

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

2018 ANNUAL REPORT

Prepared for the

Pennsylvania Emergency Management Council



Prepared by



pennsylvania
EMERGENCY MANAGEMENT AGENCY

Pennsylvania Emergency Management Agency
1310 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Phone: 717-651-2001 Fax: 717-651-2021

Website: www.pema.pa.gov

TABLE OF CONTENTS

EXECUTIVE SUMMARY1

 BACKGROUND:..... 1

 REVENUES: 2

 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ACTIVITIES: 3

 STATUS OF ACT 165 FACILITIES: 3

 EMERGENCY NOTIFICATION: 3

 HAZARDOUS MATERIAL RESPONSE CAPABILITY: 3

 TRAINING:..... 4

 EXERCISES: 4

 OPERATION AND ADMINISTRATION OF THE PROGRAM: 4

 OUTREACH AND PUBLIC EDUCATION: 4

 RIGHT-TO-KNOW: 4

2018 HIGHLIGHTS5

STATE EMERGENCY RESPONSE COMMISSION.....7

SARA, TITLE III AND ACT 165:13

 SARA, TITLE III VIS-À-VIS ACT 165..... 13

LOCAL EMERGENCY PLANNING COMMITTEES.....17

REVENUES.....23

GRANTS25

 INITIAL GRANTS..... 25

 RETROACTIVE GRANTS 25

 HAZARDOUS MATERIAL RESPONSE FUND (HMRF) GRANT 26

HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORTS.29

ACT 165 FACILITIES AND CHEMICAL REPORTING.....33

 EMERGENCY RESPONSE PLANNING FACILITIES..... 33

 EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FACILITIES 33

HAZARDOUS MATERIAL INCIDENT RESPONSE CAPABILITY.....46

EMERGENCY NOTIFICATIONS AND INCIDENTS.....55

REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES FOR 201873

DEPARTMENT OF LABOR AND INDUSTRY.....75

ATTACHMENT 1: PEMA DIRECTIVE D2001-1 A-1-1

ATTACHMENT 2: DISTRIBUTION..... A-2-1

LIST OF TABLES

TABLE 1 – 2018 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION9

TABLE 2 – STATE EMERGENCY RESPONSE COMMISSION ORGANIZATION 11

TABLE 3 – 2018 LOCAL EMERGENCY PLANNING COMMITTEE CHAIRPERSONS 19

TABLE 4 – ACT 165 REVENUES THROUGH CY 2018.....31

TABLE 5 – FACILITIES REQUIRING OFF-SITE EMERGENCY RESPONSE PLANS
AS OF DECEMBER 31, 2018.....35

TABLE 6 - SARA, TITLE III – TIER II SUBMISSIONS 2018 REPORTING YEAR37

TABLE 7 – SARA, TITLE III REPORTING TRENDS, TIER II FACILITIES39

TABLE 8 – SARA, TITLE III TRI SUBMISSIONS, 2018 REPORTING YEAR.....41

TABLE 9 – SARA, TITLE III REPORTING TRENDS, TRI FACILITIES43

TABLE 10 - 2018 COUNTY COVERAGE BY CERTIFIED HAZARDOUS
MATERIAL RESPONSE TEAMS47

TABLE 11 - HAZARDOUS MATERIALS INCIDENTS REPORTED TO PEMA
JANUARY 1, 2018 – DECEMBER 31, 201857

TABLE 12 - INCIDENT SUMMARY REPORT BY COUNTY
JANUARY 01, 2018 - DECEMBER 31, 2018.....59

**COMMONWEALTH OF PENNSYLVANIA
HAZARDOUS MATERIAL
EMERGENCY PLANNING AND RESPONSE ACT
Annual Report - 2018**

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 (CY) 2018. 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 Emergency Planning and Community Right-to-Know Act (EPCRA), [also known as Title III of the Superfund Amendments and Reauthorization Act (SARA, Title III) 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 Hazardous Materials 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 Hazardous Materials Safety Program is funded. Act 165 defines the power and duties of the Pennsylvania Emergency Management Council (PEMC), the Pennsylvania Emergency Management Agency (PEMA), the counties, and the local governments. PEMC, augmented by the Secretary of the Department of Labor and Industry (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 Act 165. 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 are 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 10 years of the program.

Revenues: The Act established two non-lapsing restricted accounts. One is in the State Treasury known as the HMRF. The other, at the county level, is known as the 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. In CY 2018, L&I collected \$1,276,560 in chemical fees. This is a 2.74 percent decrease from CY 2017's collection of \$1,312,480. The Commonwealth's Act 165 funding has seen a decline of 13.3 percent in revenue over the last 10 years with a high of \$1,472,911 in CY 2009 and a low of \$1,276,560 in CY 2018.

The majority of the funds are distributed to counties via the HMRF Grant to assist in achieving/maintaining compliance with SARA, Title III and the Commonwealth's hazardous material safety program. During State Fiscal Year (SFY) 2018, a total of \$1,330,000.00 was distributed to counties via this grant program.

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 CY 2018, the county annual update reports showed a total of \$2,866,805.24 acquired by the counties in chemical and planning fees and interest. This is a 1.74 percent increase over CY 2017's collection of \$2,816,847.63 in chemical and planning fees by the counties.

Local Emergency Planning Committee (LEPC) Activities: Act 165 legislatively created the LEPCs and expanded the federal membership requirements in order to ensure county and municipal elected officials are represented. Every county in the Commonwealth has an LEPC. LEPC 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 (TPQ) listed in the *List of Lists* developed by the United States Environmental Protection Agency (EPA). As of December 31, 2018, there were in effect 3,962 off-site emergency response plans required by the LEPCs and reviewed and approved by the PEMA Area Offices on behalf of the PEMC. This number changes constantly as facilities enter in to 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 CY 2018, 12,025 facilities reported on 42,067 hazardous chemicals. Additionally, facilities dealing with large quantities of a specified list of toxic chemicals must provide toxic chemical release forms annually on chemical activity in the previous year for manufacturing (25,000 pounds or more), and usage (10,000 pounds or more). In the 2018 reporting year, 1,115 facilities provided these reports on 3,744 chemicals for these activities in the preceding year.

Emergency Notification: During CY 2018, 15,186 incident-type events were reported to the Commonwealth Watch and Warning Center (CWWC). Of these incidents, 2,252 were reported as being hazardous materials related. This is a 2.44 percent increase in hazardous materials incidents from CY 2017, which recorded 2,197 such events. A detailed breakdown of these hazardous materials incidents can be found in Table 11.

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, 2018, Pennsylvania had 35 state-certified HMRTs. Of these teams, 22 were county teams and 13 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*, 29 CFR Part 1910.120 40 CFR Part 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 and by the Pennsylvania State Fire Academy (PSFA).

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 an evaluated full-scale exercise of a hazardous materials 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. L&I'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 Right-to-Know program which provides 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.

2018 HIGHLIGHTS

CHEMICAL EMERGENCY PREPAREDNESS PROGRAM

The counties submitted their updated Annual HMERP reports as required by Act 165 which reflect the events of CY 2018 and the status as of December 31, 2018. 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 Hazardous Materials 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. The reports include training and exercise data, significant incidents and developments, and enforcement actions. Major elements of these reports are financial statements regarding the county HMERP 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 CY 2018, the reported generated funds amounted to \$2,866,805.24.

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 CY 2018. 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. 66 of the Commonwealth’s 67 County LEPCs have executed a memorandum of understanding and are using PATTS as their primary source for data collection and archiving. This electronically available data can be accessed 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 2018. 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 PSFA is utilized as a primary training facility pursuant to its duties under Title 35 (Emergency Management Services Code). In CY 2018, the PSFA 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, Pennsylvania, and in local stations upon requests from public, private, or military groups.

Again, in CY 2018, 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, 2018, marked the 25th 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.

CY 2018 was the 24th year of the U.S. Department of Transportation Hazardous Material Emergency Preparedness (HMEP) Grant Program which provides funds upon application by the Commonwealth. These funds 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. For federal fiscal year 2017-2018, HMEP Grants were awarded to 43 applicants for a total of \$541,149. 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.

Throughout 2018, major efforts were made to improve the certification process for the Hazardous Material Response Teams, to include records keeping, organizational structures based on hazardous material situations to which the teams could be expected to respond, and stricter requirements regarding demonstrations of response capabilities in the required full-scale exercises. In 2018, six of the Commonwealth's 35 HMRTs were recertified and the Delaware County HMRT conducted and achieved its initial certification.

During 2018, the Commonwealth Hazardous Materials Safety Program operated in its usual effective manner ensuring the safety of the citizens and the environment of Pennsylvania. Changes in the number of chemical facilities and chemicals reported, and the amount of fees collected were essentially the result of facilities opening, closing, and changing their chemical inventories; all of which occur continually. The Commonwealth's Act 165 funding has seen a decline of 13.3 percent in revenue over the last 10 years with a high in CY 2009 of \$1,472,911 and a low of \$1,276,560 in CY 2018.

STATE EMERGENCY RESPONSE COMMISSION

The federal Emergency Planning and Community Right-to-Know Act of 1986, commonly referred to as Superfund Amendment and Reauthorization Act (SARA) Title III, required that the Governor of each state appoint a State Emergency Response Commission (SERC) to supervise and coordinate the activities of LEPCs, 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 Act 165. By Act 165, the PEMC, augmented by the Secretary of L&I, was designated as the SERC for Pennsylvania.

The PEMC, as established by Executive Order 1987-08 and Title 35 of the Pennsylvania Consolidated Statutes in 1989 (further modified by the 1996 Cumulative Supplement to Title 35), consists 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. 35 Pa. C.S. §7312(a). 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. 35 Pa. C.S. §7312(a). 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. 35 Pa. C.S. §7312(a). 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. 35 Pa. C.S. §7312(a).

The membership of the SERC for CY 2018 is shown in Table 1. The Council organization is shown in Table 2.

Act 165 greatly expanded on the duties and responsibilities of the SERC as originally designated by SARA, Title III. Section 201(f) of Act 165 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.” 35 P.S. §6022.201(f). The powers and duties of the Council enumerated in Act 165 are:

- (1) Carry out all 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 response 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.

TABLE 1

2018 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION

The Honorable Tom Wolf
Governor

The Honorable Michael Stack
Lt. Governor

Major General Anthony J. Carrelli
Adjutant General

Dr. Rachel Levine
Acting 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

Teresa Miller
Secretary of Human Services

Lt. Colonel Robert Evanchick
Acting Commissioner, Pennsylvania State Police

Gladys M. Brown
Chairman, Public Utility Commission

Jerry Oleksiak
Secretary of Labor and Industry

Bruce Trego
Interim State Fire Commissioner

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

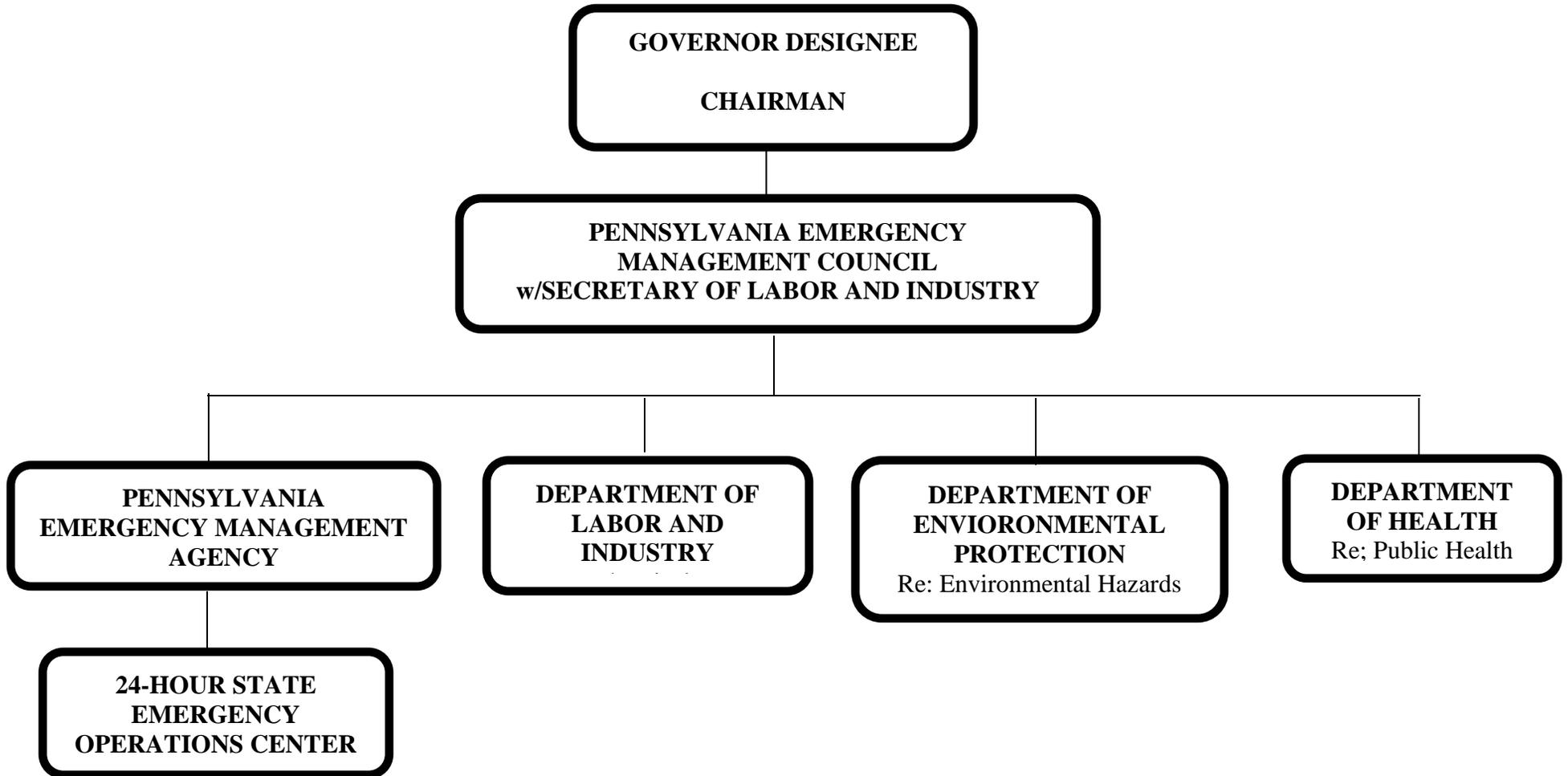
Senate Minority Leader Jay Costa
(Also serves as chair of the Veterans Affairs & Emergency Preparedness Committee)

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 regarding 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 (TPQ) 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 Safety Data Sheets (SDS) 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, 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 Hazardous Materials 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 10 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 Local Emergency Planning Committee (LEPC) shall be established in each county. The local committee shall be subject to the supervision of the 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:

- A. Elected officials representing local governments within the county;
- B. Law enforcement, first aid, health, local environmental, hospital, and transportation personnel;
- C. Firefighting personnel;
- D. Civil defense and emergency management personnel;
- E. Broadcast and print media;
- F. Community groups not affiliated with emergency service groups; and,
- G. 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:

- A. 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 PEMC.
- B. Take appropriate actions to ensure the implementation and updating of the local emergency response plans required by Act 165.
- C. Report to the PEMC on alleged violations of Act 165.
- D. Prepare reports, recommendations, or other information related to the implementations of Act 165 as requested by the PEMC.
- E. 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.
- F. 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

2018 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. Annette Moyer
7.	Blair	Mr. Timothy Rea
8.	Bradford	Mr. Gary Wilcox
9.	Bucks	Mr. Robert A. Kay, Sr.
10.	Butler	Mr. Scott M. Hoffman
11.	Cambria	Mr. Arturo Martynuska
12.	Cameron	Mr. Adam Johnson
13.	Carbon	Mr. Robert Miller
14.	Centre	Mr. Warren Miller
15.	Chester	Dr. Robert S. Fleming
16.	Clarion	Mr. Randall L. Stahlman
17.	Clearfield	Mr. Joseph Mitchell
18.	Clinton	Mr. Chad Alley
19.	Columbia	Mr. Mark Williams
20.	Crawford	Mr. Steven Nickell
21.	Cumberland	Mr. Steven Spangler
22.	Dauphin	Mr. Christopher J. Fisher

COUNTY**CHAIRPERSON**

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

COUNTY**CHAIRPERSON**

48.	Northampton	Mr. Michael Rinker
49.	Northumberland	Commissioner Richard Shoch
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. John Erich
60.	Union	Chief James J. Blount III
61.	Venango	Mr. Timothy L. Dunkle
62.	Warren	Ms. Gail Anderson
63.	Washington	Mr. Jeffery Yates
64.	Wayne	Commissioner Wendell R. 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 2018 a total of \$2,866,805.24 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 form required by Section 313 of SARA, Title III to be submitted annually by July 1. This form must be submitted by the owner or operator of each chemical facility that has ten or more employees that are in Standard Industrial Classification Codes 20 through 39 that manufactured, processed, or otherwise used, a toxic chemical listed separately in the EPA List of Lists. The toxic chemical threshold amount for the previous year is 10,000 pounds if the chemical was used, or 25,000 pounds if the chemical was manufactured in the previous year. The cumulative amount of this fee shall not exceed \$5,000 per facility annually. 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 & 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, directs PEMA to administer and allocate monies in the state's HMRF as follows:

- A. Up to 10 percent may be expended on training programs;
- B. Up to 10 percent may be expended for public and facility owner education, information, and participation programs.
- C. Up to 10 percent may be expended for general administration and operational expenses of this Act.
- D. 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:

- A. A formal application/contract (Form HMRF-2)
- B. A financial accounting statement in a prescribed format
- C. An itemized list of expenditures
- D. The date of each expenditure
- E. The purpose of each expenditure
- F. A copy of the receipt or other financial documentation that verified payment
- G. A statement that the expenditures were not primarily recouped or reimbursed from a federal or state source or any other source
- H. 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 Title 35, the Emergency Management Services Code, with respect to hazardous material releases. Those expenditures may have included, but were not limited to, the following:
 - 1. The cost of establishing and operating the county's LEPC
 - 2. Costs associated with the LEPCs preparation of SARA, Title III facility off-site emergency response plans
 - 3. Costs associated with the LEPCs receipt and processing of SARA, Title III chemical reports

4. Costs associated with the county's receipt and documentation of SARA, Title III emergency notifications of chemical releases
5. Costs associated with SARA, Title III public information/community Right-to-Know requirements
6. Costs associated with the development of an emergency response capability

Procedures established for administration of the Retroactive Grant Program stipulated that, following PEMC 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.

Hazardous Material Response Fund (HMRF) Grant

Under Act 165, each county and each state-certified HMRT may be eligible to receive an emergency management grant from the 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 HMRF 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:

- A. Fees that the county has collected under its county hazardous material fee ordinance during the calendar year and deposited into the HMER Account.
- B. All county funds deposited into the Hazardous Material Emergency Response Account during the calendar year.

- C. 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 the HMRF Grant, a county must:

- A. Meet the requirements of the Commonwealth's Hazardous Material Safety Program.
- B. Submit a grant application to PEMA for eligible costs listed under Act 165.
- C. 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.
- D. 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:

- A. 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.
- B. The county's completion of its annual update report on Hazardous Material Emergency Response Preparedness, and approval of that update by the PEMA.
- C. The county's provision for certified HMRT coverage within the county.
- D. 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 PEMC considers that the periodic meetings of the LEPC must be no less frequently than quarterly.
- E. The county's operation of an emergency response office or center to: (1) receive facility or transportation accident emergency notification reports required by Section 206 of Act 165 on a 24-hour-a-day basis with (2) 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 (3) the immediate notification to PEMA of a certified HMRT dispatch to any incident.

- F. 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.
- G. 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.
- H. 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

Act 165 requires counties 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 Hazardous Materials 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 D 2001-1.)

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**TABLE 4
ACT 165 REVENUES
THROUGH CALENDAR YEAR (CY) 2018**

COUNTY	ASSESSMENT FUNDS REPORTED 2018	ASSESSMENT TOTAL THROUGH 1992-2018	INITIAL GRANT 1992	RETROACTIVE GRANT 1993-2010	HMRP GRANT 2018	TOTAL HMRP GRANTS THROUGH 1992-2018	ACT 165 GENERATED FUNDS TOTAL 1992-2018
Adams	31,100	584,438	1,500	4,593	33,329	533,798	1,124,329
Allegheny	200,450	5,644,738		562,916	93,638	1,560,308	7,767,962
Armstrong	27,100	603,958	1,500	14,730	15,110	254,675	874,864
Beaver	72,500	1,864,811	1,500	41,647	30,751	641,221	2,549,179
Bedford	7,200	217,201	1,500		5,324	136,238	354,940
Berks	108,300	3,444,324	1,500	211,352	58,058	1,065,002	4,722,178
Blair	50,975	1,366,380	1,500		23,796	500,131	1,868,012
Bradford	18,300	714,251	1,500		7,993	168,204	883,955
Bucks	65,175	4,330,123	1,500	172,883	55,773	1,415,077	5,919,583
Butler	79,200	1,465,907	1,500	85,649	26,914	629,713	2,182,769
Cambria	21,600	599,131	1,500	76,320	22,043	427,111	1,104,062
Cameron	2,450	56,472	1,500		1,280	14,618	72,590
Carbon	7,725	205,452	1,500		10,473	161,537	368,489
Centre	16,450	484,990	1,500		14,300	366,955	853,445
Chester	85,675	1,636,655	1,500	230,290	30,937	1,284,515	3,152,960
Clarion	22,500	230,069	1,500	8,742	4,587	90,777	331,088
Clearfield	2,675	595,178	1,500		9,969	348,041	944,719
Clinton	22,850	434,334	1,500	4,814	13,502	474,544	915,192
Columbia	16,900	388,346	1,500		7,961	179,370	569,216
Crawford	38,945	772,890	1,500		21,103	401,042	1,175,432
Cumberland	54,650	750,298	1,500	9,795	47,263	644,084	1,405,677
Dauphin	51,500	1,424,179	1,500	55,597	43,285	962,548	2,443,825
Delaware	51,950	2,375,446		228,095	22,653	222,497	2,826,037
Elk	24,175	512,138	1,500		5,076	129,721	643,359
Erie	44,400	1,383,190	1,500	60,031	33,616	790,666	2,235,386
Fayette	28,675	534,465	1,500	74,434	9,802	295,568	905,967
Forest	0	2,750	1,500		0	0	4,250
Franklin	28,175	538,026	1,500		17,304	577,847	1,117,373
Fulton	1,750	43,500	1,500		3,830	140,862	185,862
Greene	23,125	365,687	1,500		0	42,433	409,620
Huntingdon	9,875	181,063	1,500		8,937	206,590	389,153
Indiana	24,175	648,265	1,500	62,262	10,195	346,213	1,058,240
Jefferson	15,200	330,195	1,500	1,800	5,965	177,710	511,206

COUNTY	ASSESSMENT FUNDS REPORTED 2018	ASSESSMENT TOTAL THROUGH 1992-2018	INITIAL GRANT 1992	RETROACTIVE GRANT 1993-2010	HMRG GRANT 2018	TOTAL HMRG GRANT THROUGH 1992-2018	ACT 165-GENERATED FUNDS TOTAL 1992-2018
Juniata	5,875	95,400	1,500	13,107	4,867	186,871	296,877
Lackawanna	24,125	586,497	1,500		15,181	155,842	743,839
Lancaster	98,550	2,930,358	1,500	109,206	56,597	1,061,555	4,102,619
Lawrence	23,250	531,223	1,500	383	7,852	179,420	712,526
Lebanon	11,000	432,764	1,500	32,230	17,740	276,501	742,996
Lehigh	73,375	1,563,624	1,500		36,279	582,265	2,147,389
Luzerne	65,700	1,580,785	1,500	22,764	30,888	527,871	2,132,920
Lycoming	70,875	1,067,775	1,500	108,621	22,564	715,282	1,893,178
McKean	43,600	482,226	1,500		11,267	132,342	616,068
Mercer	44,200	925,162	1,500	10,268	14,314	164,965	1,101,896
Mifflin	6,100	311,933	1,500		7,958	325,679	639,112
Monroe	23,575	560,314	1,500		11,247	140,796	702,609
Montgomery	124,075	3,866,735		126,085	89,001	2,248,863	6,241,683
Montour	5,375	93,811	1,500	447	3,867	28,365	124,123
Northampton	39,375	1,215,397	1,500		25,950	229,178	1,446,076
Northumberland	4,000	687,176	1,500		9,010	297,424	986,100
Perry	2,100	55,221	1,500		8,333	191,117	247,839
Philadelphia	116,725	3,407,485		56,382	53,346	2,369,928	5,833,794
Pike	2,400	33,508	1,500	1,204	1,509	108,089	144,300
Potter	12,785	141,711	1,500	3,274	4,635	191,602	338,087
Schuylkill	42,600	1,046,012	1,500		34,120	385,759	1,433,270
Snyder	5,225	141,972	1,500		7,408	199,424	342,895
Somerset	15,450	381,326	1,500		11,774	291,666	674,492
Sullivan	7,475	76,586	1,500		4,000	103,144	181,231
Susquehanna	110,800	592,452	1,500	2,383	11,954	140,675	737,011
Tioga	35,950	342,462	1,500	22,830	6,463	227,404	594,196
Union	6,325	201,671	1,500	15,665	13,082	252,180	471,015
Venango	20,500	617,736	1,500		7,043	137,655	756,890
Warren	20,850	366,058	1,500		7,695	143,068	510,626
Washington	98,925	1,587,461	1,500	15,744	16,471	395,362	2,000,068
Wayne	4,725	128,738	1,500		8,926	189,072	319,310
Westmoreland	99,475	1,966,710	1,500	65,710	23,923	670,782	2,704,703
Wyoming	17,650	172,286	1,500		2,987	139,978	313,764
York	97,025	2,214,122	1,500	61,264	46,980	671,027	2,947,914
TOTALS	2,635,755	65,133,550	94,500	2,573,515	1,330,000	29,250,773	97,052,338

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 2018 there were 3,962 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 Facilities

SARA, Title III requires the owner/operator of any facility which is required to prepare and have available a Safety Data Sheet (SDS) 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 (via PATTS), 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 SDS, 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 2018 calendar/reporting year 12,025 facilities submitted reports on 42,067 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 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 2018 calendar/reporting year, 1,115 facilities submitted reports on 3,744 chemicals. DEP is charged by the PEMC to analyze the TRI data to determine significance, if any, to the population and the environment. As these studies are produced and approved by the PEMC, 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
FACILITIES REQUIRING OFF-SITE
EMERGENCY RESPONSE PLANS

by County
As of: December 31, 2018

COUNTY	County Plans Required	COUNTY	County Plans Required
ADAMS	78	LACKAWANNA	60
ALLEGHENY	315	LANCASTER	151
ARMSTRONG	25	LAWRENCE	22
BEAVER	92	LEBANON	54
BEDFORD	15	LEHIGH	129
BERKS	163	LUZERNE	98
BLAIR	68	LYCOMING	44
BRADFORD	19	McKEAN	29
BUCKS	196	MERCER	45
BUTLER	257	MIFFLIN	6
CAMBRIA	38	MONROE	32
CAMERON	1	MONTGOMERY	277
CARBON	19	MONTOUR	7
CENTRE	52	NORTHAMPTON	88
CHESTER	103	NORTHUMBERLAND	30
CLARION	8	PERRY	4
CLEARFIELD	26	PHILADELPHIA	167
CLINTON	21	PIKE	2
COLUMBIA	20	POTTER	15
CRAWFORD	47	SCHUYLKILL	110
CUMBERLAND	117	SNYDER	9
DAUPHIN	122	SOMERSET	18
DELAWARE	68	SULLIVAN	2
ELK	12	SUSQUEHANNA	57
ERIE	88	TIOGA	21
FAYETTE	21	UNION	19
FOREST	2	VENANGO	19
FRANKLIN	45	WARREN	12
FULTON	1	WASHINGTON	88
GREENE	4	WAYNE	10
HUNTINGDON	7	WESTMORELAND	75
INDIANA	13	WYOMING	16
JEFFERSON	14	YORK	150
JUNIATA	10	TOTAL	3962

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TABLE 6
SARA, TITLE III - TIER II SUBMISSIONS
2018 Reporting Year

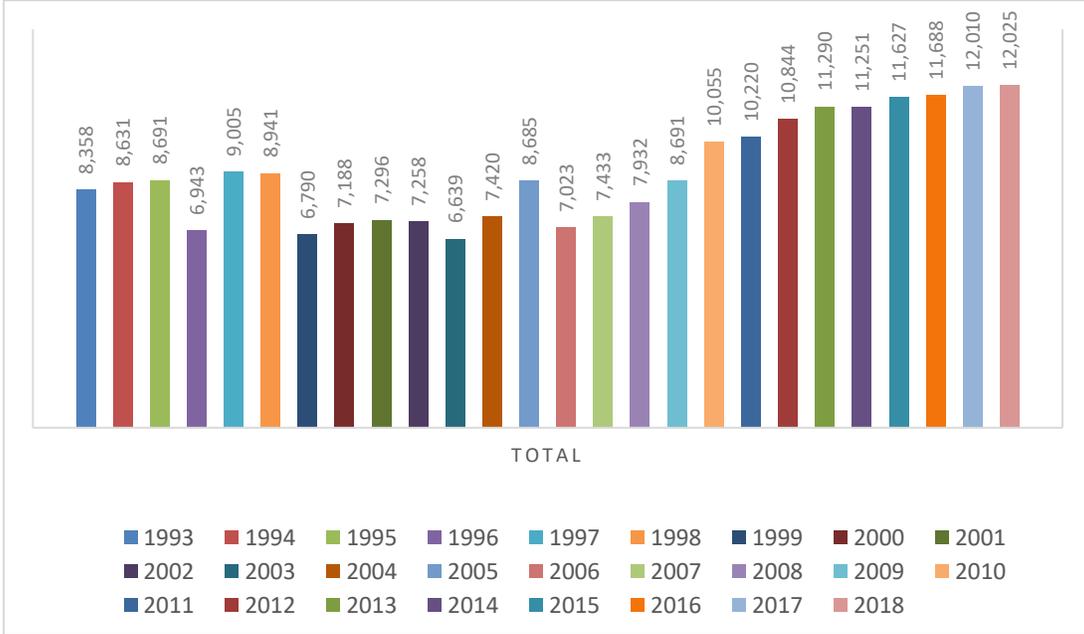
County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	139	491	35	Lackawanna	121	371
02	Allegheny	814	2987	36	Lancaster	360	1291
03	Armstrong	120	351	37	Lawrence	91	309
04	Beaver	198	952	38	Lebanon	121	454
05	Bedford	56	164	39	Lehigh	241	849
06	Berks	320	3385	40	Luzerne	237	802
07	Blair	170	731	41	Lycoming	335	913
08	Bradford	397	1007	42	McKean	433	612
09	Bucks	381	2819	43	Mercer	237	626
10	Butler	257	1125	44	Mifflin	37	84
11	Cambria	111	300	45	Monroe	101	328
12	Cameron	19	43	46	Montgomery	502	1651
13	Carbon	49	141	47	Montour	15	73
14	Centre	131	333	48	Northampton	180	718
15	Chester	262	849	49	Northumberland	88	310
16	Clarion	116	175	50	Perry	25	51
17	Clearfield	137	308	51	Philadelphia	445	1655
18	Clinton	95	498	52	Pike	21	32
19	Columbia	60	222	53	Potter	64	267
20	Crawford	417	614	54	Schuylkill	195	593
21	Cumberland	224	740	55	Snyder	41	90
22	Dauphin	268	848	56	Somerset	91	224
23	Delaware	164	839	57	Sullivan	28	108
24	Elk	100	321	58	Susquehanna	321	1219
25	Erie	227	618	59	Tioga	158	472
26	Fayette	133	368	60	Union	45	125
27	Forest	146	165	61	Venango	91	280
28	Franklin	122	519	62	Warren	82	213
29	Fulton	11	25	63	Washington	476	1493
30	Greene	173	525	64	Wayne	39	71
31	Huntingdon	53	191	65	Westmoreland	352	924
32	Indiana	103	288	66	Wyoming	74	242
33	Jefferson	76	199	67	York	302	1397
34	Juniata	27	79		TOTAL	12,025	42,067

*As reported by the PA Department of Labor and Industry. Reflects 2017 activity reported in 2018.

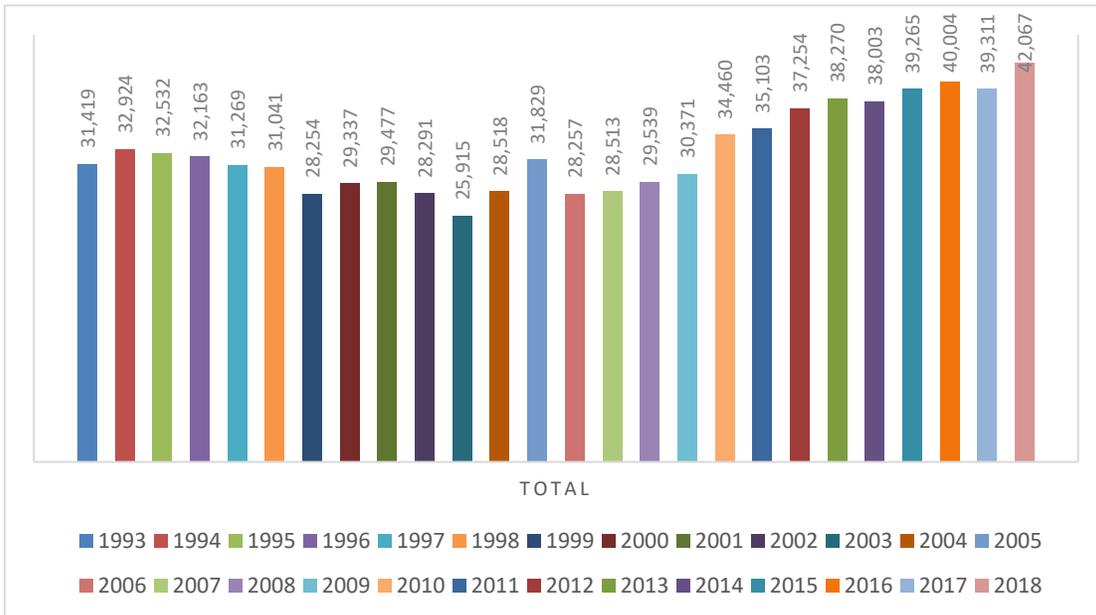
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TABLE 7
COMMONWEALTH OF PENNSYLVANIA
SARA, TITLE III
REPORTING TRENDS
OF TIER II FACILITIES

Tier II Chemical Facilities in Pennsylvania from CY 1993 through CY 2018.



Total Tier II Chemicals in Pennsylvania from CY 1993 through CY 2018.



*As reported by the PA Department of Labor and Industry. Reflects 2017 activity reported in 2018.

**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.

***1993 was the first year Tier II Chemical Facility and Tier II Chemical numbers were recorded. Historical data for years prior to 1993 is not known.

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TABLE 8
SARA, TITLE III - TOXIC RELEASE INVENTORY (TRI) SUBMISSIONS
2018 REPORTING YEAR

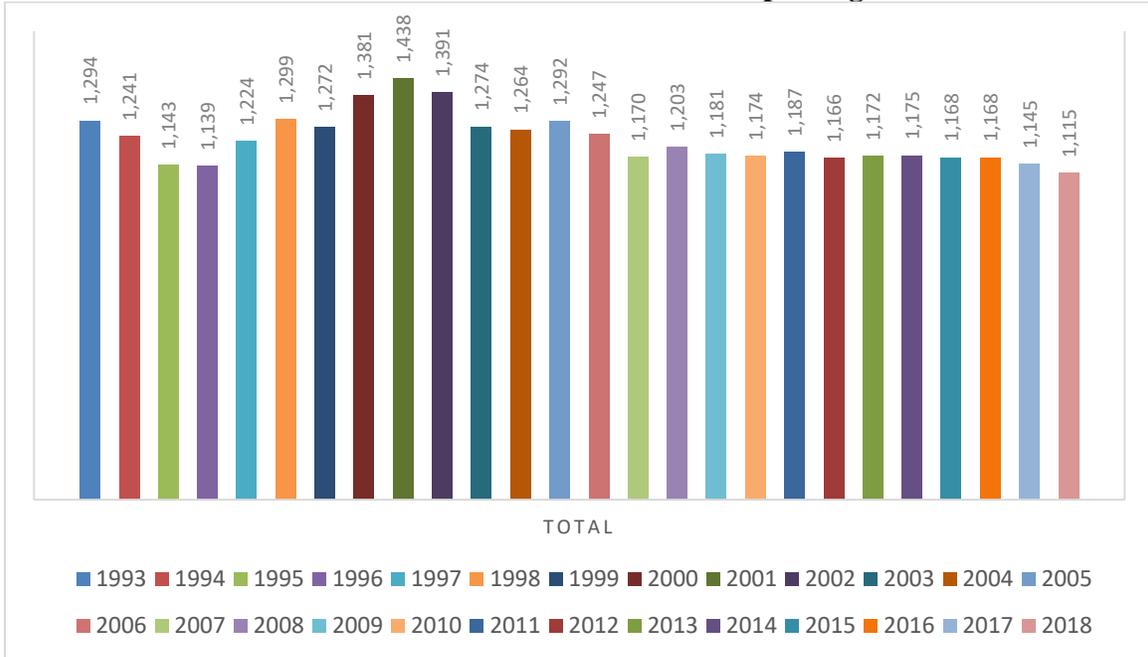
County Code	County Name	Number of Facilities	Chemicals Reported	County Code	County Name	Number of Facilities	Chemicals Reported
01	Adams	11	16	35	Lackawanna	12	31
02	Allegheny	71	338	36	Lancaster	63	180
03	Armstrong	5	28	37	Lawrence	16	61
04	Beaver	35	179	38	Lebanon	22	60
05	Bedford	6	15	39	Lehigh	28	67
06	Berks	45	164	40	Luzerne	31	69
07	Blair	15	59	41	Lycoming	18	44
08	Bradford	7	35	42	McKean	12	51
09	Bucks	47	150	43	Mercer	29	117
10	Butler	32	132	44	Mifflin	6	13
11	Cambria	11	49	45	Monroe	8	15
12	Cameron	5	7	46	Montgomery	54	146
13	Carbon	8	29	47	Montour	2	17
14	Centre	10	11	48	Northampton	34	112
15	Chester	28	78	49	Northumberland	10	37
16	Clarion	3	5	50	Perry	0	0
17	Clearfield	12	28	51	Philadelphia	31	118
18	Clinton	3	27	52	Pike	0	0
19	Columbia	6	15	53	Potter	4	7
20	Crawford	14	48	54	Schuylkill	21	107
21	Cumberland	18	50	55	Snyder	3	12
22	Dauphin	18	56	56	Somerset	6	16
23	Delaware	20	87	57	Sullivan	0	0
24	Elk	27	71	58	Susquehanna	0	0
25	Erie	54	129	59	Tioga	7	20
26	Fayette	5	10	60	Union	5	8
27	Forest	0	0	61	Venango	16	52
28	Franklin	14	39	62	Warren	9	46
29	Fulton	3	10	63	Washington	21	71
30	Greene	1	3	64	Wayne	2	3
31	Huntingdon	2	6	65	Westmoreland	37	116
32	Indiana	8	68	66	Wyoming	1	6
33	Jefferson	13	22	67	York	47	168
34	Juniata	3	10				
					TOTAL	1,115	3,744

*As reported by the PA Department of Labor and Industry. Reflects 2017 activity reported in 2018.

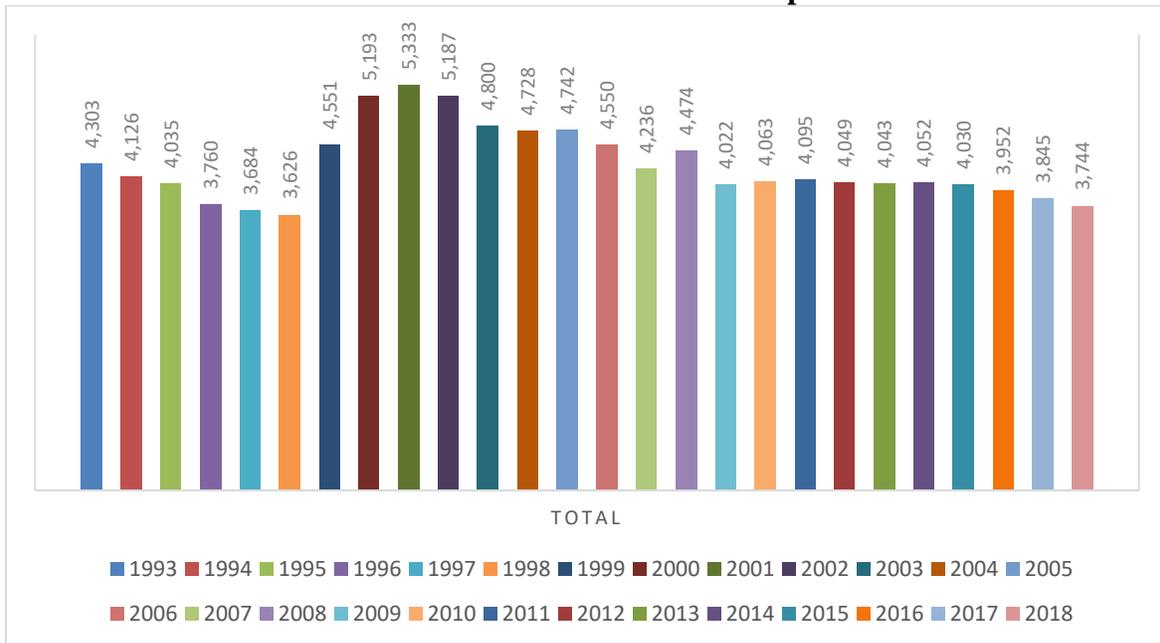
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TABLE 9
SARA, TITLE III
REPORTING TRENDS
TOXIC RELEASE INVENTORY (TRI) FACILITIES

Total Number of TRI Facilities Reporting



Total Number of TRI Chemicals Reported



*As reported by the PA Department of Labor and Industry. Reflects 2017 activity reported in 2018.

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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 PEMC, established a program to certify HMRTs and set standards for training, equipment, safety, and operations. PEMA Directive D2014-02, provides organizational and operational guidelines. The standards were patterned after those established by the United States OSHA regulation in 29 CFR Part 1910.120. The EPA adopted the OSHA regulations in 40 CFR Part 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 CY 2018, the 67 counties were served by a total of 35 state-certified hazardous material response teams, one of which was a new certified county team from Delaware County. Of these 35 teams, 22 teams are county teams, five teams are formed within the counties but operating independently, and eight teams are contract teams provided through independent vendors. Some counties maintain contracts or agreements with more than one certified team. See Table 10 for details.

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TABLE 10
2018 COUNTY COVERAGE BY CERTIFIED
HAZARDOUS MATERIAL RESPONSE TEAMS

COUNTY	HMRT	STATUS
Adams	(for Western half of County) Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County) (December 1 – 31, 2018)	Certified Memorandum of Agreement
	(for Eastern half of county) County of York Hazardous Material Emergency Response Team (Haz Mat 91) York (York County) (December 1 – 31, 2018)	Certified Memorandum of Agreement
Allegheny	Allegheny County - 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	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
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	Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	Certified
Cameron	Incident Response and Mitigation Services, LLC Kane (McKean County)	Contract; certified
Carbon	Rapid Response, Inc. 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	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Crawford	McCutcheon Enterprise, Inc. Hazardous Material Response Team Apollo (Armstrong County) (January 1 – May 22, 2018)	Contract; certified
	Weavertown Environmental Group (WEG) Carnegie (Allegheny County) (May 23- December 31, 2018)	Contract; certified
Cumberland	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Certified
Dauphin	Dauphin County Hazardous Material Response Team Harrisburg (Dauphin County)	Certified
Delaware	Delaware County Hazardous Material Response Team Media (Delaware County)	Certified
Elk	McCutcheon Enterprise, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; 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	Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	Contract; certified
Fulton	McCutcheon Enterprise Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified

COUNTY	HMRT	STATUS
Greene	Weavertown Environmental Group (WEG) Carnegie (Allegheny County)	Contract; certified
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	McCutcheon Enterprises, Inc. Hazardous Material Response Team Apollo (Armstrong County)	Contract; certified
Juniata	Northridge Group, Inc. Winfield (Union 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	Northridge Group, Inc. Winfield (Union County)	Contract; certified
McKean	Incident Response and Mitigation Services, LLC Kane (McKean 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	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Montgomery	Montgomery County Hazardous Material Response Team Eagleville (Montgomery County)	Certified
Montour	Northumberland County Hazardous Materials Response Team 49 Sunbury (Northumberland County)	Contract; certified
Northampton	Bethlehem Fire Dept. Hazmat Team Bethlehem (Northampton County)	Contract; certified
Northumberland	Northumberland County Hazardous Material Response Team 49 Sunbury (Northumberland County)	Certified
Philadelphia	Hazmat Task Force 1 Philadelphia	Certified
Pike	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
Potter	Incident Response and Mitigation Services, LLC Kane (McKean County)	Contract; certified
Schuylkill	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Snyder	Northridge Environmental Group, Inc. Northumberland (Northumberland County)	Contract; certified
Somerset	Somerset County Hazmat Team 600 Somerset (Somerset County)	Certified
Sullivan	Datom Products Hazardous Material Response Team Dunmore (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) (January 1 – November 30, 2018)	Contract; certified
	(for North of County) Incident Response and Mitigation Services, LLC Kane (McKean County) (December 1 – 31, 2018)	Contract; certified
	(for South of County) Northridge Environmental Group, Inc. Northumberland (Northumberland County) (December 1 – 31, 2018)	Contract; certified
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

COUNTY	HMRT	STATUS
Westmoreland	Westmoreland County Hazardous Material Response Team 800 Greensburg (Westmoreland County)	Certified
Wyoming	Datom Products Hazardous Material Response Team Dunmore (Lackawanna County)	Contract; certified
York	County of York Hazardous Material Emergency Response Team (HazMat 91) York (York County)	Certified

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.

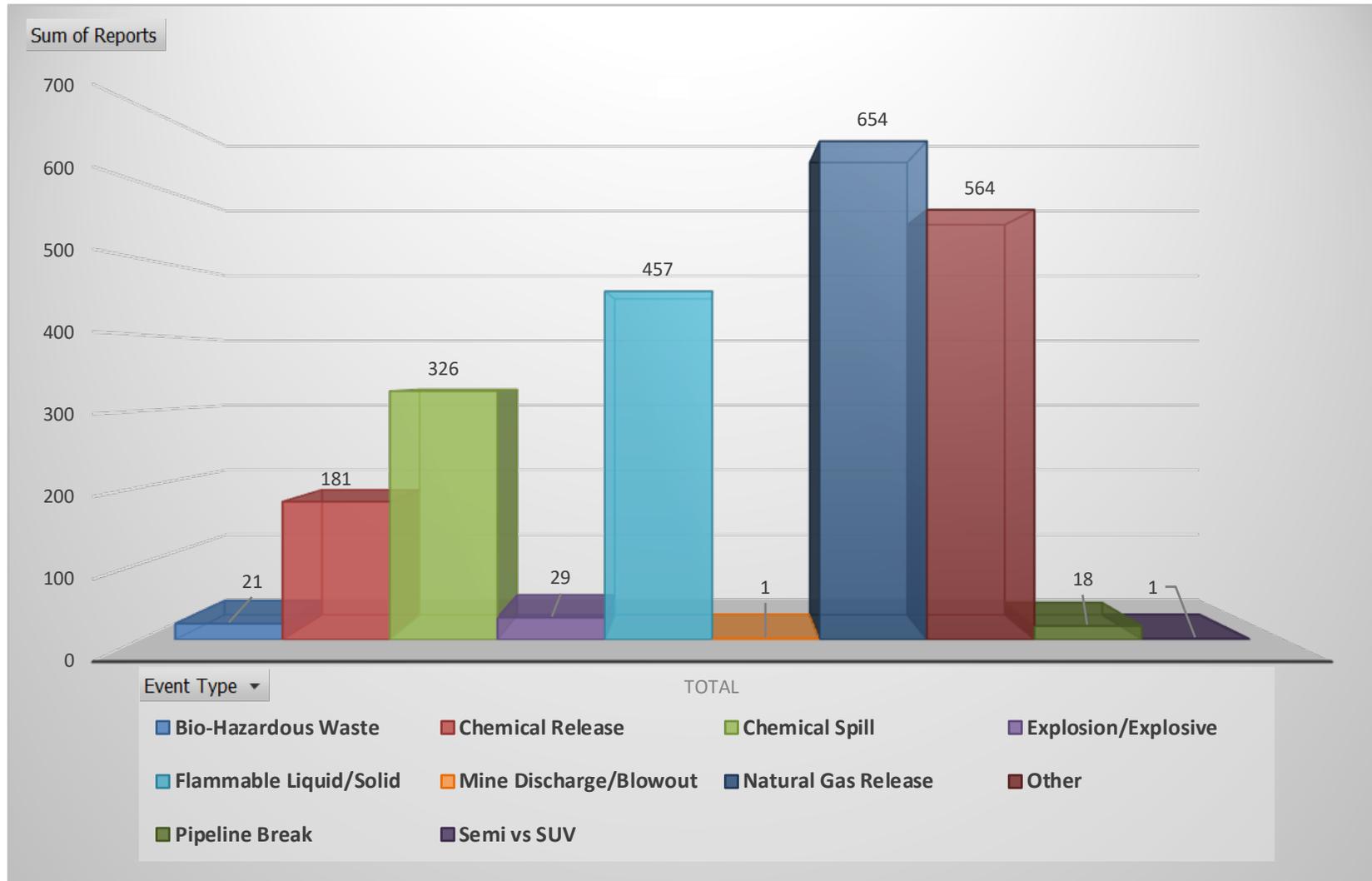
Section 204(a) (10) of Act 165 requires PEMA to staff and operate a 24-hour Commonwealth Watch and Warning Center (CWWC) to provide effective emergency response coordination, including the ability to receive and monitor the emergency notification reports required by the Act. The CWWC receives reports and coordinates responses to all types of significant incidents. During 2018, there were 15,186 incident-type events reported to the CWWC. Of these, 2,252 were reported as hazardous materials incidents. This is a 2.44 percent increase in hazardous materials incidents from 2017, which recorded 2,197 such events.

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
HAZARDOUS MATERIALS INCIDENTS REPORTED TO PEMA
JANUARY 1, 2018 - DECEMBER 31, 2018**



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TABLE 12

HAZARDOUS MATERIALS INCIDENT SUMMARY REPORT BY COUNTY

JANUARY 01, 2018 – DECEMBER 31, 2018

COUNTY	EVENT TYPE	TOTAL
ADAMS	CHEMICAL RELEASE	3
	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	1
	OTHER	2
	TOTAL	9
ALLEGHENY	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	8
	CHEMICAL SPILL	27
	EXPLOSION/EXPLOSIVE	3
	FLAMMABLE LIQUID AND SOLIDS	18
	NATURAL GAS RELEASE	30
	OTHER	35
	TOTAL	122
ARMSTRONG	CHEMICAL RELEASE	3
	CHEMICAL SPILL	1
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	3
	NATURAL GAS RELEASE	1
	OTHER	2
	TOTAL	11
BEAVER	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	3
	CHEMICAL SPILL	10
	FLAMMABLE LIQUID AND SOLIDS	6
	OTHER	4
	TOTAL	24

COUNTY	EVENT TYPE	TOTAL
BEDFORD	CHEMICAL RELEASE	1
	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	5
	OTHER	3
	TOTAL	11
BERKS	BIO-HAZARDOUS WASTE	3
	CHEMICAL RELEASE	4
	CHEMICAL SPILL	19
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	34
	NATURAL GAS RELEASE	13
	OTHER	42
	PIPELINE BREAK	2
	TOTAL	118
BLAIR	CHEMICAL SPILL	6
	FLAMMABLE LIQUID AND SOLIDS	12
	OTHER	5
	TOTAL	23
BRADFORD	CHEMICAL RELEASE	1
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	1
	OTHER	2
	TOTAL	5
BUCKS	CHEMICAL RELEASE	4
	CHEMICAL SPILL	18
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	14
	NATURAL GAS RELEASE	5
	OTHER	15
	TOTAL	57

COUNTY	EVENT TYPE	TOTAL
BUTLER	CHEMICAL RELEASE	1
	CHEMICAL SPILL	4
	FLAMMABLE LIQUID AND SOLID	2
	OTHER	2
	TOTAL	9
CAMBRIA	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	3
	CHEMICAL SPILL	5
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	6
	NATURAL GAS RELEASE	1
	OTHER	7
	TOTAL	24
CAMERON	TOTAL	0
CARBON	CHEMICAL RELEASE	1
	CHEMICAL SPILL	1
	EXPLOSION/EXPLOSIVE	2
	FLAMMABLE LIQUID AND SOLIDS	1
	OTHER	1
	TOTAL	6
CENTRE	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	2
	NATURAL GAS RELEASE	1
	OTHER	1
	TOTAL	6
CHESTER	CHEMICAL RELEASE	4
	CHEMICAL SPILL	7
	FLAMMABLE LIQUID AND SOLIDS	20
	NATURAL GAS AND RELEASE	9
	OTHER	7
	PIPELINE BREAK	1
	TOTAL	48

COUNTY	EVENT TYPE	TOTAL
CLARION	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	7
	OTHER	1
	TOTAL	9
CLEARFIELD	FLAMMABLE LIQUID AND SOLIDS	11
	NATURAL GAS RELEASE	1
	OTHER	2
	TOTAL	14
CLINTON	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	4
	OTHER	2
	TOTAL	7
COLUMBIA	FLAMMABLE LIQUID AND SOLIDS	3
	TOTAL	3
CRAWFORD	CHEMICAL RELEASE	1
	FLAMMABLE LIQUID AND SOLID	2
	OTHER	1
	TOTAL	4
CUMBERLAND	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	3
	CHEMICAL SPILL	10
	FLAMMABLE LIQUID AND SOLIDS	20
	OTHER	6
	TOTAL	40

COUNTY	EVENT TYPE	TOTAL
DAUPHIN	CHEMICAL RELEASE	3
	CHEMICAL SPILL	8
	FLAMMABLE LIQUID AND SOLID	19
	NATURAL GAS RELEASE	1
	OTHER	4
	TOTAL	35
DELAWARE	BIO-HAZARDOUS WASTE	2
	CHEMICAL RELEASE	6
	CHEMICAL SPILL	25
	FLAMMABLE LIQUID AND SOLIDS	12
	NATURAL GAS RELEASE	2
	OTHER	13
	PIPELINE BREAK	2
	TOTAL	62
ELK	FLAMMABLE LIQUID AND SOLIDS	2
	TOTAL	2
ERIE	CHEMICAL RELEASE	4
	CHEMICAL SPILL	11
	FLAMMABLE LIQUID AND SOLIDS	5
	NATURAL GAS RELEASE	3
	OTHER	13
	TOTAL	36
FAYETTE	CHEMICAL RELEASE	2
	CHEMICAL SPILL	5
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	3
	NATURAL GAS RELEASE	2
	OTHER	2
	TOTAL	15

COUNTY	EVENT TYPE	TOTAL
FOREST	NATURAL GAS RELEASE	1
	OTHER	1
	TOTAL	2
FRANKLIN	CHEMICAL RELEASE	10
	CHEMICAL SPILL	3
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	19
	NATURAL GAS RELEASE	1
	OTHER	5
	TOTAL	39
FULTON	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	1
	OTHER	1
	TOTAL	3
GREENE	CHEMICAL SPILL	2
	EXPLOSION/EXPLOSIVE	2
	FLAMMABLE LIQUID AND SOLIDS	4
	MINE DISCHARGE/BLOWOUT	1
	NATURAL GAS RELEASE	119
	OTHER	14
	PIPELINE BREAK	1
	SEMI VS SUV	1
	TOTAL	144
HUNTINGDON	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	6
	NATURAL GAS RELEASE	1
	TOTAL	9

COUNTY	EVENT TYPE	TOTAL
INDIANA		
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	1
	OTHER	2
	TOTAL	5
JEFFERSON		
	CHEMICAL RELEASE	1
	CHEMICAL SPILL	3
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	5
	NATURAL GAS RELEASE	6
	OTHER	5
	TOTAL	21
JUNIATA		
	TOTAL	0
LACKAWANNA		
	CHEMICAL RELEASE	2
	CHEMICAL SPILL	3
	FLAMMABLE LIQUID AND SOLIDS	7
	NATURAL GAS AND RELEASE	8
	OTHER	7
	TOTAL	27
LANCASTER		
	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	11
	CHEMICAL SPILL	3
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	20
	NATURAL GAS RELEASE	2
	OTHER	13
	TOTAL	51

COUNTY	EVENT TYPE	TOTAL
LAWRENCE	CHEMICAL RELEASE	1
	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	2
	NATURAL GAS RELEASE	1
	OTHER	5
	PIPELINE BREAK	4
	TOTAL	15
LEBANON	BIO-HAZARDOUS WASTE	5
	CHEMICAL RELEASE	4
	CHEMICAL SPILL	7
	FLAMMABLE LIQUID AND SOLIDS	21
	OTHER	6
	TOTAL	43
LEHIGH	CHEMICAL RELEASE	2
	CHEMICAL SPILL	10
	EXPLOSION/EXPLOSIVE	2
	FLAMMABLE LIQUID AND SOLIDS	17
	NATURAL GAS RELEASE	3
	OTHER	12
	TOTAL	46
LUZERNE	CHEMICAL RELEASE	1
	CHEMICAL SPILL	6
	EXPLOSION/EXPLOSIVE	5
	FLAMMABLE LIQUID AND SOLIDS	10
	NATURAL GAS RELEASE	6
	OTHER	8
	TOTAL	36
LYCOMING	CHEMICAL RELEASE	2
	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	3
	OTHER	4
	TOTAL	12

COUNTY	EVENT TYPE	TOTAL
McKEAN	CHEMICAL SPILL	3
	FLAMMABLE LIQUID AND SOLIDS	3
	NATURAL GAS RELEASE	2
	OTHER	2
	TOTAL	10
MERCER	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	2
	NATURAL GAS AND RELEASE	1
	OTHER	5
	TOTAL	10
MIFFLIN	FLAMMABLE LIQUID AND SOLIDS	1
	OTHER	1
	TOTAL	2
MONROE	CHEMICAL RELEASE	1
	CHEMICAL SPILL	4
	FLAMMABLE LIQUID AND SOLIDS	4
	NATURAL GAS RELEASE	6
	TOTAL	15
MONTGOMERY	CHEMICAL RELEASE	7
	CHEMICAL SPILL	21
	EXPLOSION/EXPLOSIVE	2
	FLAMMABLE LIQUID AND SOLIDS	25
	NATURAL GAS RELEASE	4
	OTHER	6
	TOTAL	65
MONTOUR	TOTAL	0

COUNTY	EVENT TYPE	TOTAL
NORTHAMPTON		
	CHEMICAL RELEASE	44
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	7
	NATURAL GAS RELEASE	171
	OTHER	229
	TOTAL	452
NORTHUMBERLAND		
	CHEMICAL SPILL	4
	FLAMMABLE LIQUID AND SOLIDS	11
	NATURAL GAS RELEASE	2
	OTHER	2
	TOTAL	19
PERRY		
	FLAMMABLE LIQUID AND SOLIDS	1
	TOTAL	1
PHILADELPHIA		
	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	7
	CHEMICAL SPILL	42
	FLAMMABLE LIQUID AND SOLIDS	20
	NATURAL GAS RELEASE	2
	OTHER	9
	TOTAL	81
PIKE		
	BIO-HAZARDOUS WASTE	1
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	1
	TOTAL	3
POTTER		
	CHEMICAL SPILL	1
	NATURAL GAS RELEASE	5
	TOTAL	6

COUNTY	EVENT TYPE	TOTAL
SCHUYLKILL	CHEMICAL RELEASE	1
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	9
	NATURAL GAS RELEASE	1
	OTHER	1
	TOTAL	13
SNYDER	CHEMICAL SPILL	2
	FLAMMABLE LIQUID AND SOLIDS	3
	NATURAL GAS RELEASE	1
	OTHER	1
	TOTAL	7
SOMERSET	CHEMICAL RELEASE	4
	CHEMICAL SPILL	5
	EXPLOSION/EXPLOSIVE	3
	FLAMMABLE LIQUID AND SOLIDS	4
	NATURAL GAS RELEASES	4
	OTHER	8
	TOTAL	28
SULLIVAN	CHEMICAL SPILL	1
	NATURAL GAS RELEASE	2
	TOTAL	3
SUSQUEHANNA	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	1
	CHEMICAL SPILL	3
	FLAMMABLE LIQUID AND SOLIDS	4
	OTHER	3
	TOTAL	12

COUNTY	EVENT TYPE	TOTAL
TIOGA	CHEMICAL RELEASE	1
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	4
	TOTAL	7
UNION	CHEMICAL SPILL	1
	NATURAL GAS RELEASE	2
	TOTAL	3
VENANGO	CHEMICAL RELEASE	1
	TOTAL	1
WARREN	CHEMICAL RELEASE	7
	CHEMICAL SPILL	3
	FLAMMABLE LIQUID AND SOLIDS	1
	NATURAL GAS RELEASE	1
	OTHER	3
	PIPELINE BREAK	1
	TOTAL	16
WASHINGTON	CHEMICAL RELEASE	5
	CHEMICAL SPILL	6
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	15
	NATURAL GAS RELEASE	194
	OTHERS	10
	TOTAL	231
WAYNE	CHEMICAL RELEASE	1
	FLAMMABLE LIQUIDS AND SOLIDS	2
	OTHER	2
	TOTAL	5

COUNTY	EVENT TYPE	TOTAL
WESTMORELAND	BIO-HAZARDOUS WASTE	1
	CHEMICAL RELEASE	1
	CHEMICAL SPILL	10
	FLAMMABLE LIQUID AND SOLIDS	11
	NATURAL GAS RELEASE	21
	OTHER	23
	PIPELINE BREAK	7
	TOTAL	74
WYOMING		
	CHEMICAL SPILL	1
	FLAMMABLE LIQUID AND SOLIDS	1
	TOTAL	2
YORK		
	BIO-HAZARDOUS WASTE	2
	CHEMICAL RELEASE	9
	CHEMICAL SPILL	7
	EXPLOSION/EXPLOSIVE	1
	FLAMMABLE LIQUID AND SOLIDS	10
	OTHER	4
	TOTAL	33
GRAND TOTAL:		2,252

STATEWIDE HAZARDOUS MATERIALS EVENT SUMMARY
January 1, 2018 Through December 31, 2018

HAZARDOUS MATERIALS EVENT	NUMBER OF REPORTS
BIO-HAZARDOUS WASTE	21
CHEMICAL RELEASE	181
CHEMICAL SPILL	326
EXPLOSION/EXPLOSIVE	29
FLAMMABLE LIQUID AND SOLIDS	457
MINE DISCHARGE/BLOWOUT	1
NATURAL GAS RELEASE	654
OTHER	564
PIPELINE BREAK	18
SEMI VS SUV	1
TOTAL INCIDENTS REPORTED TO PEMA:	2,252

REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES FOR 2018

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 regarding 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 competent personnel that have the knowledge, skills, and abilities to effectively respond to hazardous materials emergencies. This is accomplished by providing quality training and education which 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 must meet or exceed applicable national standards, such as the National Fire Protection Association (NFPA) 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.

In Calendar Year 2018, the Hazardous Materials training programs sanctioned by PSFA were offered to all disciplines including first responders and private and military personnel in the Commonwealth's 67 counties.

The PSFA courses are offered as a mechanism to assist "employers" in meeting the federal requirements outlined in 29 CFR Part 1910.120 and 40 CFR Part 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 written examination and 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 2018:

<u>Training Courses for 2018</u>	<u>Number of Classes</u>	<u>Number of Students</u>
HazMat Awareness	410	7,226
HazMat Awareness Refresher	113	1,950
HazMat Operations	192	3,170
HazMat Operations Refresher	984	19,741
HazMat Technician	12	137
HazMat Technician Refresher	38	383
HazMat Specialty Courses	109	1,616
TOTALS	<u>1,858</u>	<u>33,652</u>

Hazardous Materials Awareness and Operations Certifications as conducted at the Pennsylvania State Fire Academy and the Commonwealth's 27 field test sites.

<u>LEVELS of Certification</u>	<u>Number individuals Certified</u>
HazMat Awareness	7,226
HazMat Operations	3,170
HazMat Technician	<u>134</u>
TOTAL	<u>10,530</u>

DEPARTMENT OF LABOR AND INDUSTRY
Bureau of Occupational & Industrial Safety/PENNSAFE Program
Annual Report for 2018

Collection Efforts

- Activity for Calendar Year 2018 (Tier II and TRI facility reports collected were for the 2016 reporting year cycle) was as follows:
- In December 2016, a letter advising of the upcoming reporting period and the first date that Report Year 2016 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 reporting facility listed as active in the PATTS reporting system.
- In May 2018, 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 because they are invoiced the following year during the Annual Report cycle. EPCRA also requires facilities 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 mandatory under Act 165, but the online reporting process results in real time updates to vital emergency

response information. 64 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 timelier. PEMA's Commonwealth Watch and Warning Center and regional staff, as well as DEP hazardous materials response personnel; also utilize the PATTS system.

In June 2018, PENNSAFE sent email notifications to all facility reporting agents advising of upcoming EPA changes to Tier II reporting that would go into effect January 1, 2018. The health hazards were expanded from the original five hazards to the 24 physical and health hazards now identified under the Globally Harmonized System (GHS). Facilities would also be required to upload Safety Data Sheets which included this new hazard information. PENNSAFE provided a tracking sheet for the submitters to manage their info in advance of the next reporting cycle. In December 2018, the PATTS program was updated to a .NET operating system which included a new report type, referenced as an Update report. This allowed facilities to start preparing their data with the new hazards in advance of the annual reporting cycle. The update report, like an initial report, did not generate a fee since the substances had already been reported for the calendar year. The update report feature will remain on the reporting system, and will allow facilities to formally document mid-year changes to personnel, email addresses and/or telephone numbers, significant reductions in quantity of reported substances, etc. This Update report benefits the responder community by providing them with access to the most current information for a facility.

As part of PENNSAFE's compliance process, facility reports, site plans and other attachments are reviewed for their completeness and accuracy for first responders' use in the field. Facilities with inaccurate reports and/or attachments are contacted and advised to correct the submittal as necessary by filing 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 and 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. These reports are only submitted to EPA and to the Department. 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's TRI activities are limited 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. EPA maintains a searchable TRI database (Envirofacts) 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 hazardous substance and is required to be listed on the annual report. Act 165 established certain fee exemptions for both Tier II and TRI reports, and these fee exemptions apply to publicly owned and operated facilities, family farms, and service stations. Facilities may also voluntarily report substances onsite but under reporting quantity in the interest of emergency planning and response. 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, if any. Hard copy report submissions frequently include the associated fees. If the fee is not included with the hard copy submission, the facility is invoiced.

The TRI fee is \$250 per chemical, with the 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 larger share of the Hazardous Materials Response Fund monies collected. Outstanding invoices are monitored, and payments are actively pursued.

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 2014	\$1,374,410.00
Calendar Year 2015	\$1,379,650.00
Calendar Year 2016	\$1,358,530.00
Calendar Year 2018	\$1,312,480.00

The breakdown for the fees collected during calendar year 2018 is as follows:

Tier II Fees Collected	\$360,980.00
TRI Fees Collected	\$951,500.00
Total Deposits	\$1,312,480.00

For the Report Year 2016 Tier II reporting cycle (Annuals due March 1, 2018), the Department collected 14,045 Tier II reports, including annual, initial, back year and revision reports. Only 12 of these Tier II reports were hard copy submissions that required staff data entry.

For the Report Year 2016 TRI reporting cycle (due July 1, 2018), the Department processed a total of 3,845 TRI chemical reports.

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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% of the time for hazmat program purposes, then 50% of the item's cost may be funded by Act 165 revenues.
 4. Determination of usage is to be made by the county Emergency Management Coordinator, or higher qualified authority, and is to be based on experience factors or documented analyses, consistently applied. An acceptable alternate method for determining the percentage of costs to be applied to Act 165 funds is to divide the costs equally among all the departments/agencies/functions utilizing the item regardless of the actual usage in each.
- B. Examples of authorized expenditures for Act 165-generated funds are listed below. Expenditures for any costs which do not conform to the following guidelines require prior approval of the Pennsylvania Emergency Management Agency acting on behalf of the Pennsylvania Emergency Management Council. A county is not required to purchase or accomplish all of the items listed below. The list of program costs is provided for guidance purposes only and is not to be construed as a priority list. Each county may determine which program costs/items should have funding priority based upon the county's decision-making process.

1. Administration

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

2. Detection and Warning Equipment

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

3. Drills and Exercises

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

maintenance, tires, etc. Cost standards to be applied must be consistent with the county cost applications for vehicle usage for all other official purposes.

- d. replenishment of consumable supplies used in hazmat drills and exercises.
- e. meals and snacks for participants in hazmat drills and exercises.
- f. lodging and subsistence, if required, for participants in drills and exercises.

4. Hazmat Team Equipment

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

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

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

travel, lodging and subsistence costs. Travel reimbursement not to exceed current approved State rates.

- e. public announcements of LEPC meetings and other LEPC activities.
- f. costs associated with public information or outreach programs, including the development, printing and distribution of brochures and information pamphlets.

6. Hazmat Operations

- a. stockage or replenishment of absorbent, containment, and over packing materials, and other consumables for use by first responders to hazmat incidents.
- b. cost of usage of county and volunteer organization vehicles, including gasoline, tires, maintenance, etc. Cost standards to be applied must be consistent with the county cost application for vehicle usage for other official purposes.
- c. communications equipment, including battery replacement, message transmission costs, etc.
- d. specialized needs for the county EOC and command post support operations.
- e. protective clothing and equipment for county emergency response personnel who respond to hazmat incidents.
- f. reference materials required by emergency responders who respond to hazmat incidents.
- g. decontamination equipment and supplies.
- h. hazmat incident response costs, in accordance with Section 210 of Act 165, for a county's certified hazmat team and its supporting paid or volunteer emergency service organizations that qualify under Section 210(b) of Act 165, when those costs cannot be recovered from the person (as defined in Section 103 of Act 165) responsible for the release. However, each supporting paid or volunteer emergency organization may receive from Act 165-generated funds no more per response than the amount provided for in Section 207(b)(1) of Act 165.

7. Personnel

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

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