

**PENNSYLVANIA HAZARDOUS MATERIAL
EMERGENCY PLANNING AND
RESPONSE ACT 1990-165**

2016 ANNUAL REPORT

Prepared by



pennsylvania
EMERGENCY MANAGEMENT AGENCY

Prepared for

Pennsylvania Emergency Management Council



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**COMMONWEALTH OF PENNSYLVANIA
HAZARDOUS MATERIAL
EMERGENCY PLANNING AND RESPONSE ACT
Annual Report - 2016**

EXECUTIVE SUMMARY

This report addresses the activities associated with the Commonwealth of Pennsylvania Hazardous Materials Emergency Planning and Response Act (Act 1990-165, as amended) for calendar year 2016. An annual report to the General Assembly is a requirement of this Act.

Background: The Hazardous Materials 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, was established to implement the federal Superfund Amendment and Reauthorization Act (SARA), Title III Emergency Planning and Community Right-to-Know Act of 1986. 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 the reduction of the time frame in which chemical facilities are required to report the presence of hazardous chemicals on-site from within 30 days after receipt, as required by federal statute, to five business days, as the new requirement in Pennsylvania.

Act 165 formalized compliance with SARA, Title III which mandates the establishment of a chemical safety program to include planning for possible spills and releases of hazardous chemicals, and for making available information regarding potential hazards to those who may be affected.

Additionally, Act 165 created the State Hazardous Material Response Fund (HMRF) and directed the creation of a Hazardous Material Emergency Response (HMER) 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 (PEMC), the Pennsylvania Emergency Management Agency (PEMA), the counties, and the local governments. The Council, augmented by the Secretary of L&I, 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 (HMRTs).

The funding base for chemical emergency preparedness at the state and county levels is the 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 directors/coordinators, and HMRT 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 (HMRF). The other, at the county level, is known as the Hazardous Material Emergency Response (HMER) Account.

The HMRF 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 L&I 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 2016, a total of \$1,330,000.00 was distributed to counties via these grants.

The HMER 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 off-site 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 (HMERP) report, and by the PEMA Directive providing guidance on expenditures of these revenues, a copy of which is attached to this report. During 2016, the county annual update reports showed a total of \$2,820,934.04 acquired by the counties in chemical and planning fees and interest.

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 in 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 PEMC. These appointments are routinely administered by PEMA because of its designation by Act 165 as the primary agent for the Council. Under SARA, Title III and Act 165, the LEPC is subject to the supervision of the Council. SARA, Title III requires that each LEPC develop an emergency plan for the chemical facilities in its area. Pennsylvania has adopted a facility-specific approach, wherein an off-site emergency response plan is to be developed for each facility which has on its premises, at any time in a year, an extremely hazardous substance at or above the “threshold planning quantity” listed in the *List of Lists* developed by the United States Environmental Protection Agency (EPA). As of December 31, 2016, there were in effect 3,520 off-site emergency response plans required by the LEPCs and reviewed and approved by the PEMA Area Offices on behalf of the Council. This number changes 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 off-site emergency response plans for facilities which have on site a designated quantity (as established by the EPA) 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 established by the EPA must report annually on their chemical inventory. Federal form Tier II is used. In 2016, 11,668 facilities reported on 40,004 hazardous chemicals. Additionally, facilities dealing with large quantities of a specified list of toxic chemicals must report annually on emissions. In the 2016 reporting year, 1,168 facilities reported on 3,952 toxic chemicals released during the preceding year.

Emergency Notification: During 2016, the number of incident-type events reported to the Commonwealth Watch and Warning Center (CWWC) was 14,071. Of these, 2,110 were reported as being hazardous material/petroleum related. None required prolonged evacuation or resulted in significant harm to personnel on damage to the environment.

Hazardous Material Response Capability: In accordance with Act 165, HMRTs 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. This inspection includes a demonstration of satisfactory performance in a full-scale exercise designed around a hazardous chemical spill or release. As of December 31, 2016, Pennsylvania had 34 state-certified HMRTs. Of these teams, 22 were county teams and 12 were contract teams. Some of the teams provided coverage for more than one county.

Training: In keeping with training standards for emergency response personnel set by federal regulation *Hazardous Waste Operation and Emergency Response*, (OSHA 29 CFR 1910.120/EPA 40 CFR 311), 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 HMRT personnel must be trained to the Technician,

Specialist, or Incident Command level. Training courses are offered throughout the Commonwealth.

Exercises: The Commonwealth requires the counties to have an exercise program to ensure an adequate response capability of the HMRT staff and emergency response personnel. Certification and re-certification of the HMRTs requires that satisfactory response capability be demonstrated in a full-scale exercise of a hazardous material incident.

Operation and Administration of the Program: During this reporting period, available program funds were authorized for 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 HMRT inspections.

Outreach and Public Education: The county LEPCs establish outreach programs to train and educate the public through displays, lectures, press releases, and responses to requests for information. Act 165 addresses the expenditure of portions of the HMRF for this purpose. The Pennsylvania Department of Labor and Industry's PENNSAFE program provides assistance in this upon request. These programs engage the general public in the awareness of hazardous chemicals in their areas, the safety features in place, and the precautions they should take. PEMA and PENNSAFE have developed a compliance manual explaining SARA, Title III and Act 165, and have made the manual available to employers who are subject to the reporting and planning requirements of Act 165.

Right-to-Know: Each county has a program to provide specific information regarding a possible specific threat to the individual requesting it, and assurance that all possible efforts have been made to mitigate any threat. An individual must make a specific request and follow the procedures established by the county. Every effort is made to ensure that sensitive information is protected in this current environment of terrorist threats.

2016 HIGHLIGHTS

CHEMICAL EMERGENCY PREPAREDNESS PROGRAM

The counties submitted their annual updated reports of their Hazardous Material Emergency Response Preparedness (HMERP) as required by Act 165 which reflected the events of calendar year 2016 and the status as of December 31, 2016. 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, response organization, response capabilities, financial status, 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 to collect fees from facilities manufacturing or storing hazardous chemicals, the fees collected during the report year, and the account balance. 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 165-Generated Revenues at the County Level*. During 2016 the reported generated funds amounted to \$2,820,934.04.

The annual grant from the Hazardous Material Response Fund (HMRF) was again administered in 2016. A total of \$1,330,000.00 was awarded to counties that applied for eligible expenditures as outlined in Act 165.

The Department of Labor and Industry (L&I), Bureau of Occupational and Industrial Safety (BOIS)/PENNSAFE Program continued its mission of serving as the repository for the required SARA, Title III Tier II data. The online Pennsylvania Tier II System (PATTS), implemented in 2006, continued to show reduced management costs from the previous system by providing a one-step reporting system to satisfy the requirements of providing reports to the state, the county, and the local fire department. With excellent customer service from the PENNSAFE Program, most of the reports of all the chemical facilities were filed online in 2016. This platform can filter the data for use by the appropriate county and local emergency response personnel. The safety and security of these data are maintained through implementation of user acceptance agreements between the department and the county LEPC. Most of the LEPCs have executed a memorandum of understanding and are using this system as their primary source for data collection and archiving. These electronically available data can be assessed by a facility and updated to meet compliance requirements in subsequent years. This system also provides PEMA immediate access to this information.

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

The extensive Marcellus Shale extraction activity continued in 2016. The owners/operators of each well site are responsible to ensure a Tier II report listing the hazardous chemicals on site is submitted. The activity usually involves the delivery of the chemicals by a sub-contractor. The chemicals are stored and used on the site until the fracking processes is completed. The BOIS/PENNSAFE Program continued to work closely with this industry which resulted in an open line of communications with the well owners and drilling companies who continued to provide timely information to the county LEPCs and the local fire departments. In some cases the reports were filed in advance as a courtesy for emergency planning.

The Pennsylvania State Fire Academy is utilized as a primary training facility pursuant to its duties under Title 35 (Emergency Management Services Code). In 2016, 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.

Again in 2016, PEMA provided monetary assistance to the Pennsylvania Association of Hazardous Material Technicians for their annual conference and educational seminar for hazardous material technicians which was well attended by emergency responders.

December 6, 2016, marked the 23rd anniversary with no responder deaths attributed to off-site 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 2016 was the 22nd year of the U.S. Department of Transportation Hazardous Material Emergency Preparedness (HMEP) Grant Program which provides funds upon application by the Commonwealth, which are then passed through the Commonwealth to the counties upon the application of each for the development of plans to respond to transportation related hazardous material incidents, and for the transportation related training of emergency responders. In 2016, of the 67 counties, 30 applied for and were awarded HMEP grants. Some counties applied for grants for training activities, some for planning activities, and some for both. Of the applicants, 25 counties were awarded grants for training activities in the amount of \$319,295 and 23 counties were awarded grants for planning activities in the amount of \$144,327, for total federal grant awards or \$463,622. Because these are reimbursable grants, the counties had to expend funds for the previously approved projects and then request reimbursement for the actual expenses incurred for these approved projects.

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 SERC for Pennsylvania.

The Pennsylvania Emergency Management Council (PEMC) as established by Executive Order 1987-08 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 each 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 2015 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. Section 201(f) states, "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 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) * 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.

* response costs

TABLE 1

2016 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION

The Honorable Thomas W. Wolf
Governor

The Honorable Michael Stack
Lt. Governor

Brigadier General Anthony J. Carrelli
Adjutant General

Dr. Karen Murphy
Secretary of Health

Josh Shapiro
Attorney General

Denise Smyler
General Counsel

Patrick McDonnell
Secretary of Environmental Protection

Leslie Richards
Secretary of Transportation

Russell C. Redding
Secretary of Agriculture

Dennis M. Davin
Secretary of Community and Economic Development

Theodore Dallas
Secretary of Human Services

Colonel Tyree C. Blocker
Commissioner, Pennsylvania State Police

Gladys M. Brown
Chairman, Public Utility Commission

Kathy Manderino
Secretary of Labor and Industry

Timothy Solobay
State Fire Commissioner

Representing Senate President Pro Tempore Joseph Scarnati, III
Senator Randy Vulakovich

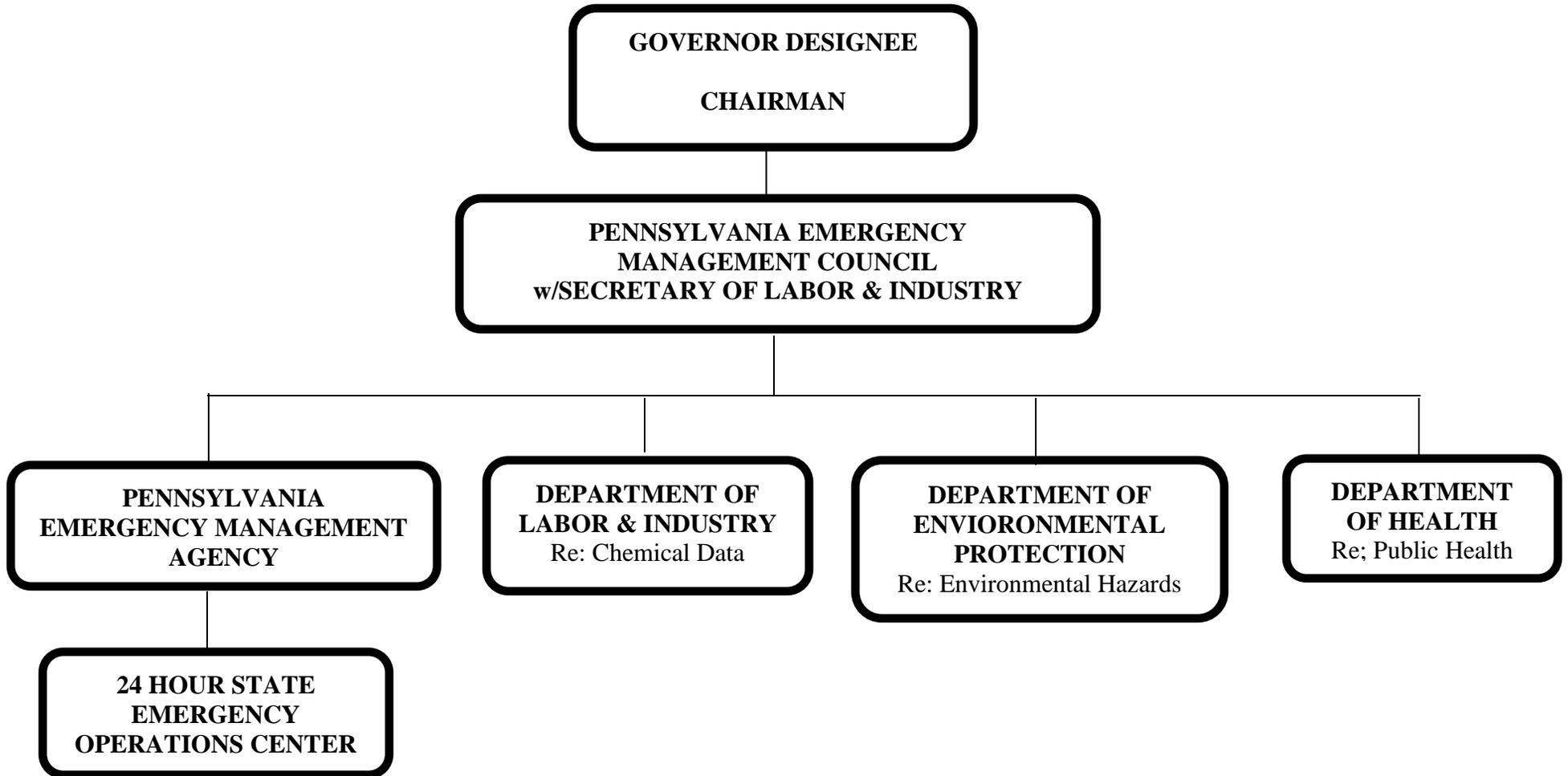
Senate Minority Leader Jay Costa
(Also serves as chair of the Veterans Affairs & Emergency Preparedness Committee)

Representing House Speaker Mike Turzai
State Representative Stephen Barrar

Representing Minority House Leader Frank Dermody
State Representative Chris Sainato

TABLE 2

STATE EMERGENCY RESPONSE COMMISSION ORGANIZATION



The Pennsylvania Emergency Management Agency is the primary agent responsible for performing the functions and duties of the Council.

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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* (EPCRA). 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 material spills and releases.

SARA, 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 SERC; **Section 202** designates each county as an emergency planning district; and **Section 203** requires each county to establish at least one LEPC subject to the Council, increases the membership over that required by Title III, and establishes the duties of the committees.
- b. **Title III Section 303** requires each LEPC 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. The amendment of Act 165 in 2000 reduced the federal reporting threshold of 60 days to a reporting threshold of five business days.

- 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 LEPC 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 (CWWC). 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 L&I 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 of any specified chemicals that were manufactured, processed, or otherwise used. 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 L&I 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 302** addresses significant state and local penalties, and **Act 165 Section 303** address enforcement actions.

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 (HMRT), 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 five working days as opposed to the original requirement to report within 60 days.

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LOCAL EMERGENCY PLANNING COMMITTEES **(LEPC)**

Section 203 of Act 165 specifies that at least one LEPC shall be established in each county. The local committee shall be subject to the supervision of the Pennsylvania Emergency Management Council (PEMC) and shall cooperate with the county emergency management agency and the chemical facilities in preparing the required off-site 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 (EMC), 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; and
7. Owners and operators of facilities subject to the requirements of SARA, Title III.

The LEPC elects a chairperson from its members. The county EMC 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 III; 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 as set forth in SARA, Title III, and as required by the council.
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.

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TABLE 3

2016 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. Eugene Miketa
5.	Bedford	Mr. David E. Cubbison
6.	Berks	Ms. Carolyn S. O'Hare
7.	Blair	Mr. Joseph Adams
8.	Bradford	Mr. Joel Bonnell
9.	Bucks	Mr. Robert A. Kay
10.	Butler	Mr. Scott Hoffman
11.	Cambria	Mr. Ronald J. Springer
12.	Cameron	Mr. Adam Johnson
13.	Carbon	Mr. Robert Miller
14.	Centre	Mr. Shawn Kauffman
15.	Chester	Dr. Robert S. Fleming
16.	Clarion	Mr. Randall L. Stahlman
17.	Clearfield	Mr. Joseph Mitchell
18.	Clinton	Mr. Kevin Perry
19.	Columbia	Mr. Philip Yoder
20.	Crawford	Mr. Brian S. Pilarcik
21.	Cumberland	Mr. Steven Spangler
22.	Dauphin	Mr. Christopher J. Fisher

COUNTY**CHAIRPERSON**

23.	Delaware	Mr. Edward T. Doyle, Jr.
24.	Elk	Mr. Michael H. Bauer, Jr.
25.	Erie	Mr. Charles Ramsey
26.	Fayette	Mr. Guy Napolillo
27.	Forest	Mr. Robert J. Snyder, Jr.
28.	Franklin	Mr. William L. Little
29.	Fulton	Ms. Donna Welsh
30.	Greene	Mr. Gregory C. Leathers
31.	Huntingdon	Mr. Joseph Thompson
32.	Indiana	Mr. Jon Pina
33.	Jefferson	Mr. Albert Reid
34.	Juniata	Mr. John Shirk
35.	Lackawanna	Mr. Steve Pitoniak
36.	Lancaster	Mr. Randall Gockley
37.	Lawrence	Mr. Donald J. Cataldi
38.	Lebanon	Mr. Robert Dowd
39.	Lehigh	Ms. Nicole Burton
40.	Luzerne	Mr. Joseph Perugino
41.	Lycoming	Ms. Melisa Hunter
42.	McKean	Mr. Bruce Manning
43.	Mercer	Mr. Richard J. Weinzierl
44.	Mifflin	Ms. Judi Smith
45.	Monroe	Dr. Clarence J. Murphy
46.	Montgomery	Mr. Steven Wittmer
47.	Montour	Mr. Scott Bitting

COUNTY**CHAIRPERSON**

48.	Northampton	Mr. William B. Hillanbrand
49.	Northumberland	Mr. Steven J. Jeffery
50.	Perry	Mr. Michael Minich
51.	Philadelphia	Mr. David Binder
52.	Pike	Mr. Scott Gillette
53.	Potter	Ms. Helen Turner
54.	Schuylkill	Mr. Randall M. Kalce
55.	Snyder	Mr. Fred Wagner
56.	Somerset	Mr. Frederic Rosemeyer
57.	Sullivan	Mr. Deveron Wilcox
58.	Susquehanna	Mr. Blaine Dibble
59.	Tioga	Mr. Jim Weaver
60.	Union	Mr. Stanley Hudson
61.	Venango	Mr. Timothy L. Dunkle
62.	Warren	Mr. Brandon Deppen
63.	Washington	Mr. Jeffery Yates
64.	Wayne	Commissioner Wendell Kay
65.	Westmoreland	Mr. Les Harvey
66.	Wyoming	Mr. Ronald Coolbaugh
67.	York	Mr. Daniel J. O'Connell

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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 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 1 each year by each facility requiring an off-site emergency response plan. In 2016 a total of \$2,820,934.04 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 is outlined in PEMA Directive D2001-1, which 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 and fines for violations of the laws and regulations, 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 and Industry, Bureau of Occupational and Industrial Safety/PENNSAFE Program 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 percent may be expended on training programs.
2. Up to 10 percent may be expended for public and facility owner education, information, and participation programs.
3. Up to 10 percent 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.

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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 165, 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. 36 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 LEPC
 - b. Costs associated with the LEPCs preparation of SARA, Title III facility off-site emergency response plans
 - c. Costs associated with the LEPCs 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 were to 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 SERC. An initial reimbursement of \$214,094.82 was approved by the SERC 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 Material Response Team (HMRT) may be eligible to receive an emergency management grant from the Hazardous Material Response Fund (HMRF) 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 HMRTs 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 HMER 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 PEMA.
3. The county's provision for certified HMRT coverage within the county.
4. The county's continued active participation, through its county commissioners or county executive and its county EMC, in the operation of the county's LEPC 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 Council considers that the periodic meetings of the LEPC must be no less frequently than quarterly.

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 HMRT 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 PEMA as the primary agent for the PEMC/SERC 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 HMER Account. The LEPC assists in the preparation of the county report.

Each county's report is reviewed by PEMA, the primary agent for the 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 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 attached PEMA Directive D2001-1.)

The total of the Act 165-generated revenues reported by the counties for 2016 was \$2,820,934.04 (See Table 4)

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TABLE 4
ACT 165 REVENUES
THROUGH CALENDAR YEAR (CY) 2016

COUNTY	ASSESSMENT FUNDS REPORTED 2016	ASSESSMENT TOTAL THROUGH 2016	INITIAL GRANT	RETROACTIVE GRANT PAID	MATCH GRANT 2016	TOTAL MATCH GRANTS THROUGH 2016	ACT 165-GENERATED FUNDS TOTAL THROUGH 2016
Adams	27,000.83	524,762.05	1,500.00	4,593.12	26,004.16	474,365.37	1,005,220.54
Allegheny	225,800.00	5,222,863.19		562,915.64	98,809.87	1,367,418.05	7,153,196.88
Armstrong	29,223.48	524,061.39	1,500.00	14,729.81	9,446.15	230,084.49	770,375.69
Beaver	71,502.01	1,720,377.45	1,500.00	41,647.19	31,144.92	579,217.65	2,342,742.29
Bedford	10,900.72	201,393.14	1,500.00		6,202.05	124,688.62	327,581.76
Berks	126,365.73	3,182,742.68	1,500.00	211,352.03	56,187.84	950,536.89	4,346,131.60
Blair	52,482.88	1,262,130.49	1,500.00		23,732.73	452,506.51	1,716,137.00
Bradford	59,813.16	648,420.12	1,500.00		9,493.00	150,990.86	800,910.98
Bucks	184,962.91	4,078,148.61	1,500.00	172,882.81	59,602.46	1,299,437.71	5,551,969.13
Butler	85,225.00	1,311,807.15	1,500.00	85,648.95	23,827.92	579,262.93	1,978,219.03
Cambria	18,820.63	556,346.72	1,500.00	76,320.10	16,533.34	388,474.60	1,022,641.42
Cameron	2,461.80	51,812.76	1,500.00		1,584.19	11,750.80	65,063.56
Carbon	7,950.00	188,324.60	1,500.00		1,701.38	149,363.26	339,187.86
Centre	14,296.00	454,240.00	1,500.00		14,296.00	338,359.27	794,099.27
Chester	63,250.00	1,481,054.70	1,500.00	230,289.89	39,195.40	1,214,238.80	2,927,083.39
Clarion	12,933.52	192,396.11	1,500.00	8,741.62	4,098.29	82,082.45	284,720.18
Clearfield	21,225.00	567,503.43	1,500.00		11,077.58	326,945.17	895,948.60
Clinton	18,840.62	390,517.16	1,500.00	4,813.71	13,318.15	447,696.82	844,527.69
Columbia	16,771.67	354,670.58	1,500.00		7,565.00	163,815.47	519,986.05
Crawford	45,850.36	691,969.15	1,500.00		19,266.06	360,620.36	1,054,089.51
Cumberland	40,324.30	647,580.95	1,500.00	9,795.00	50,089.98	546,538.41	1,205,414.36
Dauphin	53,749.75	1,319,082.79	1,500.00	55,597.01	45,230.64	873,858.77	2,250,038.57
Delaware	NP	2,323,495.74		228,094.69		199,843.90	2,751,434.33
Elk	24,538.75	463,458.56	1,500.00		6,808.43	117,813.10	582,771.66
Erie	45,925.00	1,292,689.61	1,500.00	60,030.79	36,137.54	720,776.99	2,074,997.39
Fayette	32,707.71	481,560.64	1,500.00	74,433.61	8,704.00	277,017.24	834,511.49
Forest		2,750.00	1,500.00				4,250.00
Franklin	22,892.19	482,165.31	1,500.00		18,828.20	542,050.18	1,025,715.49
Fulton	2,229.35	39,362.82	1,500.00		3,785.14	133,246.80	174,109.62
Greene	29,753.52	342,561.74	1,500.00			42,432.96	386,494.70
Huntingdon	10,042.49	161,221.98	1,500.00		8,697.33	188,942.78	351,664.76
Indiana	23,238.60	593,893.87	1,500.00	62,261.93	5,835.14	330,156.33	987,812.13
Jefferson	14,557.00	304,259.32	1,500.00	1,800.37	6,834.00	163,887.84	471,447.53
Juniata	5,670.86	83,853.73	1,500.00	13,106.96	4,425.91	177,569.43	276,030.12

TABLE 4
ACT 165 REVENUES
THROUGH CALENDAR YEAR (CY) 2016

COUNTY	ASSESSMENT FUNDS REPORTED 2016	ASSESSMENT TOTAL THROUGH 2016	INITIAL GRANT	RETROACTIVE GRANT PAID	MATCH GRANT 2016	TOTAL MATCH GRANTS THROUGH 2016	ACT 165-GENERATED FUNDS TOTAL THROUGH 2016
Lackawanna	23,544.16	537,879.89	1,500.00		16,303.39	124,276.62	663,656.51
Lancaster	99,902.16	2,725,161.20	1,500.00	109,205.74	62,927.66	941,801.95	3,777,668.89
Lawrence	24,170.75	484,693.29	1,500.00	382.94	9,258.96	162,272.91	648,849.14
Lebanon	27,988.86	389,984.82	1,500.00	32,229.94	18,570.20	241,214.87	664,929.63
Lehigh	73,454.32	1,416,046.00	1,500.00		37,659.12	508,159.61	1,925,705.61
Luzerne	63,398.63	1,451,234.70	1,500.00	22,763.50	35,043.97	461,803.02	1,937,301.22
Lycoming	65,050.00	936,319.98	1,500.00	108,620.80	16,573.72	674,757.47	1,721,198.25
McKean	45,814.71	388,568.34	1,500.00		9,546.20	111,492.52	501,560.86
Mercer	55,889.15	833,626.92	1,500.00	10,268.42	13,844.86	136,750.75	982,146.09
Mifflin	5,530.46	298,977.06	1,500.00		8,603.72	309,104.79	609,581.85
Monroe	24,675.00	511,388.81	1,500.00		12,241.48	117,256.38	630,145.19
Montgomery	139,268.96	3,572,603.17		126,085.00	88,586.39	2,070,888.46	5,769,576.63
Montour	4,541.83	84,462.44	1,500.00	446.59	3,419.53	21,070.07	107,479.10
Northampton	50,325.00	1,121,739.99	1,500.00		26,736.83	176,374.69	1,299,614.68
Northumberland	44,082.14	661,037.21	1,500.00		15,462.39	273,709.99	936,247.20
Perry	2,316.22	50,788.03	1,500.00		8,316.22	174,467.68	226,755.71
Philadelphia	116,880.00	3,173,359.83		56,381.57	60,710.51	2,255,593.95	5,485,335.35
Pike	1,351.01	29,381.58	1,500.00	1,204.00	1,351.00	105,228.43	137,314.01
Potter	11,907.32	112,628.55	1,500.00	3,274.15	5,801.67	182,549.95	299,952.65
Schuylkill	46,785.30	955,901.87	1,500.00		32,637.59	318,864.54	1,276,266.41
Snyder	5,289.19	131,006.23	1,500.00		7,679.14	184,327.27	316,833.50
Somerset	18,904.39	348,596.07	1,500.00		12,317.24	267,544.25	617,640.32
Sullivan	4,857.18	64,247.31	1,500.00		4,266.00	94,877.39	160,624.70
Susquehanna	77,364.49	403,083.45	1,500.00	2,383.32	11,289.53	117,375.76	524,342.53
Tioga	17,770.69	287,412.28	1,500.00	22,829.99	6,623.29	214,294.65	526,036.92
Union	7,709.25	188,598.21	1,500.00	15,664.75	11,836.05	227,239.36	433,002.32
Venango	38,350.00	576,741.79	1,500.00		7,830.00	122,751.42	700,993.21
Warren	17,140.73	335,007.11	1,500.00		7,392.62	127,953.32	464,460.43
Washington	103,662.77	1,390,588.27	1,500.00	15,744.27	19,630.15	359,175.59	1,767,008.13
Wayne	4,781.50	119,155.84	1,500.00		10,013.53	170,513.71	291,169.55
Westmoreland	83,367.60	1,792,597.51	1,500.00	65,709.99	30,756.40	618,574.40	2,478,381.90
Wyoming	18,476.56	142,734.20	1,500.00			136,990.79	281,224.99
York	95,077.87	2,021,917.07	1,500.00	61,264.47	48,307.84	575,525.50	2,660,207.04
TOTALS	2,820,934.04	59,680,947.56	94,500.00	2,573,514.67	1,330,000.00	26,590,772.87	88,939,735.10

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 has adopted a policy that requires LEPCS to prepare off-site emergency response plans 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 EHS listed in the EPA publication, *Title III List of Lists*, in quantities at or greater than the Threshold Planning Quantity (TPQ) listed notify the 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 required reporting time to five business days.

At the end of 2016, there were 3,520 chemical facilities identified as subject to the SARA, Title III planning requirements for which off-site emergency response plans were required to be developed by the county LEPCs. This figure varies each year as a result of facilities starting up, going out of business, and changing their chemical inventories.

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 (OSHA) 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 EHS, the reporting quantity 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. 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 2016 calendar/reporting year 11,668 facilities submitted reports on 40,004 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 2016 calendar/reporting year, 1,168 facilities submitted reports on 3,952 chemicals. 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
CHEMICAL FACILITIES
by County
As of: December 31, 2016

COUNTY	County Plans Required	COUNTY	County Plans Required
ADAMS	67	LACKAWANNA	23
ALLEGHENY	272	LANCASTER	187
ARMSTRONG	27	LAWRENCE	26
BEAVER	73	LEBANON	43
BEDFORD	16	LEHIGH	116
BERKS	146	LUZERNE	89
BLAIR	72	LYCOMING	34
BRADFORD	21	McKEAN	22
BUCKS	165	MERCER	36
BUTLER	52	MIFFLIN	9
CAMBRIA	49	MONROE	34
CAMERON	1	MONTGOMERY	259
CARBON	12	MONTOUR	8
CENTRE	49	NORTHAMPTON	83
CHESTER	107	NORTHUMBERLAND	23
CLARION	12	PERRY	14
CLEARFIELD	24	PHILADELPHIA	181
CLINTON	27	PIKE	0
COLUMBIA	21	POTTER	14
CRAWFORD	37	SCHUYLKILL	87
CUMBERLAND	152	SNYDER	6
DAUPHIN	103	SOMERSET	17
DELAWARE	77	SULLIVAN	0
ELK	18	SUSQUEHANNA	8
ERIE	92	TIOGA	12
FAYETTE	31	UNION	16
FOREST	11	VENANGO	21
FRANKLIN	64	WARREN	19
FULTON	6	WASHINGTON	48
GREENE	5	WAYNE	8
HUNTINGDON	7	WESTMORELAND	86
INDIANA	6	WYOMING	13
JEFFERSON	21	YORK	125
JUNIATA	10	TOTAL	3,520

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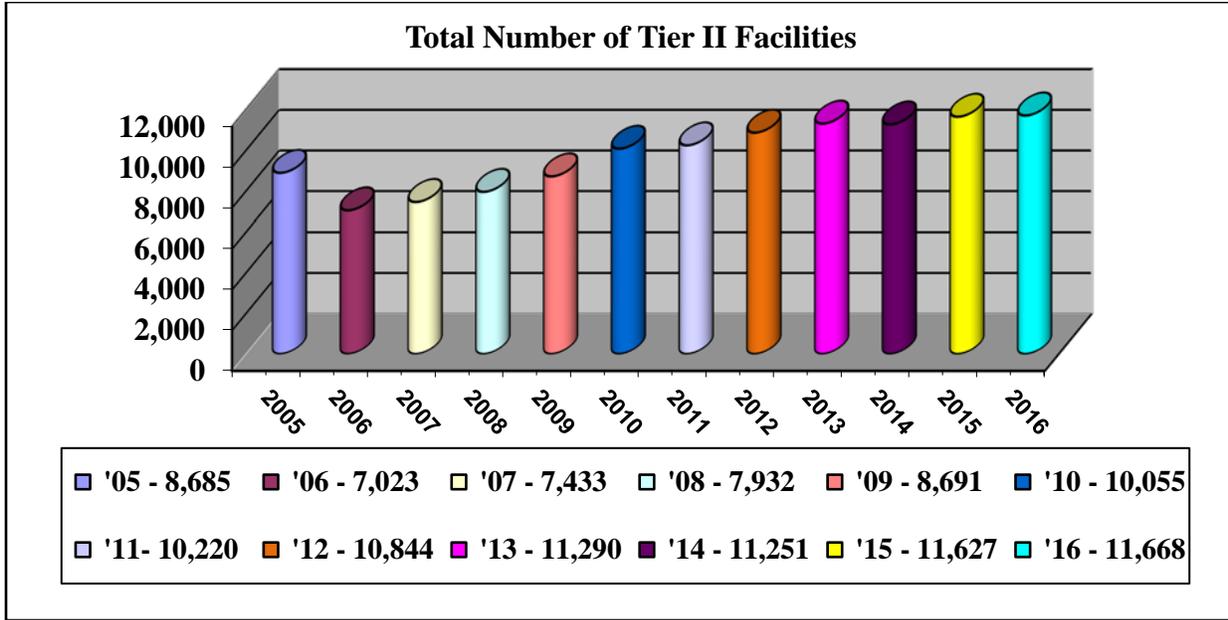
TABLE 6
SARA, TITLE III - TIER II SUBMISSIONS
2016 Reporting Year

County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	139	447	35	Lackawanna	115	370
02	Allegheny	700	3173	36	Lancaster	346	1273
03	Armstrong	123	392	37	Lawrence	91	321
04	Beaver	174	920	38	Lebanon	116	416
05	Bedford	50	152	39	Lehigh	234	876
06	Berks	335	1453	40	Luzerne	224	737
07	Blair	174	762	41	Lycoming	264	849
08	Bradford	419	1142	42	McKean	390	601
09	Bucks	356	2403	43	Mercer	312	710
10	Butler	265	1125	44	Mifflin	35	116
11	Cambria	104	270	45	Monroe	82	303
12	Cameron	22	43	46	Montgomery	513	1824
13	Carbon	52	138	47	Montour	15	58
14	Centre	114	328	48	Northampton	166	673
15	Chester	252	802	49	Northumberland	87	346
16	Clarion	118	165	50	Perry	27	55
17	Clearfield	123	336	51	Philadelphia	450	1676
18	Clinton	75	436	52	Pike	21	25
19	Columbia	58	219	53	Potter	40	134
20	Crawford	486	710	54	Schuylkill	198	630
21	Cumberland	223	720	55	Snyder	39	84
22	Dauphin	262	808	56	Somerset	104	239
23	Delaware	159	840	57	Sullivan	37	103
24	Elk	97	319	58	Susquehanna	296	1374
25	Erie	237	630	59	Tioga	137	388
26	Fayette	124	402	60	Union	46	129
27	Forest	95	105	61	Venango	82	262
28	Franklin	131	446	62	Warren	83	221
29	Fulton	10	23	63	Washington	439	1519
30	Greene	188	538	64	Wayne	36	70
31	Huntingdon	51	158	65	Westmoreland	345	976
32	Indiana	100	282	66	Wyoming	76	248
33	Jefferson	80	225	67	York	300	1412
34	Juniata	26	74		TOTAL	11,668	40,004

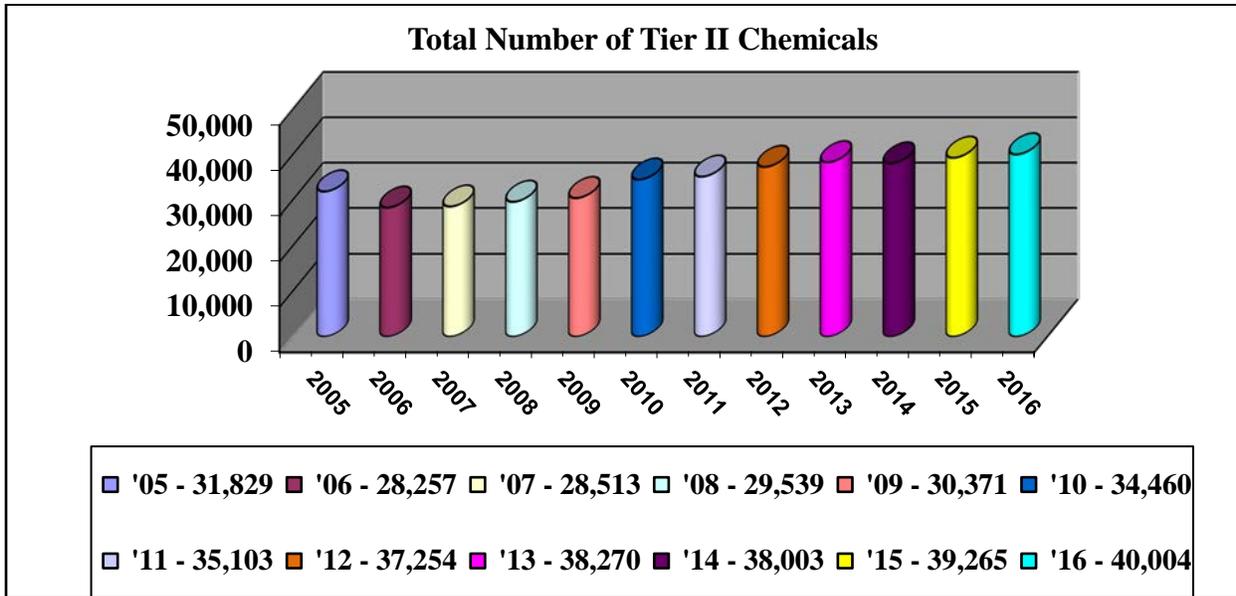
* As reported by the PA Department of Labor and Industry. Reflects 2015 activity reported in 2016.

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



*As reported by the PA Department of Labor and Industry



*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.

The data above are reporting years reflecting previous year's activities.

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TABLE 8
SARA TITLE III - TOXIC RELEASE INVENTORY (TRI) SUBMISSIONS
2016 REPORTING YEAR

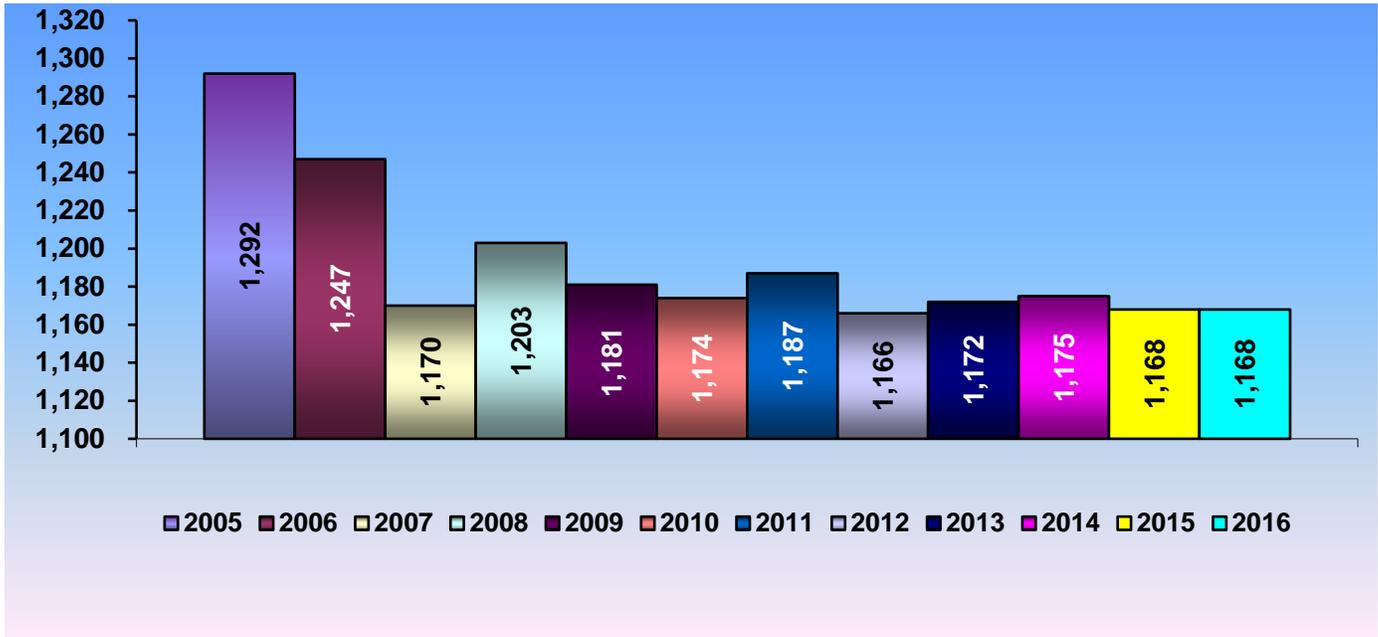
County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	12	19	35	Lackawanna	12	34
02	Allegheny	82	398	36	Lancaster	70	196
03	Armstrong	6	32	37	Lawrence	18	61
04	Beaver	37	199	38	Lebanon	24	71
05	Bedford	6	16	39	Lehigh	29	73
06	Berks	44	160	40	Luzerne	30	69
07	Blair	15	57	41	Lycoming	19	50
08	Bradford	8	38	42	McKean	14	55
09	Bucks	50	158	43	Mercer	27	104
10	Butler	34	130	44	Mifflin	4	7
11	Cambria	11	50	45	Monroe	8	16
12	Cameron	4	7	46	Montgomery	57	142
13	Carbon	9	35	47	Montour	2	19
14	Centre	10	11	48	Northampton	29	117
15	Chester	30	82	49	Northumberland	10	38
16	Clarion	3	5	50	Perry	0	0
17	Clearfield	14	44	51	Philadelphia	32	117
18	Clinton	3	27	52	Pike	0	0
19	Columbia	7	21	53	Potter	4	6
20	Crawford	15	52	54	Schuylkill	23	117
21	Cumberland	20	53	55	Snyder	3	12
22	Dauphin	18	53	56	Somerset	10	23
23	Delaware	19	84	57	Sullivan	0	0
24	Elk	25	73	58	Susquehanna	0	0
25	Erie	53	127	59	Tioga	9	23
26	Fayette	5	14	60	Union	5	6
27	Forest	0	0	61	Venango	14	51
28	Franklin	14	34	62	Warren	9	48
29	Fulton	2	10	63	Washington	28	87
30	Greene	2	4	64	Wayne	2	3
31	Huntingdon	2	6	65	Westmoreland	38	121
32	Indiana	8	65	66	Wyoming	1	6
33	Jefferson	13	22	67	York	53	184
34	Juniata	3	10				
				TOTAL		1,168	3,952

*As reported by the PA Department of Labor and Industry. Reflects 2015 activity reported in 2016.

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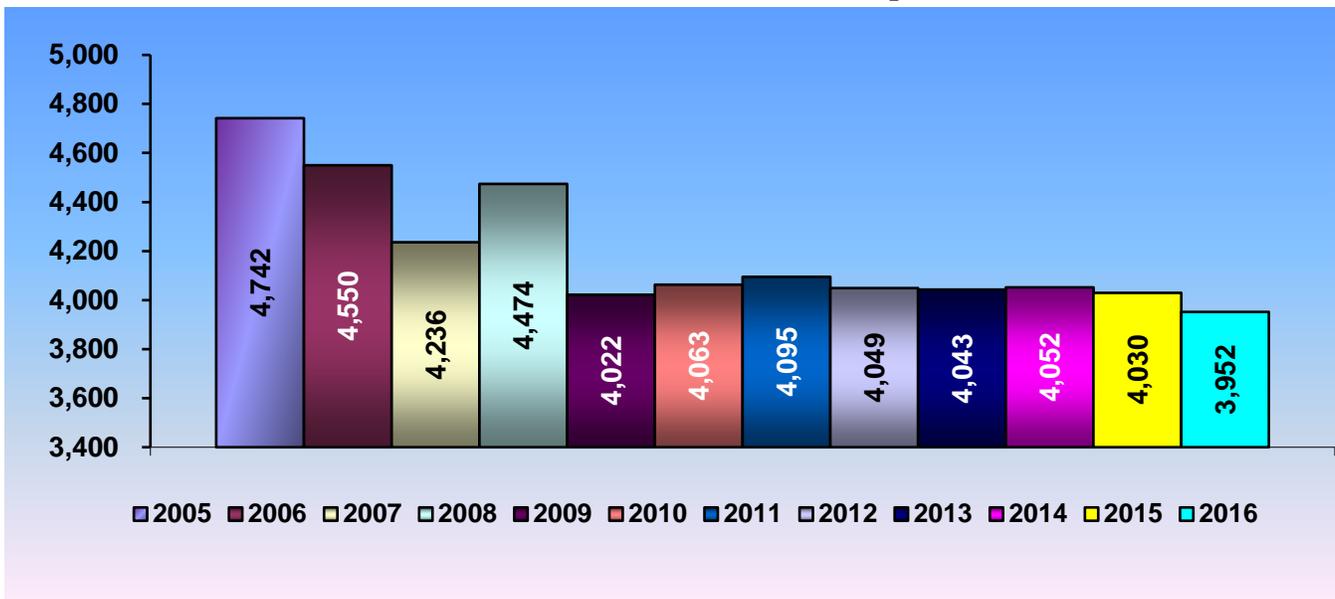
TABLE 9
SARA TITLE III
REPORTING TRENDS
TOXIC RELEASE INVENTORY (TRI) FACILITIES

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

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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 for the establishment of a hazardous material response team (HMRT):

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

PEMA, as the primary agent for the Council, established a program to certify HMRTs and set standards for training, equipment, safety, and operations. PEMA 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 2016, the 67 counties were served by a total of 34 state-certified teams. Of these, 22 were county teams and 12 were independent teams. Three of the independent teams were fire departments which had entered into special agreements with their counties. Eight counties entered into contracts or agreements with other counties for hazardous material team coverage, and 36 counties entered into contracts or agreements with the independent teams. Some counties maintained contracts or agreements with more than one team.

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TABLE 10

**2016 COUNTY COVERAGE BY CERTIFIED
HAZARDOUS MATERIAL RESPONSE TEAMS**

COUNTY	HMRT	STATUS
Adams	Environmental Products and Services of Vermont, Inc. Harrisburg (Dauphin County)	Contract; certified
Allegheny	City of Pittsburgh Hazardous Materials Response Team (Formerly Gold Team)	Certified
	Allegheny County Hazardous Material Response Team (Formerly Green, Blue, Red, and Silver Teams)	Certified
Armstrong	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Beaver	Beaver County Emergency Response Team 700 Beaver (Beaver County)	Certified
Bedford	Cambria County Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	Contract; certified
Berks	Berks County Special Operations Group Leesport (Berks County)	Certified
Blair	Altoona Fire Department Hazardous Material Response Team Altoona (Blair County)	Contract; certified
Bradford	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
Bucks	Bucks County Hazardous Incident Response Team (HIRT) Ivyland (Bucks County)	Certified

COUNTY	HMRT	STATUS
Butler	Butler County Hazardous Material Response Team 100 Butler (Butler County)	Certified
Cambria	Cambria County Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	Certified
Cameron	Elk County Hazardous Material Response Team Ridgway (Elk County)	Contract; certified
Carbon	Rapid Response, Inc. Hazardous Material Response Team Northampton (Northampton County)	Contract; certified
Centre	Penn State University Hazmat Team State College (Centre County)	Contract; certified
	Eagle Towing & Recovery, Inc. Hazardous Material Response Team Milesburg (Centre County)	Contract; certified
Chester	Chester County Hazardous Material Response Team West Chester (Chester County)	Certified
Clarion	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Clearfield	Eagle Towing & Recovery, Inc. Hazardous Material Response Team Milesburg (Centre County)	Contract; certified
Clinton	Eagle Towing & Recovery, Inc. Hazardous Material Response Team Milesburg (Centre County)	Contract; certified
Columbia	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Crawford	McCutcheon Enterprise, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Cumberland	Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Certified
Dauphin	Dauphin County Hazardous Material Response Team Harrisburg (Dauphin County)	Certified
Delaware		
Elk	Elk County Hazardous Material Response Team Ridgway (Elk County)	Certified
Erie	Erie County Hazardous Material Response Team Erie (Erie County)	Certified
Fayette	Fayette County Hazardous Material Response Team 900 Uniontown (Fayette County)	Certified
Forest	McCutcheon Enterprise Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Franklin	Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Fulton	Environmental Products and Services of Vermont, Inc. Harrisburg (Dauphin County)	Contract; certified
Greene	Weavertown Environmental Group (WEG) Carnegie (Allegheny County)	Contract; certified

COUNTY	HMRT	STATUS
Huntingdon	Eagle Towing & Recovery, Inc. Hazardous Material Response Team 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	Northridge Environmental Group, Inc. Northumberland (Northumberland County)	Contract; certified
Lackawanna	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Lancaster	Hazmat 2 Environmental Fire Rescue Company, Inc. Manheim (Lancaster County)	Contract; certified
Lawrence	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Lebanon	Lebanon County EMA Hazardous Material Response Team Lebanon (Lebanon County)	Certified
Lehigh	Lehigh County Special Operations Hazardous Material Response Team Allentown (Lehigh County)	Certified
	Allentown Fire Department HMRT Allentown (Lehigh County)	Contract; certified
	Bethlehem Fire Department HMRT Bethlehem (Lehigh County)	Contract; certified
Luzerne	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Lycoming	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
McKean	Elk County Hazardous Material 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. Hazardous Material Response Team Milesburg (Centre County)	Contract; certified
Monroe	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
Montgomery	Montgomery County Hazardous Material Response Team Eagleville (Montgomery County)	Certified
Montour	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
Northampton	Lehigh County Hazardous Material Response Team Allentown (Lehigh County)	Contract; certified
	Bethlehem Fire Dept. Hazmat Team Bethlehem (Northampton County)	Contract; certified
Northumberland	Northumberland County Hazardous Material Response Team 49 Sunbury (Northumberland County)	Certified

COUNTY	HMRT	STATUS
Perry	Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Philadelphia	Hazmat Task Force 1 Philadelphia	Certified
Pike	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Potter	Elk County Hazardous Material Response Team Ridgway (Elk County)	Contract; certified
Schuylkill	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Snyder	Northridge Environmental Group, Inc. Northumberland (Northumberland County)	Contract; certified
Somerset	Somerset County Hazmat Team 600 Somerset (Somerset County)	Certified
Sullivan	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
Susquehanna	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Tioga	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Union	Northridge Environmental Group, Inc. Winfield (Union 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 Response Team Washington (Washington County)	Certified
Wayne	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Westmoreland	Westmoreland County Hazardous Material Response Team 800 Greensburg (Westmoreland County)	Certified
Wyoming	Environmental Products and Services of Vermont, Inc. Old Forge (Lackawanna County)	Contract; certified
York	County of York Hazardous Material Emergency Response Team (HazMat 91) York (York County)	Certified

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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 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 or environmental 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.

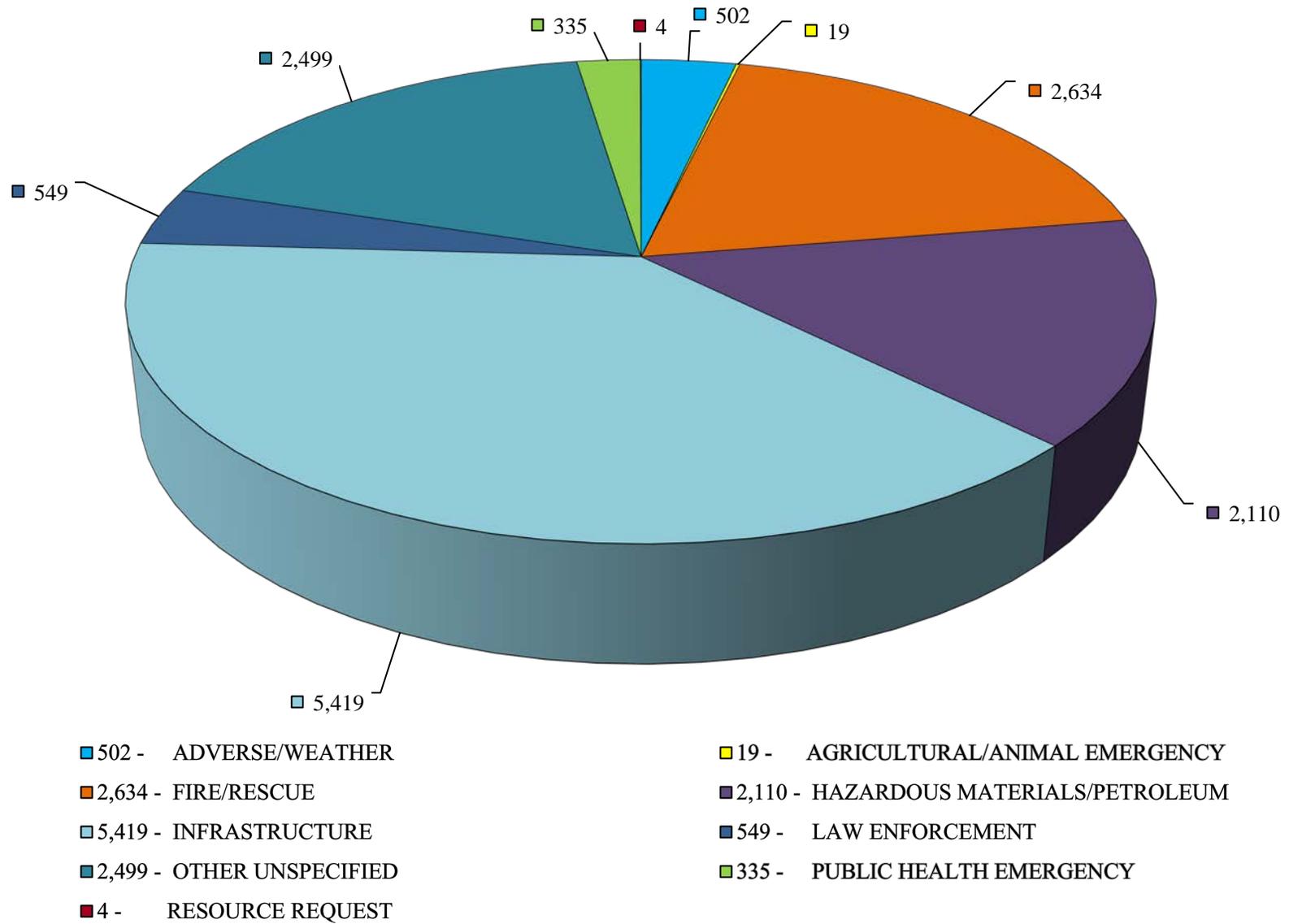
Section 204(a)(10) of Act 165 requires PEMA to staff and operate a 24-hour CWWC to provide effective emergency response coordination, including the ability to receive and monitor the emergency notification reports required by the Act. The CWWC receives reports and coordinates responses to all types of significant incidents. During 2016, there were 14,071 incident-type events reported to the CWWC. Of these, 2,110 were reported as hazardous materials/petroleum incidents.

A graphic summary of incidents reported to the PEMA CWWC during the period of this report is at Table 11.

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

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TABLE 11
PEIRS INCIDENTS REPORTED TO PEMA
JANUARY 1, 2016 - DECEMBER 31, 2016



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TABLE 12

INCIDENT SUMMARY REPORT BY COUNTY

JANUARY 1, 2016 – DECEMBER 31, 2016

County	CATEGORY	Reported Incidents 01/1/2016 to 12/31/2016
ADAMS	ADVERSE/WEATHER	1
	FIRE/RESCUE	22
	HAZARDOUS MATERIAL/PETROLEUM	13
	INFRASTRUCTURE	34
	LAW ENFORCEMENT	8
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	6
		<hr/>
		88
ALLEGHENY	ADVERSE/WEATHER	49
	FIRE/RESCUE	380
	HAZARDOUS MATERIAL/PETROLEUM	107
	INFRASTRUCTURE	755
	LAW ENFORCEMENT	151
	OTHER UNSPECIFIED	510
	PUBLIC HEALTH EMERGENCY	23
		<hr/>
		1,975
ARMSTRONG	ADVERSE/WEATHER	1
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	36
	OTHER UNSPECIFIED	12
	PUBLIC HEALTH EMERGENCY	1
		<hr/>
		72
BEAVER	ADVERSE/WEATHER	6
	FIRE/RESCUE	72
	HAZARDOUS MATERIAL/PETROLEUM	59
	INFRASTRUCTURE	57
	LAW ENFORCEMENT	13

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
BEAVER	OTHER UNSPECIFIED	35
	PUBLIC HEALTH EMERGENCY	4
		246
BEDFORD	ADVERSE/WEATHER	2
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	9
	INFRASTRUCTURE	14
	OTHER UNSPECIFIED	2
	PUBLIC HEALTH EMERGENCY	3
	31	
BERKS	ADVERSE/WEATHER	3
	FIRE/RESCUE	46
	HAZARDOUS MATERIAL/PETROLEUM	67
	INFRASTRUCTURE	161
	LAW ENFORCEMENT	20
	OTHER UNSPECIFIED	52
	PUBLIC HEALTH EMERGENCY	10
	359	
BLAIR	ADVERSE/WEATHER	3
	FIRE/RESCUE	17
	HAZARDOUS MATERIAL/PETROLEUM	14
	INFRASTRUCTURE	25
	OTHER UNSPECIFIED	6
	PUBLIC HEALTH EMERGENCY	5
	70	
BRADFORD	ADVERSE/WEATHER	6
	FIRE/RESCUE	45
	HAZARDOUS MATERIAL/PETROLEUM	15
	INFRASTRUCTURE	53
	OTHER UNSPECIFIED	14
	PUBLIC HEALTH EMERGENCY	2
	135	

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
BUCKS		
	ADVERSE/WEATHER	3
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	12
	HAZARDOUS MATERIAL/PETROLEUM	34
	INFRASTRUCTURE	39
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	29
	PUBLIC HEALTH EMERGENCY	9
		129
BUTLER		
	ADVERSE/WEATHER	4
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	17
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	4
		43
CAMBRIA		
	ADVERSE/WEATHER	8
	FIRE/RESCUE	72
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	110
	LAW ENFORCEMENT	15
	OTHER UNSPECIFIED	49
		262
CAMERON		
	HAZARDOUS MATERIAL/PETROLEUM	1
	OTHER UNSPECIFIED	2
	PUBLIC HEALTH EMERGENCY	1
		4
CARBON		
	ADVERSE/WEATHER	4
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	22
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	34
	LAW ENFORCEMENT	1

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
CARBON	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	3
		78
CENTRE	ADVERSE/WEATHER	2
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	15
	INFRASTRUCTURE	40
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	12
	86	
CHESTER	ADVERSE/WEATHER	32
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	35
	HAZARDOUS MATERIAL/PETROLEUM	37
	INFRASTRUCTURE	107
	LAW ENFORCEMENT	10
	OTHER UNSPECIFIED	89
	PUBLIC HEALTH EMERGENCY	27
	338	
CLARION	ADVERSE/WEATHER	8
	FIRE/RESCUE	15
	HAZARDOUS MATERIAL/PETROLEUM	14
	INFRASTRUCTURE	59
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	19
	PUBLIC HEALTH EMERGENCY	7
	RESOURCE REQUEST	1
	124	
CLEARFIELD	ADVERSE/WEATHER	3
	FIRE/RESCUE	11

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
CLEARFIELD		
	HAZARDOUS MATERIAL/PETROLEUM	12
	INFRASTRUCTURE	28
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	10
	PUBLIC HEALTH EMERGENCY	1
		68
CLINTON		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	14
	HAZARDOUS MATERIAL/PETROLEUM	10
	INFRASTRUCTURE	24
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	9
	PUBLIC HEALTH EMERGENCY	1
		61
COLUMBIA		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	4
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	10
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	7
		28
CRAWFORD		
	ADVERSE/WEATHER	8
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	9
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	10
	PUBLIC HEALTH EMERGENCY	5
		47
CUMBERLAND		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	36
	HAZARDOUS MATERIAL/PETROLEUM	30
	INFRASTRUCTURE	92

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
CUMBERLAND		
	LAW ENFORCEMENT	8
	OTHER UNSPECIFIED	20
	PUBLIC HEALTH EMERGENCY	10
		198
DAUPHIN		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	86
	HAZARDOUS MATERIAL/PETROLEUM	31
	INFRASTRUCTURE	92
	LAW ENFORCEMENT	23
	OTHER UNSPECIFIED	42
	PUBLIC HEALTH EMERGENCY	20
		295
DELAWARE		
	ADVERSE/WEATHER	17
	AGRICULTURAL/ANIMAL EMERGENCY	2
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	49
	INFRASTRUCTURE	26
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	21
	PUBLIC HEALTH EMERGENCY	1
		123
ELK		
	FIRE/RESCUE	8
	HAZARDOUS MATERIAL/PETROLEUM	6
	INFRASTRUCTURE	19
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	4
	PUBLIC HEALTH EMERGENCY	5
		43
ERIE		
	ADVERSE/WEATHER	12
	FIRE/RESCUE	38
	HAZARDOUS MATERIAL/PETROLEUM	20
	INFRASTRUCTURE	119

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
ERIE		
	LAW ENFORCEMENT	12
	OTHER UNSPECIFIED	50
	PUBLIC HEALTH EMERGENCY	16
		267
FAYETTE		
	ADVERSE/WEATHER	13
	FIRE/RESCUE	19
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	38
	LAW ENFORCEMENT	9
	OTHER UNSPECIFIED	15
		102
FOREST		
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	5
	OTHER UNSPECIFIED	5
		16
FRANKLIN		
	ADVERSE/WEATHER	9
	FIRE/RESCUE	121
	HAZARDOUS MATERIAL/PETROLEUM	43
	INFRASTRUCTURE	117
	LAW ENFORCEMENT	6
	OTHER UNSPECIFIED	35
	PUBLIC HEALTH EMERGENCY	18
		349
FULTON		
	FIRE/RESCUE	3
	HAZARDOUS MATERIAL/PETROLEUM	3
	INFRASTRUCTURE	8
	OTHER UNSPECIFIED	2
		16

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
GREENE		
	ADVERSE/WEATHER	9
	FIRE/RESCUE	9
	HAZARDOUS MATERIAL/PETROLEUM	129
	INFRASTRUCTURE	55
	OTHER UNSPECIFIED	33
	PUBLIC HEALTH EMERGENCY	2
		237
HUNTINGDON		
	FIRE/RESCUE	2
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	2
	OTHER UNSPECIFIED	5
	PUBLIC HEALTH EMERGENCY	1
		15
INDIANA		
	ADVERSE/WEATHER	4
	FIRE/RESCUE	19
	HAZARDOUS MATERIAL/PETROLEUM	11
	INFRASTRUCTURE	19
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	21
		75
JEFFERSON		
	ADVERSE/WEATHER	7
	FIRE/RESCUE	27
	HAZARDOUS MATERIAL/PETROLEUM	36
	INFRASTRUCTURE	62
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	36
	PUBLIC HEALTH EMERGENCY	10
		181
JUNIATA		
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	2

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
JUNIATA		
	OTHER UNSPECIFIED	1
	PUBLIC HEALTH EMERGENCY	6
		11
LACKAWANNA		
	ADVERSE/WEATHER	7
	FIRE/RESCUE	80
	HAZARDOUS MATERIAL/PETROLEUM	17
	INFRASTRUCTURE	73
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	33
	PUBLIC HEALTH EMERGENCY	4
		217
LANCASTER		
	ADVERSE/WEATHER	4
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	30
	HAZARDOUS MATERIAL/PETROLEUM	36
	INFRASTRUCTURE	62
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	21
	PUBLIC HEALTH EMERGENCY	11
		170
LAWRENCE		
	ADVERSE/WEATHER	1
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	24
	HAZARDOUS MATERIAL/PETROLEUM	7
	INFRASTRUCTURE	19
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	14
	PUBLIC HEALTH EMERGENCY	2
		70
LEBANON		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	24
	HAZARDOUS MATERIAL/PETROLEUM	29
	INFRASTRUCTURE	30

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
LEBANON		
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	5
	PUBLIC HEALTH EMERGENCY	1
		93
LEHIGH		
	ADVERSE/WEATHER	4
	FIRE/RESCUE	36
	HAZARDOUS MATERIAL/PETROLEUM	27
	INFRASTRUCTURE	79
	LAW ENFORCEMENT	15
	OTHER UNSPECIFIED	23
		184
LUZERNE		
	ADVERSE/WEATHER	2
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	38
	HAZARDOUS MATERIAL/PETROLEUM	57
	INFRASTRUCTURE	120
	LAW ENFORCEMENT	16
	OTHER UNSPECIFIED	43
	PUBLIC HEALTH EMERGENCY	5
		282
LYCOMING		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	7
	HAZARDOUS MATERIAL/PETROLEUM	6
	INFRASTRUCTURE	33
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	12
	PUBLIC HEALTH EMERGENCY	1
		62
McKEAN		
	ADVERSE/WEATHER	8
	FIRE/RESCUE	17
	HAZARDOUS MATERIAL/PETROLEUM	14

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
McKEAN	INFRASTRUCTURE	44
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	11
	PUBLIC HEALTH EMERGENCY	14
		109
MERCER	ADVERSE/WEATHER	3
	FIRE/RESCUE	46
	HAZARDOUS MATERIAL/PETROLEUM	14
	INFRASTRUCTURE	30
	LAW ENFORCEMENT	12
	OTHER UNSPECIFIED	18
	PUBLIC HEALTH EMERGENCY	6
		129
MIFFLIN	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	6
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	8
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	2
		19
MONROE	ADVERSE/WEATHER	7
	FIRE/RESCUE	111
	HAZARDOUS MATERIAL/PETROLEUM	11
	INFRASTRUCTURE	160
	LAW ENFORCEMENT	6
	OTHER UNSPECIFIED	42
	PUBLIC HEALTH EMERGENCY	3
		340
MONTGOMERY	ADVERSE/WEATHER	40
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	70

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
MONTGOMERY		
	HAZARDOUS MATERIAL/PETROLEUM	87
	INFRASTRUCTURE	195
	LAW ENFORCEMENT	30
	OTHER UNSPECIFIED	181
	PUBLIC HEALTH EMERGENCY	11
		615
MONTOUR		
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	2
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	3
		9
NORTHAMPTON		
	ADVERSE/WEATHER	34
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	254
	HAZARDOUS MATERIAL/PETROLEUM	384
	INFRASTRUCTURE	907
	LAW ENFORCEMENT	36
	OTHER UNSPECIFIED	328
	PUBLIC HEALTH EMERGENCY	11
		1,955
NORTHUMBERLAND		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	11
	HAZARDOUS MATERIAL/PETROLEUM	12
	INFRASTRUCTURE	32
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	5
		64
PERRY		
	ADVERSE/WEATHER	2
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	28
	LAW ENFORCEMENT	4
	PUBLIC HEALTH EMERGENCY	9
		47

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
PHILADELPHIA		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	23
	HAZARDOUS MATERIAL/PETROLEUM	81
	INFRASTRUCTURE	50
	LAW ENFORCEMENT	17
	OTHER UNSPECIFIED	34
	PUBLIC HEALTH EMERGENCY	1
	RESOURCE REQUEST	1
		208
PIKE		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	7
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	13
	LAW ENFORCEMENT	3
	OTHER UNSPECIFIED	4
		29
POTTER		
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	12
	INFRASTRUCTURE	9
	OTHER UNSPECIFIED	7
	PUBLIC HEALTH EMERGENCY	1
		34
SCHUYLKILL		
	ADVERSE/WEATHER	2
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	19
	HAZARDOUS MATERIAL/PETROLEUM	7
	INFRASTRUCTURE	32
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	1
		72
SNYDER		
	FIRE/RESCUE	8
	HAZARDOUS MATERIAL/PETROLEUM	4

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
SNYDER		
	INFRASTRUCTURE	13
	OTHER UNSPECIFIED	2
		27
SOMERSET		
	ADVERSE/WEATHER	15
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	121
	HAZARDOUS MATERIAL/PETROLEUM	29
	INFRASTRUCTURE	101
	LAW ENFORCEMENT	4
	OTHER UNSPECIFIED	82
	PUBLIC HEALTH EMERGENCY	4
		357
SULLIVAN		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	11
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	16
		36
SUSQUEHANNA		
	ADVERSE/WEATHER	14
	FIRE/RESCUE	16
	HAZARDOUS MATERIAL/PETROLEUM	4
	INFRASTRUCTURE	48
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	28
	PUBLIC HEALTH EMERGENCY	2
		113
TIOGA		
	ADVERSE/WEATHER	3
	FIRE/RESCUE	5
	HAZARDOUS MATERIAL/PETROLEUM	8
	INFRASTRUCTURE	32
	LAW ENFORCEMENT	1

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
TIOGA		
	OTHER UNSPECIFIED	8
	PUBLIC HEALTH EMERGENCY	1
		58
UNION		
	ADVERSE/WEATHER	1
	FIRE/RESCUE	7
	HAZARDOUS MATERIAL/PETROLEUM	6
	INFRASTRUCTURE	7
	LAW ENFORCEMENT	5
	OTHER UNSPECIFIED	3
	PUBLIC HEALTH EMERGENCY	1
		30
VENANGO		
	ADVERSE/WEATHER	4
	FIRE/RESCUE	16
	HAZARDOUS MATERIAL/PETROLEUM	5
	INFRASTRUCTURE	27
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	16
	PUBLIC HEALTH EMERGENCY	3
		72
WARREN		
	ADVERSE/WEATHER	9
	FIRE/RESCUE	47
	HAZARDOUS MATERIAL/PETROLEUM	13
	INFRASTRUCTURE	25
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	7
	PUBLIC HEALTH EMERGENCY	6
		108
WASHINGTON		
	ADVERSE/WEATHER	25
	FIRE/RESCUE	142
	HAZARDOUS MATERIAL/PETROLEUM	295
	INFRASTRUCTURE	185
	LAW ENFORCEMENT	17
	OTHER UNSPECIFIED	85
		749

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
WAYNE		
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	9
	HAZARDOUS MATERIAL/PETROLEUM	3
	INFRASTRUCTURE	5
	LAW ENFORCEMENT	1
	OTHER UNSPECIFIED	3
		22
WESTMORELAND		
	ADVERSE/WEATHER	37
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	204
	HAZARDOUS MATERIAL/PETROLEUM	58
	INFRASTRUCTURE	628
	LAW ENFORCEMENT	21
	OTHER UNSPECIFIED	211
	PUBLIC HEALTH EMERGENCY	19
		1,179
WYOMING		
	ADVERSE/WEATHER	1
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	21
	HAZARDOUS MATERIAL/PETROLEUM	7
	INFRASTRUCTURE	17
	OTHER UNSPECIFIED	9
	PUBLIC HEALTH EMERGENCY	1
		57
YORK		
	ADVERSE/WEATHER	5
	AGRICULTURAL/ANIMAL EMERGENCY	2
	FIRE/RESCUE	38
	HAZARDOUS MATERIAL/PETROLEUM	50
	INFRASTRUCTURE	108
	LAW ENFORCEMENT	29
	OTHER UNSPECIFIED	27
	PUBLIC HEALTH EMERGENCY	17
		276

County	CATEGORY	Reported Incidents 01/01/2016 to 12/31/2016
CENTRAL AREA		
	ADVERSE/WEATHER	2
	FIRE/RESCUE	1
	INFRASTRUCTURE	1
		4
EASTERN AREA		
	ADVERSE/WEATHER	3
	INFRASTRUCTURE	3
		6
WESTERN AREA		
	ADVERSE/WEATHER	3
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	1
	OTHER UNSPECIFIED	1
		6
STATEWIDE		
	ADVERSE/WEATHER	37
	AGRICULTURAL/ANIMAL EMERGENCY	1
	FIRE/RESCUE	1
	HAZARDOUS MATERIAL/PETROLEUM	1
	INFRASTRUCTURE	13
	LAW ENFORCEMENT	2
	OTHER UNSPECIFIED	34
	RESOURCE REQUEST	2
		91
GRAND TOTAL:		14,071

SUMMARY TOTALS BY REPORT CATEGORY
January 1, 2016 Through December 31, 2016

CATEGORY	NUMBER OF REPORTS
ADVERSE/WEATHER	502
AGRICULTURAL/ANIMAL EMERGENCY	19
FIRE/RESCUE	2,634
HAZARDOUS MATERIAL/PETROLEUM	2,110
INFRASTRUCTURE	5,419
LAW ENFORCEMENT	549
OTHER UNSPECIFIED	2,499
PUBLIC HEALTH EMERGENCY	335
RESOURCE REQUEST	4
TOTAL INCIDENTS REPORTED TO PEMA:	14,071

REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES **FOR 2016**

The Commonwealth of Pennsylvania is the birthplace of the volunteer fire service in North America and records the largest number of fire departments along with the largest number of career and paid emergency services (fire, police and emergency medical) personnel in the nation. This provides unique challenges in regards to providing hazardous materials training to such a large and diverse responder population.

The Pennsylvania State Fire Academy (PSFA) under the auspices of the Office of the State Fire Commissioner (OSFC), is the legislatively responsible agency for hazardous materials training in the Commonwealth. The PSFA has a training partnership with PEMA to provide the Commonwealth with knowledgeable, safe and competent personnel with the skills, knowledge, and abilities to comprehend responder safety issues and participate in quality training and education that values each participant's time and effort.

The primary goal for both the PSFA and PEMA is to ensure that emergency response, emergency management, municipal public works, and state and local government agencies are provided the appropriate training to meet the applicable provisions of the Occupational Safety and Health Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations found at 29 CFR 1910.120 and EPA regulations found at 40 CFR Part 311. These regulations provide training requirements for personnel witnessing or responding to a release of a hazardous substance. For emergency responders, the training also has to meet or exceed applicable national standards, such as the National Fire Protection Association 472, *Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents*.

In calendar year 2016, the Hazardous Materials training programs sanctioned by the PSFA were offered to all disciplines including first responders and private personnel 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 at local venues (fire stations or community facilities) through a partnership with our Educational Training Agencies (ETAs) that include community colleges and full and part-time fire training schools and academies.

The 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 performances are based on the NFPA 472, *Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents*.

Hazardous Material Training Activities for 2016:

<u>Training Courses for 2016</u>	<u>Number of Classes</u>	<u>Number of Students</u>
HazMat Awareness	375	6,873
HazMat Awareness Refresher	124	2,274
HazMat Operations	197	3,614
HazMat Operations Refresher	873	16,331
HazMat Technician	7	87
HazMat Technician Refresher	22	373
HazMat Specialty Courses	71	908
TOTALS	1,669	30,460

DEPARTMENT OF LABOR AND INDUSTRY
Bureau of Occupational & Industrial Safety/PENNSAFE Program
Annual Report for 2016

Collection Efforts

Activity for calendar year 2016 (Tier II and TRI facility reports collected were for the 2015 reporting year cycle) were as follows:

In December 2015, a letter advising of the upcoming reporting period and the first date that Report Year 2015 Tier II reports could be submitted using the online Pennsylvania Tier II System (PATTS) was emailed to both the submitter email address and to the facility email address for each active reporting facility.

In May 2016, invoices were mailed to facilities that had filed Toxic Chemical Release Inventory Reports (TRI) for the previous reporting cycle with a cover letter regarding the July 1 report and fee due date.

Throughout the year, comparisons were made between reports filed and fees paid, generating hundreds of initial, second, underpayment, and final notices.

Tier II/TRI Data

Since 1987, SARA Title III – the Emergency Planning & Community Right-to-Know Act (EPCRA) Section 312 requires a facility that stores/uses/produces hazardous substances onsite in amounts at or over established reporting quantity to submit a Tier II Emergency and Hazardous Chemical Inventory Report annually by March 1. The Annual Report is a summary of all hazardous substances that were onsite at or over the reporting threshold in the prior calendar year, providing details on the average and max quantities, locations and contact information. Facilities may also voluntarily include substances that were onsite but under reporting threshold for the benefit of emergency planning and response. In addition, under PA Act 165 of 1990, Pennsylvania facilities must also file an Initial chemical report within five days of either bringing a new hazardous chemical onsite at reportable quantity or increasing the quantity of an unreported hazardous substance to reporting quantity. Chemicals listed on the Annual Report are billable if they were at or over the reporting threshold; chemicals reported as an Initial are not billable as they are invoiced the following year during the Annual Report cycle. Facilities are also required under EPCRA to provide a material/safety data sheet (M/SDS) for each chemical reported, and under Act 165 they must include a site plan that clearly depicts the layout of the facility and the location of each chemical being reported. Under EPCRA, the reports and any requisite attachments must be submitted to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department. Under Act 165, the Department of Labor and Industry (L&I) serves as the Commonwealth's SARA Title III, Tier II data repository and fee collector on behalf of the SERC.

The Department promotes the use of the online PATTS system to collect Tier II data, attachments and reports and to manage the fee invoicing and payments. Online reporting is not currently

mandatory under Act 165, but the online reporting process results in real time updates to vital emergency response information. 63 county LEPCs have executed a memorandum of understanding with the Department and use the PATTS system as their primary method for receiving Tier II reports. This saves the facilities from filing hard copies with those county LEPCs and emergency management offices, resulting in immediate data availability for both the state-level and county-level administrators upon a facility's submission to PATTS. It also eliminates redundant Tier II data compilation and record retention at the county level. In addition, the participating counties eliminate data entry at their level, and process their related county level Tier II fees more timely. PEMA Emergency Operations Center and regional staff, as well as DEP hazardous materials response personnel, also utilize the PATTS system.

As part of PENNSAFE's compliance review process, facility reports and site plans are reviewed for both the completeness of the information for first responders' use in the field. Facilities with inaccurate reports and/or site plans are contacted and advised to correct the submittal as necessary and file revision reports.

Under EPCRA Section 313, the Toxics Release Inventory (TRI) tracks the management of over 650 toxic chemicals that pose a threat to human health and the environment. Facilities in certain industry sectors that manufacture, process, or otherwise use these chemicals in amounts above established levels must report how each chemical is managed through recycling, energy recovery, treatment and/or releases to the environment. A TRI "release" of a chemical means that it is emitted to the environment, i.e., air or water, or placed in some type of land disposal. EPCRA requires that facilities file their TRI reports with both the EPA and with the state. As with the Tier II reports, Act 165 established the Department of Labor & Industry as the TRI data repository and fee collector on behalf of the SERC. The EPA collects and manages online TRI report submissions through their Central Data Exchange (CDX). Only facilities with a verified trade secret status can remit the TRI report by hard copy. TRI annual reports are due July 1, and EPA notifies facilities of the upcoming reporting cycle and any pertinent regulatory changes. Under a data sharing agreement, Pennsylvania TRI report data submitted via CDX was pushed to the commonwealth's node, and then uploaded into the Department's TRI intranet-based program, referred to as LI-TRI. Because the TRI reporting is completed through the EPA's CDX, calls relative to reporting questions and/or problems are referred to the EPA hotline for resolution. PENNSAFE staff restrict their TRI activities to invoicing, fee collection and remittance processing activities.

PUBLIC INQUIRIES

The PENNSAFE Program receives and processes requests for Tier II hazardous chemical information. The Department and its signatory PATTS counties adhere to the data availability guidelines established under EPCRA. The EPA maintains a searchable TRI database (Envirofacts) that is available on their website. No requests for TRI data were received in the PENNSAFE Program.

FEE COLLECTION

The Tier II chemical fee is \$10 per each hazardous substance listed on the annual report. Act 165 established certain fee exemptions, including publicly owned facilities, family farms, and service stations. Facilities may also voluntarily report substances onsite but under reporting quantity in

the interest of emergency management. Voluntarily reported substances are not assessed a fee. Each report filed online generates a certification/invoice that must be returned with the corresponding fee payment. Hard copy report submissions frequently include the associated fees. If not included with the hard copy submission, the facility is invoiced.

The TRI fee is \$250 per chemical, with a maximum annual amount capped at \$5000 per facility. As referenced in Item 1, invoices were mailed to all facilities that had filed a TRI report in the prior year. For any new TRI reporting facility, staff generated the invoice based on the number of chemicals reported, then forwarded the invoice to the facility. The TRI fees represent the majority of the Hazardous Materials Response Fund monies collected. Staff routinely monitors outstanding invoices and actively pursues outstanding fee payments.

The following represents the fees collected and deposited into the Pennsylvania Hazardous Materials Response Fund over the past several processing years.

PROCESSING YEAR	FEES PROCESSED
Calendar Year 2013	\$1,399,320.00
Calendar Year 2014	\$1,374,410.00
Calendar Year 2015	\$1,379,650.00
Calendar Year 2016	\$1,358,530.00

The breakdown for the fees collected during calendar year 2016 is as follows:

Tier II Fees Collected	\$ 375,780
TRI Fees Collected	\$982,750
Total Deposits	\$1,358,530

For the Report Year 2015 Tier II cycle (due March 1, 2016) the Department collected 13,691 Tier II reports, including annual, initial, back year and revision reports. Only 14 of the 13,691 reports were hard copy submissions that required staff data entry.

For the Report Year 2015 TRI reporting cycle (due July 1, 2016) the Department processed a total of 4,125 TRI chemical reports, which included both 2015 annual TRI reports and back year revision reports. Of the 4,125 reports, only two were hard copy submissions that required the staff's data entry.

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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 percent of the time for hazmat program purposes, then 50 percent 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 percent.
- 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 Offsite 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

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ATTACHMENT 2:

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