments, emergency medical services, public works, the county Emergency Management Agency, and the LEPC, must be trained at the Awareness/Recognition Level at a minimum, but preferably at the Operations Level.
- b. technical and other advanced hazmat training for emergency response personnel as needed at the discretion of the county, to include specialized training for response to incidents of terrorism, particularly those involving employment of weapons of mass destruction (WMD).
- c. emergency medical service personnel and hospital staffs must be trained in the proper handling of persons contaminated by hazardous materials.
- d. county administrative personnel require training in the use of communications and computer equipment, etc.
- e. other specialized training as may be required to meet the needs of the county hazardous material safety program.

- f. the PA State Fire Academy in Lewistown is a primary hazardous materials training facility. The Federal Emergency Management Institute in Emmetsburg, Maryland, is another valuable hazmat training center. Other institutions that have appropriate training resources such as community colleges, which offer approved courses at little or no cost to the counties, should also be used. Other training sources may be funded with Act 165 revenues only when the above are not able to meet the training requirements of the county.
- g. Authorized training expenditures, all of which must pass the test of reasonable and prudent current practice, include:
 - (1) travel, registration fees, subsistence, and lodging of students.
 - (2) instructor fees.
 - (3) course materials, including video tapes for individualized study.
 - (4) equipment needed to conduct training.
 - (5) costs associated with conducting LEPC / county-sponsored Business and Industry seminars or training sessions, "Outreach" programs, etc.

12. Vehicles

- a. purchase and/or modification of county vehicles, including trailers, to transport personnel and equipment to a hazmat incident scene.
- b. purchase or modification of county vehicles to be used as on-scene command posts.
- c. operating costs and maintenance of county hazmat response vehicles, including gasoline, tires, maintenance, etc., consistent with county cost applications for vehicle usage for all other official purposes.
- d. county hazmat response vehicle insurance costs.

13. Other Costs

- a. insurance costs for the county's certified hazmat team.
- b. temporary equipment rental.
- c. retainer fee for the county's contracted certified hazmat team.
- d. contingency fund to reimburse the county or contract certified hazmat team and/or supporting paid or volunteer emergency service organizations for response costs in the event reimbursement cannot be obtained from spiller. The amount of this fund is to be approved by the LEPC.
- e. county hazmat facility rental, purchase, construction, or modification.
- f. legal and other costs associated with the county's enforcement program against Act 165 violators or the collection of county hazardous material emergency response costs from known spillers.

14. Initiatives

Other new projects or programs that would enhance the hazmat safety program in the county, as approved by the LEPC. An example is terrorism weapons of mass destruction (WMD) planning, training, and equipment.

15. Reserve Fund

- a. Purchases of high cost equipment, such as vehicles, may not be possible in any one year with Act 165-generated funds. In such cases, a portion of the costs of these items may be set aside and accumulated over a period of time for future expenditure when sufficient funds are available.
- b. The amount of this fund is to be determined by the LEPC and is to be based on a documented determination of need. Because fund accumulations of this nature are unusual and may become quite large, having an ancillary impact on state-wide hazmat program activities, final approval of such funds shall rest with PEMA. Reserve Funds proposals will be forwarded upon LEPC approval to the serving PEMA Region Office for review and then to the Chemical

Preparedness Program Manager, PEMA Bureau of Plans, for final approval. Documentation is to be retained for audit purposes.

VI. **RETENTION OF RECORDS FOR AUDIT**

- A. Each county is required to retain all financial records of Act 165-generated funds, including receipts, invoices, vouchers, supporting documents, statistical records and other records that will support and document the collection and expenditure of the funds.
- B. All such financial records must be retained for a period of three years after the completion of the year in which each expenditure occurs.
- C. A county shall make the records described above available for audit by Commonwealth auditors and Agency officials within ten (10) working days after receiving a written request for those records. The audit request may be made at any time during the record retention period.

VII. **INFORMATION**

For further information or with questions, please contact the Bureau of Plans, Chemical Emergency Preparedness Program Manager at 717-651-2199 or through 1-800-HBG-PEMA.

David L. Smith
Director

Distribution:
County EMA Coordinators
Chair, County LEPCs
PEMA Regional Offices
PEMA Bureau Directors
PEMA Chief Counsel

ATTACHMENT 2

DISTRIBUTION

Distribution of this document is in accordance with the requirements of the Hazardous Materials Emergency Preparedness Act/Act-165 of 1990 as amended.

This document is also available in an electronic format on the Pennsylvania Emergency Management Agency (PEMA) website.