

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

**2020 ANNUAL REPORT**

Prepared for the

**Pennsylvania Emergency Management Council**



Prepared by



**pennsylvania**  
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**COMMONWEALTH OF PENNSYLVANIA  
HAZARDOUS MATERIAL  
EMERGENCY PLANNING AND RESPONSE ACT  
Annual Report - 2020**

**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) 2020. 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 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.

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. 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 implementation of chemical industry awareness and compliance programs, and the delivery of relevant training, drills, and exercises.

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.

**Revenues**

The Act established two non-lapsing restricted accounts. One is in the State Treasury known as the Hazardous Materials Response Fund (HMRF) and the other, at the county level, is known as the Hazardous Material Emergency Response Fund (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 2020, L&I collected \$1,310,150 in chemical fees. This was a 2.91 percent decrease from CY 2019's collection of \$1,349,450.

Most 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) 2020, a total of \$1,260,000.00 was distributed to counties via this grant program.

During CY 2020, the county annual update reports showed a total of \$3,077,938.81 acquired by the counties in chemical and planning fees and interest. This is a 7.46 percent increase from CY 2019's collection of \$2,848,305.69 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 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, 2020, there were in effect 3,615 off-site emergency response plans required by the LEPCs to be reviewed and approved by the PEMA Area Offices on behalf of the SERC. 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. 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 reporting year (RY) 2020, 11,884 facilities reported on 40,873 hazardous chemicals. In RY 2019, 12,383 facilities provided these reports on 42,188 chemicals for these activities in the preceding

year. From RY 2019 to RY 2020, the number of facilities decreased by 4.03 percent and the number of chemicals decreased by 3.12 percent.

*\* Reporting numbers provided by the PA Department of Labor and Industry*

### **Emergency Notification**

During CY 2020, 17,106 incident-type events were reported to the Commonwealth Watch and Warning Center (CWWC). Of these incidents, 2,962 were reported as being hazardous materials related. This is a 36.68 percent increase in hazardous materials incidents reported from the CY 2019 Annual Report which recorded 1,846 such events. This year's report includes some transportation and structure fire incidents that required hazardous materials incident response that had not been reported in previous year's reports. In addition, natural gas incidents have been added to this year's report. They were not added as hazardous materials incidents in previous year's reporting. See Table 11 for a detailed breakdown of incidents by type.

### **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 (DOH), and the Office of the State Fire Commissioner (OSFC). 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, 2020, Pennsylvania had 35 state certified HMRTs. Of these teams, 22 were county teams and 13 were contract teams. Some HMRTs provided response coverage for more than one county.

### **Training**

In keeping with training standards for emergency response personnel set by federal regulation *Hazardous Waste Operations and Emergency Response*, 29 CFR Part 1910.120 and 40 CFR Part 311, all paid, and volunteer emergency response personnel must be trained to the Awareness level they are most likely to witness or discover a hazardous materials release involving 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. As of September 13, 2019, PEMA and the Pennsylvania State Fire Academy (PSFA) instituted statewide training standards that require hazardous materials response training be conducted at the National Fire Protection Association (NFPA) 472 standard in Pennsylvania. These training courses are offered throughout the Commonwealth by the PSFA and PSFA approved Educational Training Agencies (ETA). In CY 2020, the PSFA and ETAs reported conducting 1,558 classes and training 31,935 personnel in hazardous materials incident response through various courses statewide in spite of the limitations imposed by the COVID-19 pandemic.

## **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 aids in this process 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.

In October 2018, the American Water and Infrastructure Act (AWIA) made changes to the accessibility of chemical facility information. AWIA specifically mandated access to chemical facility and inventory information for all reporting facilities located within the source water area of a community water system. Furthermore, AWIA created an obligation for the SERC and LEPCs to gather information from non-reporting facilities that have been specifically identified by the community water system as potentially using, storing, or handling hazardous chemicals that may pose a threat to drinking water. The changes to AWIA also bolstered the emergency reporting requirements to community water systems to prevent contaminants from entering the water supply.



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## **2020 HIGHLIGHTS**

### **CHEMICAL EMERGENCY PREPAREDNESS PROGRAM**

The counties submitted their updated Annual HMERP reports as required by Act 165 which reflect the events of CY 2020 and the status of their hazardous materials programs as of December 31, 2020. 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 HMER Account. On these statements, the counties report the fee structure established by county ordinance to collect fees from facilities manufacturing or storing hazardous chemicals, the fees collected during the report year, and the account balance. The funds generated through the provisions of Act 165 are to be expended by the counties in accordance with the spending plans in the updates, the provisions of Act 165, and Emergency Management Directive No. D2001-1, dated January 25, 2001, *Expenditure of Act 165-Generated Revenues at the County Level*. During CY 2020, the reported generated funds amounted to \$3,077,938.81.

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 through. With excellent customer service from the PENNSAFE Program, most of the chemical facility reports were filed online in CY 2020 through the Pennsylvania Tier II System (PATTS). 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. Sixty-six 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.

PATTS is not an all-inclusive system. PATTS does not provide the capability to do online billing for Tier II fees. L&I must invoice and collect checks via mail in order to collect these fees. In RY 2020, it was found to be an issue as some facilities mistakenly mail their payments to PEMA or the county where the facility is located instead of L&I. Invoicing and the collection of payments continues to be an issue due to the current antiquated collection system.

The extensive Marcellus Shale extraction activity continued in 2020. 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.

Again, in CY 2020, 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. This year's conference was held virtually due to the COVID pandemic and had approximately 815 attendees.

December 6, 2020, marked the 27<sup>th</sup> 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 2020 was the 26<sup>th</sup> 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 materials incidents, and for the transportation-related training of emergency responders. For federal grant period 2019-2022, PEMA received an HMEP award totaling \$2.2 million. The HMEP has a three-year grant cycle for projects which may span multiple years. These are reimbursable grants for which the counties must expend funds for approved projects and then request reimbursement for the actual expenses incurred.

Throughout CY 2020, major efforts were made to continue the required Hazardous Materials Response Team Certification/Recertification program for the HMRTs in the Commonwealth. In CY 2020, eight of the Commonwealth's 35 HMRTs were recertified in spite of the limitations imposed by the COVID pandemic.

The Commonwealth's Act 165 funding has seen a decline 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. Fees for Tier II chemicals and fees for off-site response plans for EHS chemicals over the Threshold Planning Quantity (TPQ) have not increased since Act 165's inception in 1990. The number of facilities, the number of chemicals, and the threat of hazardous materials incidents has continued. Hazardous materials incident preparedness and response is only getting more expensive, and CY 2020 has shown that state certified HMRTs are struggling to maintain the equipment requirements and training requirements they need to maintain to continue to protect the residents of the Commonwealth. An increase in fees is required to provide the HMRTs with adequate funding through the HMRF grant and county collected Tier II fees as the costs associated with hazardous materials incident response have grown exponentially since 1990 and even more due to the COVID pandemic.

## **STATE EMERGENCY RESPONSE COMMISSION**

SARA Title III, required that the Governor of each state appoint a 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 2020 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.
- 35 P.S. § 6022.201(g).

**TABLE 1**

**2020 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION**

The Honorable Tom Wolf  
Governor

The Honorable John Fetterman  
Lt. Governor

Major General Anthony J. Carrelli  
Adjutant General

Dr. Rachel Levine  
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 Dutrieuille  
Chairman, Public Utility Commission

Jerry Oleksiak  
Secretary of Labor and Industry

Bruce Trego  
State Fire Commissioner

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

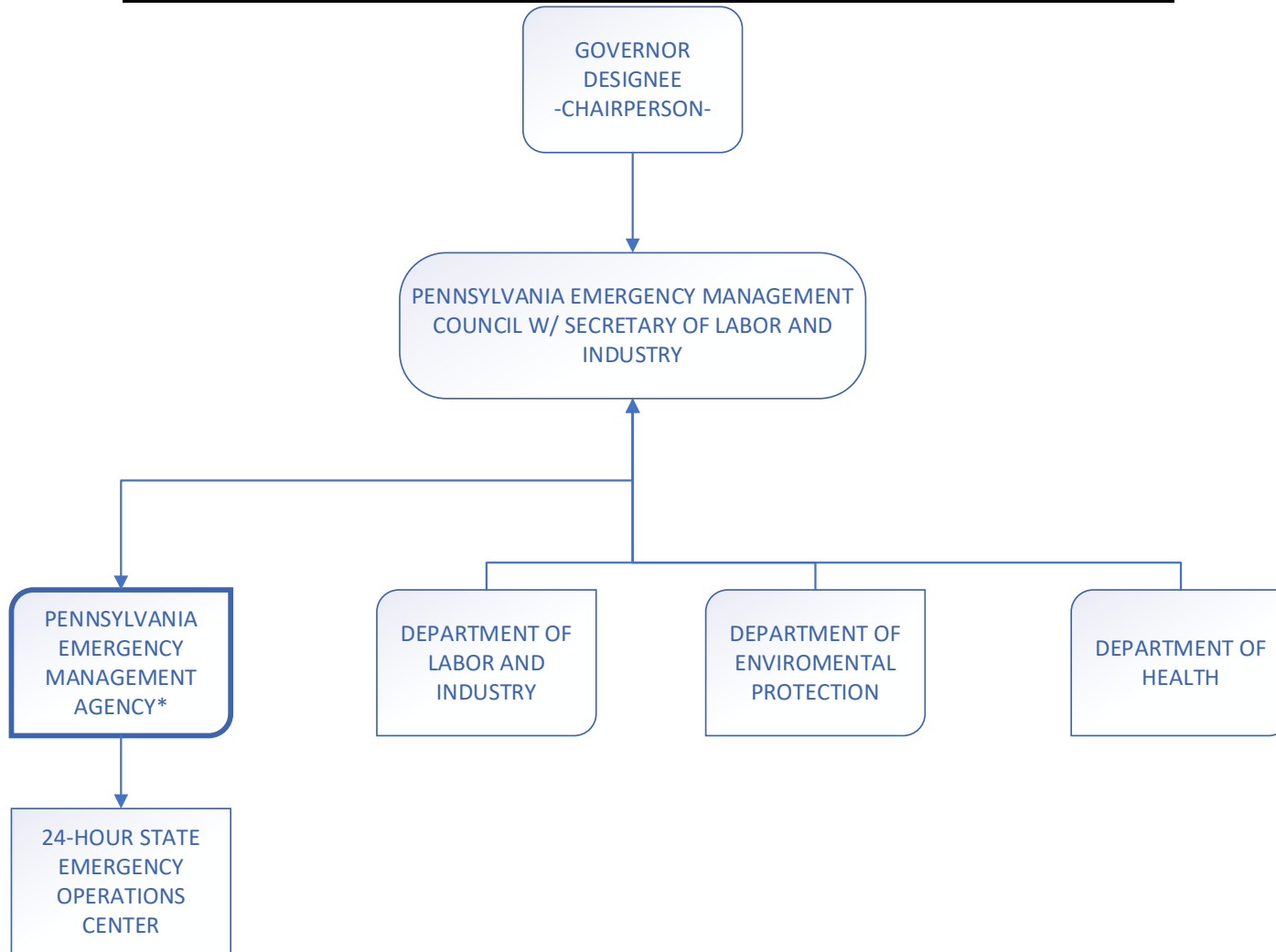
Senate Minority Leader Jay Costa  
(Also serves as chair of the Veterans Affairs & Emergency Preparedness Committee)

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, ACT 165 AND AWIA: 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, as well as 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 residents 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).

In October 2019, the American Water Infrastructure Act (AWIA) amended specific sections of EPCRA to protect community water systems. The revisions to EPCRA require that community water systems (1) receive prompt notification of any reportable release of an EPCRA extremely hazardous substance (EHS) or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance (HS) that potentially affects their source water, and (2) have access to EPCRA Tier II information (i.e., hazardous chemical inventory data). These requirements went into effect immediately upon signing the law.

- 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 at or above the EPA-designated reporting quantity (RQ), the owner or operator of the facility must immediately ensure a notification is made to the community emergency coordinator for the LEPC and to the SERC. The SERC shall promptly notify the state drinking water primacy agency (PADEP). **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 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. The 2019 AWIA amendment requires the SERC to provide Tier II data to affected community water systems for all facilities within their source water area, upon request. This includes requests for Tier II information below reporting thresholds. **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 residents 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.

Act 165 requires PEMA 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 HMRTs.

The passage of Act 165 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.

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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
- 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 implementation 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  
CY 2020 LOCAL EMERGENCY PLANNING COMMITTEE  
CHAIRPERSONS**

<b>County Code</b>	<b>County Name</b>	<b>LEPC Chairperson</b>	<b>County Code</b>	<b>County Name</b>	<b>LEPC Chairperson</b>
1	Adams	Ms. Kimberly S. Frank	35	Lackawanna	Mr. Steve Pitoniak
2	Allegheny	Mr. Steven J. Wilharm	36	Lancaster	Mr. Duane Hagelgans
3	Armstrong	Mr. J. Larry Rice	37	Lawrence	Mr. Donald J. Cataldo
4	Beaver	Mr. Eugene Miketa	38	Lebanon	Mr. Robert Dowd
5	Bedford	Mr. David E. Cubbison	39	Lehigh	Ms. Nicole Burton
6	Berks	Ms. Carolyn O'Hare	40	Luzerne	Mr. Ronald Smith
7	Blair	Mr. Timothy Rea	41	Lycoming	Mr. Michael Shaffer
8	Bradford	Mr. Joseph Shay	42	McKean	Mr. Bruce A. Manning
9	Bucks	Mr. Robert A. Kay, Sr.	43	Mercer	Mr. Richard J. Weinzierl
10	Butler	Mr. Scott M. Hoffman	44	Mifflin	Mr. Scott Maurey
11	Cambria	Mr. Arturo Martynuska	45	Monroe	Dr. Clarence J. Murphy
12	Cameron	Mr. Kevin Johnson	46	Montgomery	Mr. Steven Wittmer
13	Carbon	Mr. Robert Miller	47	Montour	Mr. Scott Bittin
14	Centre	Mr. Brian Heiser	48	Northampton	Mr. Michael Rinker
15	Chester	Dr. Robert S. Fleming	49	Northumberland	Mr. Stephen Jeffery
16	Clarion	Mr. William D. Logue	50	Perry	Mr. Michael Minich
17	Clearfield	Mr. Joseph Mitchel	51	Philadelphia	Mr. David Binder
18	Clinton	Mr. Chad Alley	52	Pike	Mr. Scott Gillette
19	Columbia	Mr. Mark Williams	53	Potter	Ms. Helen Turner
20	Crawford	Mr. Steven Nickell	54	Schuylkill	Mr. Randall M. Kalce
21	Cumberland	Mr. Steven Spangler	55	Snyder	Mr. Fred Wagner
22	Dauphin	Mr. Christopher J. Fisher	56	Somerset	Mr. Frederic Rosemeyer
23	Delaware	Mr. John McBlain	57	Sullivan	Mr. Deveron Wilcox
24	Elk	Mr. Tony Casilio	58	Susquehanna	Mr. Blaine Dibble
25	Erie	Mr. Charles Ramsey	59	Tioga	Mr. John Erich
26	Fayette	Mr. Leo Guy Napolillo	60	Union	Chief James J. Blount III
27	Forest	Mr. Randall Parrett	61	Venango	Mr. Timothy L. Dunkle
28	Franklin	Mr. William L. Little	62	Warren	Ms. Gail Anderson
29	Fulton	Ms. Donna Welsh	63	Washington	Mr. Jeffery Yates
30	Greene	Mr. Gregory C. Leathers	64	Wayne	Mr. Wendell R. Kay
31	Huntingdon	Ms. Debra Fleagle	65	Westmoreland	Mr. Les Harvey
32	Indiana	Mr. Jon Pina	66	Wyoming	Mr. Ronald Coolbaugh
33	Jefferson	Mr. Albert Reid	67	York	Mr. Daniel J. O'Connell
34	Juniata	Mr. John F. Shirk			

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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 CY 2020, a total of \$3,077,938.81 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.

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.)

To ensure prompt receipt of the annual report from the counties, as well as to simplify reporting requirements, the end of year report was incorporated into the HMRF grant application. This data is submitted to PEMA through use of DCED's Electronic Single Application (ESA).

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**TABLE 4  
ACT 165 REVENUES THROUGH CALENDAR YEAR (CY) 2020**

<b>COUNTY</b>	<b>ASSESSMENT FUNDS 2020</b>	<b>ASSESSMENT TOTAL 1992-2020</b>	<b>INITIAL GRANT 1992</b>	<b>RETROACTIVE GRANT 1993-2010</b>	<b>HMRP GRANT 2020</b>	<b>TOTAL HMRP GRANTS 1992-2020</b>	<b>ACT 165 GENERATED FUNDS 1992-2020</b>
Adams	17,383	633,449	1,500	4,593	26,499	586,698	1,220,147
Allegheny	17,550	5,866,363		562,916	87,743	1,743,482	7,609,845
Armstrong	13,583	656,966	1,500	14,730	8,212	271,064	928,030
Beaver	21,445	1,963,190	1,500	41,647	28,602	698,311	2,661,501
Bedford	39,137	267,140	1,500		4,864	145,944	413,084
Berks	47,720	3,651,965	1,500	211,352	52,360	1,169,490	4,821,455
Blair	2,470	1,426,368	1,500		17,928	535,901	1,962,269
Bradford	12,603	748,226	1,500		10,071	188,292	936,518
Bucks	9,220	4,674,344	1,500	172,883	48,711	1,512,281	6,186,625
Butler	23,313	1,581,770	1,500	85,649	24,244	678,105	2,259,875
Cambria	5,202	628,867	1,500	76,320	15,347	457,736	1,086,603
Cameron	192,000	250,383	1,500		1,278	17,172	267,555
Carbon	17,019	234,005	1,500		8,514	178,543	412,548
Centre	87,130	588,933	1,500		14,337	395,565	984,498
Chester	33,294	1,674,949	1,500	230,290	34,109	1,352,587	3,027,536
Clarion	94,896	349,151	1,500	8,742	4,926	100,614	449,765
Clearfield	52,150	671,653	1,500		8,317	364,637	1,036,290
Clinton	76,159	536,038	1,500	4,814	6,874	488,264	1,024,302
Columbia	2,855	408,407	1,500		6,702	192,745	601,152
Crawford	82,725	896,374	1,500		17,271	435,530	1,331,904
Cumberland	97,918	905,691	1,500	9,795	41,172	726,246	1,631,937
Dauphin	50,365	1,532,078	1,500	55,597	36,147	1,034,688	2,566,766
Delaware	27,316	2,432,012		228,095	21,749	265,897	2,697,909
Elk	17,938	555,307	1,500		5,614	140,927	696,234
Erie	74,281	1,504,846	1,500	60,031	30,068	850,679	2,355,525
Fayette	37,253	598,187	1,500	74,434	14,917	325,364	923,551
Forest	7,085	9,835	1,500		**0	**0	9,835
Franklin	30,788	600,672	1,500		19,364	616,511	1,217,183
Fulton	23,928	69,804	1,500		3,278	147,416	217,220
Greene	6,166	389,345	1,500		2,766	45,199	434,544
Huntingdon	27,072	218,062	1,500		8,498	223,573	441,635
Indiana	30,243	699,285	1,500	62,262	9,609	365,412	1,064,697
Jefferson	5,056	349,310	1,500	1,800	6,297	190,277	539,587
Juniata	29,645	130,819	1,500	13,107	8,143	203,147	333,966

COUNTY	ASSESSMENT FUNDS 2020	ASSESSMENT TOTAL 1992-2020	INITIAL GRANT 1992	RETROACTIVE GRANT 1993-2010	HMRG GRANT 2020	TOTAL HMRG GRANTS 1992-2020	ACT 165 GENERATED FUNDS 1992-2020
Lackawanna	10,651	624,203	1,500		16,223	188,204	812,407
Lancaster	4,286	3,050,292	1,500	109,206	54,249	1,169,828	4,220,120
Lawrence	55,125	609,636	1,500	383	8,823	197,025	806,661
Lebanon	109,989	584,264	1,500	32,230	16,707	309,841	894,105
Lehigh	7,248	1,646,499	1,500		37,642	657,356	2,303,855
Luzerne	53,746	1,704,712	1,500	22,764	31,940	591,587	2,296,299
Lycoming	6,576	1,149,912	1,500	108,621	21,019	757,253	1,907,165
McKean	45,681	571,548	1,500		7,862	148,031	719,579
Mercer	20,700	995,892	1,500	10,268	12,759	190,421	1,186,313
Mifflin	54,054	375,590	1,500		5,143	335,955	711,545
Monroe	89,357	674,662	1,500		10,133	161,015	835,677
Montgomery	68,600	4,057,860		126,085	77,264	2,403,058	6,460,918
Montour	63,467	162,428	1,500	447	3,093	34,541	196,969
Northampton	17,622	1,274,044	1,500		25,966	280,974	1,555,018
Northumberland	135,496	826,972	1,500		14,478	326,336	1,153,308
Perry	28,056	85,722	1,500		2,110	195,332	281,054
Philadelphia	193,955	3,718,165		56,382	50,962	2,471,591	6,189,756
Pike	32,925	68,834	1,500	1,204	2,155	112,396	181,230
Potter	75,588	230,114	1,500	3,274	10,309	212,201	442,315
Schuylkill	41,900	1,135,419	1,500		26,501	438,633	1,574,052
Snyder	20,950	170,217	1,500		7,316	214,047	384,264
Somerset	135,179	533,334	1,500		12,069	315,779	849,113
Sullivan	10,310	96,649	1,500		5,366	113,867	210,516
Susquehanna	24,580	702,758	1,500	2,383	20,364	181,296	884,054
Tioga	64,039	429,884	1,500	22,830	9,405	246,169	676,053
Union	114,600	323,439	1,500	15,665	10,009	272,179	595,618
Venango	13,894	652,142	1,500		6,502	150,630	802,772
Warren	230,618	618,100	1,500		5,791	154,627	772,727
Washington	3,905	1,694,410	1,500	15,744	26,004	447,226	2,141,636
Wayne	17,761	151,684	1,500		4,181	197,417	349,101
Westmoreland	977	2,050,309	1,500	65,710	26,989	724,625	2,774,934
Wyoming	1,888	193,587	1,500		2,260	144,493	338,080
York	11,310	2,332,917	1,500	61,264	53,875	778,537	3,111,454
<b>TOTALS</b>	<b>3,077,939</b>	<b>71,199,990</b>	<b>94,500</b>	<b>2,573,515</b>	<b>1,260,000</b>	<b>31,770,767</b>	<b>102,970,757</b>

\*- Did not report any assessment fees

\*\* - Did not apply for HMRG grant funds

## **ACT 165 FACILITIES AND CHEMICAL REPORTING**

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 the 2020 reporting cycle, there were 3,615 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.

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; household packaged products; articles (hazardous waste and nuisance dusts), 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 CY 2020, 11,884 facilities submitted reports on Tier II 40,873 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 CY 2020, 1,046 facilities submitted reports on 3,429 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 6 for listings of toxic release inventory submissions by county, and Table 8 for TRI reporting trends).

**TABLE 5**  
**FACILITIES REQUIRING OFF-SITE**  
**EMERGENCY RESPONSE PLANS**  
**by County**  
**As of December 31, 2020**

<i>COUNTY</i>	<i>County Plans Required</i>	<i>COUNTY</i>	<i>County Plans Required</i>
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	<b>TOTAL</b>	<b>3,615</b>

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**TABLE 6  
SARA, TITLE III - TIER II & TRI CHEMICAL REPORTING**

<b>2020 CY by County</b>	<b>Number of Tier II Facilities</b>	<b>Chemical Count</b>	<b>EHS Chemical Count</b>	<b>EHS chemicals above TPQ</b>	<b>Number of TRI Reporting Facilities</b>	<b>Number of TRI Chemicals Reported</b>
<b>Adams</b>	142	548	152	99	13	20
<b>Allegheny</b>	796	2975	489	361	61	314
<b>Armstrong</b>	104	331	41	25	5	24
<b>Beaver</b>	216	1027	137	113	31	147
<b>Bedford</b>	53	179	28	20	8	18
<b>Berks</b>	337	1518	261	197	40	150
<b>Blair</b>	156	658	106	77	12	54
<b>Bradford</b>	450	1224	66	28	5	30
<b>Bucks</b>	355	2578	361	284	48	160
<b>Butler</b>	308	1090	127	89	32	127
<b>Cambria</b>	129	345	62	44	9	36
<b>Cameron</b>	18	50	3	1	3	4
<b>Carbon</b>	42	121	17	13	7	22
<b>Centre</b>	140	351	74	46	8	9
<b>Chester</b>	255	891	174	119	28	70
<b>Clarion</b>	156	156	19	8	3	5
<b>Clearfield</b>	125	318	41	23	12	25
<b>Clinton</b>	80	500	77	72	3	25
<b>Columbia</b>	63	262	50	35	5	13
<b>Crawford</b>	326	555	71	52	16	49
<b>Cumberland</b>	254	840	210	156	18	46
<b>Dauphin</b>	257	776	163	131	15	44
<b>Delaware</b>	157	870	184	148	19	74

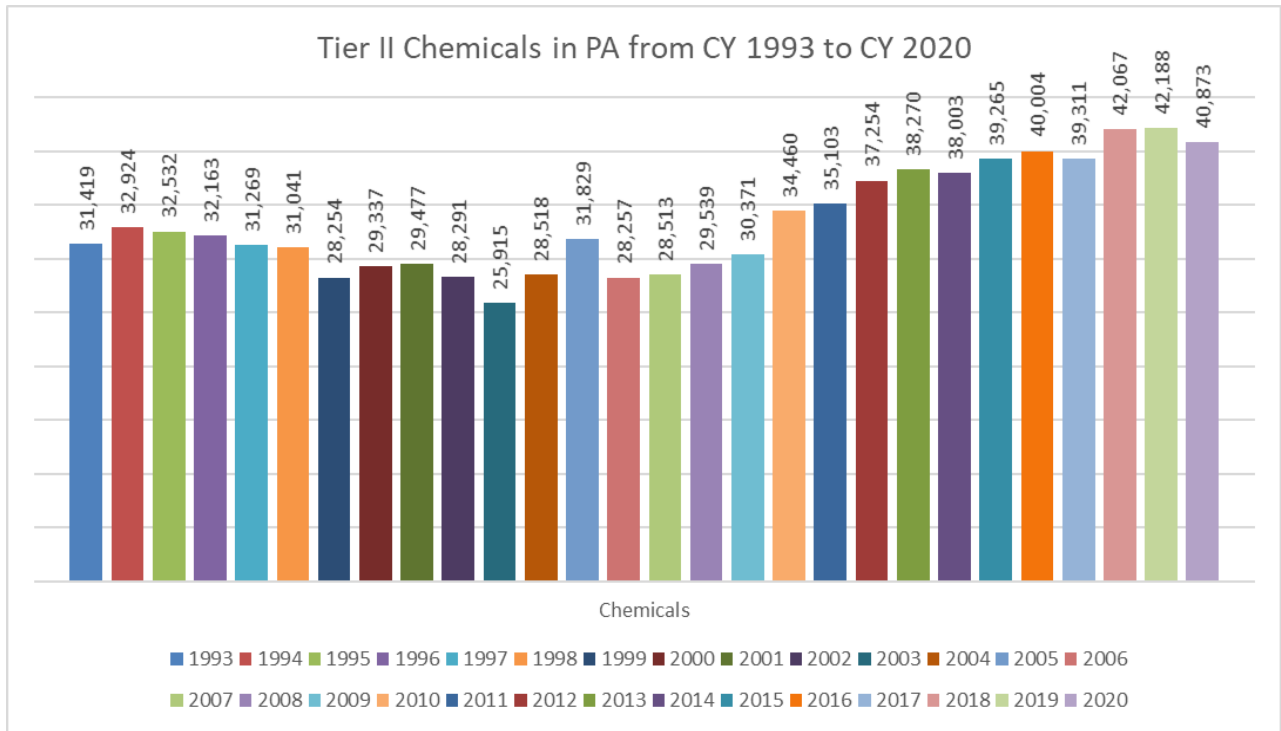
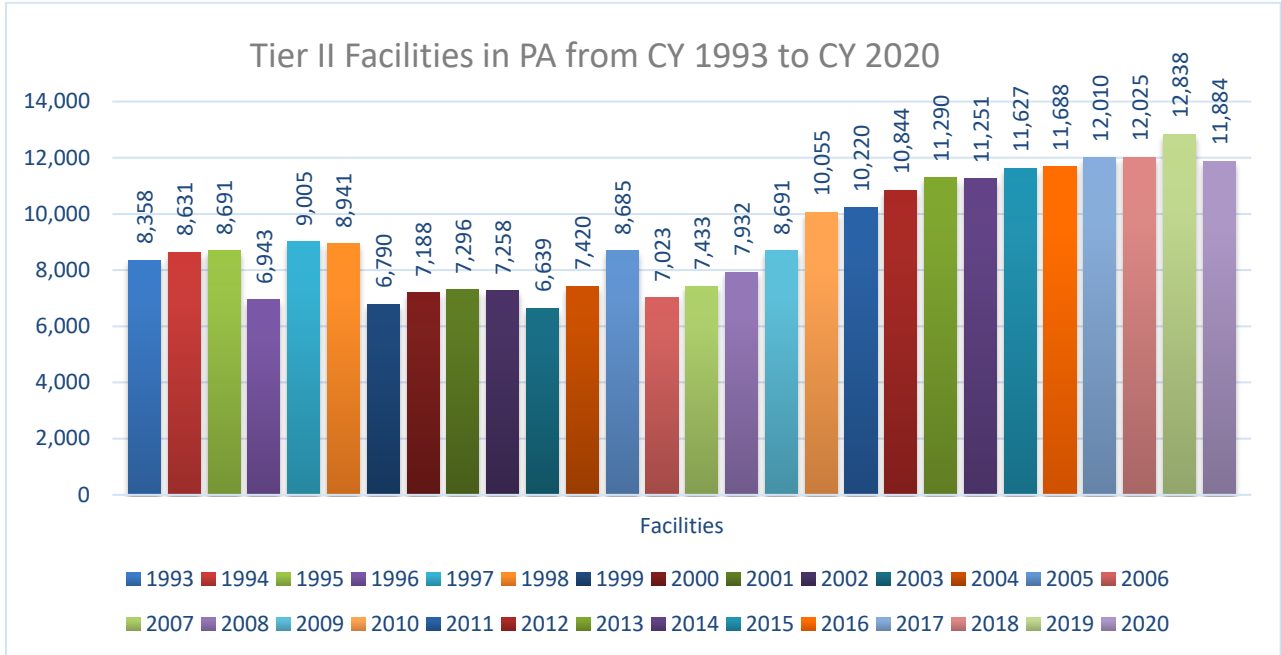
<b>Elk</b>	90	292	32	19	23	61
<b>Erie</b>	228	643	150	105	46	100
<b>Fayette</b>	127	332	54	32	4	7
<b>Forest</b>	96	114	5	2	0	0
<b>Franklin</b>	130	511	112	77	14	45
<b>Fulton</b>	14	32	7	3	2	6
<b>Greene</b>	147	383	19	8	2	4
<b>Huntingdon</b>	63	113	19	9	2	6
<b>Indiana</b>	72	246	34	22	8	63
<b>Jefferson</b>	70	216	26	18	12	21
<b>Juniata</b>	26	77	17	12	3	9
<b>Lackawanna</b>	130	418	90	70	10	26
<b>Lancaster</b>	368	1281	278	200	58	156
<b>Lawrence</b>	97	369	49	34	18	61
<b>Lebanon</b>	143	571	110	88	21	66
<b>Lehigh</b>	249	1033	238	195	25	63
<b>Luzerne</b>	250	852	180	143	31	72
<b>Lycoming</b>	310	983	84	67	17	59
<b>McKean</b>	296	460	39	30	12	41
<b>Mercer</b>	242	623	84	59	30	109
<b>Mifflin</b>	44	100	14	9	4	10
<b>Monroe</b>	75	335	66	47	8	17
<b>Montgomery</b>	478	1628	345	259	48	128
<b>Montour</b>	14	81	13	9	2	8
<b>Northampton</b>	193	690	149	123	30	101
<b>Northumberland</b>	88	322	53	40	10	33
<b>Perry</b>	28	55	12	7	0	0

<b>Philadelphia</b>	419	1467	314	210	36	98
<b>Pike</b>	20	30	9	2	0	0
<b>Potter</b>	62	259	14	10	4	6
<b>Schuylkill</b>	204	625	145	121	18	90
<b>Snyder</b>	39	92	16	7	3	8
<b>Somerset</b>	95	249	43	25	5	14
<b>Sullivan</b>	59	59	6	1	0	0
<b>Susquehanna</b>	345	1583	140	111	1	1
<b>Tioga</b>	225	577	28	18	6	19
<b>Union</b>	50	138	20	14	5	10
<b>Venango</b>	78	303	26	20	16	46
<b>Warren</b>	73	219	28	20	8	44
<b>Washington</b>	455	1440	144	111	19	63
<b>Wayne</b>	37	72	16	10	1	1
<b>Westmoreland</b>	316	1035	169	124	37	124
<b>Wyoming</b>	93	265	17	6	1	6
<b>York</b>	327	1537	295	234	45	161
<b>TOTALS</b>	<b>11,884</b>	<b>40,873</b>	<b>6,622</b>	<b>4,872</b>	<b>1,046</b>	<b>3,429</b>

\*As reported by the PA Department of Labor and Industry.

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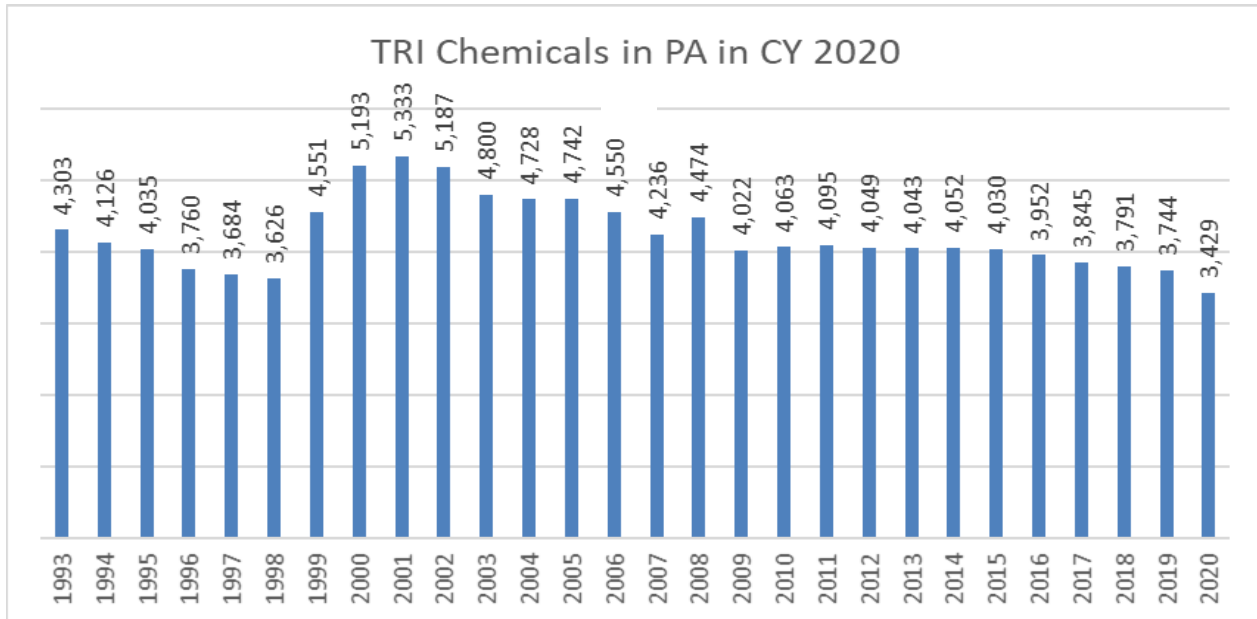
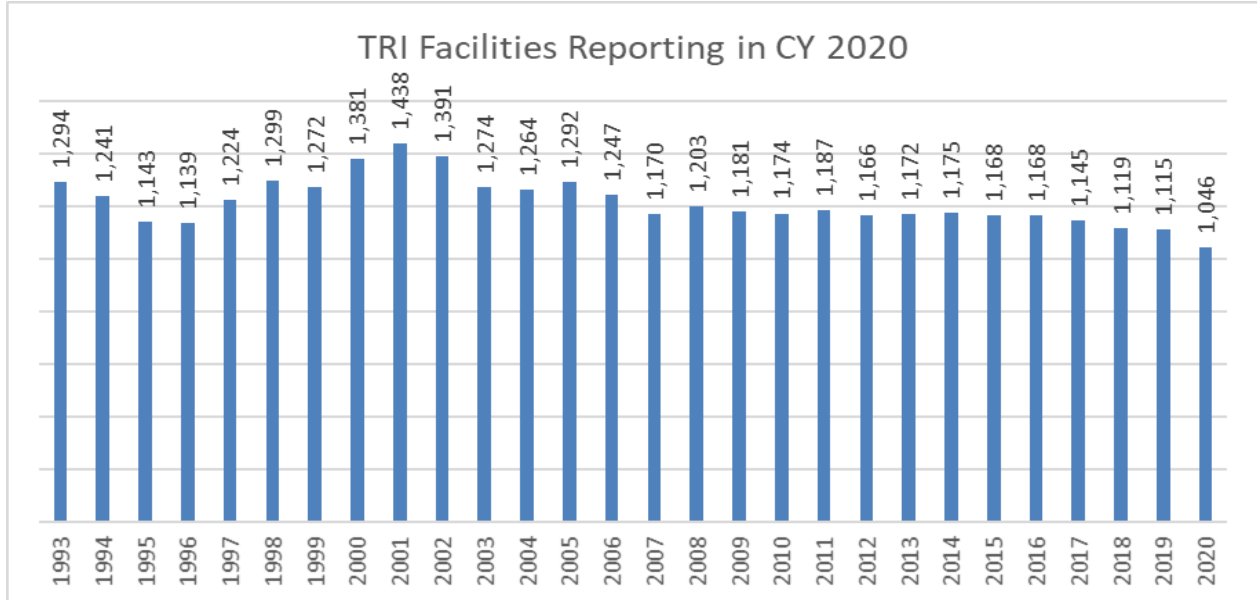
**TABLE 7**  
**COMMONWEALTH OF PENNSYLVANIA**  
**SARA, TITLE III REPORTING TRENDS**  
**OF TIER II FACILITIES\***



\*As reported by the PA Department of Labor and Industry.

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**TABLE 8**  
**SARA, TITLE III**  
**REPORTING TRENDS**  
**TOXIC RELEASE INVENTORY (TRI) FACILITIES**



\*As reported by the PA Department of Labor and Industry.

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## **HAZARDOUS MATERIAL INCIDENT RESPONSE CAPABILITY**

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

A major requirement of the counties under Section 209 of Act 165 is to select the type of hazardous material emergency response capability which best meets the needs of the county to protect the health and safety of the population and the environment. Three options were provided for the establishment of a 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 2020, the 67 counties were served by a total of 35 state certified hazardous material response teams. Of these 35 teams, 22 teams are county teams, five teams are formed within the counties but operating independently, and 10 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 9**  
**2020 COUNTY COVERAGE BY CERTIFIED**  
**HAZARDOUS MATERIALS RESPONSE TEAMS**

COUNTY	HMRT	STATUS
Adams	(for Western Adams County) <b>Cumberland County Special Hazards Operations Team (SHOT)</b> Carlisle (Cumberland County)	Certified Memorandum of Agreement
	(for Eastern Adams County) <b>County of York Hazardous Material Emergency Response Team (Haz Mat 91)</b> York (York County)	Certified Memorandum of Agreement
Allegheny	<b>Allegheny County - City of Pittsburgh Hazardous Material Response Team</b> (Formerly Gold Team)	Certified
	<b>Allegheny County Hazardous Material Response Team</b> (Formerly Green, Blue, Red, and Silver Teams)	Certified
Armstrong	<b>McCutcheon Enterprises, Inc. Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Beaver	<b>Beaver County Emergency Response Team 700</b> Beaver (Beaver County)	Certified
Bedford	<b>Special Hazards Assistance Response Program (SHARP)</b> Ebensburg (Cambria County)	Contract; certified
Berks	<b>Berks County Special Operations Group</b> Leesport (Berks County)	Certified
Blair	<b>Altoona Fire Department Hazardous Material Response Team</b> Altoona (Blair County)	Contract; certified
Bradford	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Bucks	<b>Bucks County Hazardous Incident Response Team (HIRT)</b> Ivyland (Bucks County)	Certified
Butler	<b>Butler County Hazardous Material Response Team 100</b> Butler (Butler County)	Certified
Cambria	<b>Special Hazards Assistance Response Program (SHARP)</b> Ebensburg (Cambria County)	Certified
Cameron	<b>Incident Response and Mitigation Services, LLC</b> Kane (McKean County)	Contract; certified
Carbon	<b>Rapid Response, Inc.</b> Northampton (Northampton County)	Contract; certified
Centre	<b>Penn State University Hazmat Team</b> State College (Centre County)	Contract; certified
	<b>Eagle Towing &amp; Recovery, Inc. Hazardous Material Response Team</b> Milesburg (Centre County)	Contract; certified
Chester	<b>Chester County Hazardous Material Response Team</b> West Chester (Chester County)	Certified
Clarion	<b>McCutcheon Enterprises, Inc. Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Clearfield	<b>Eagle Towing &amp; Recovery, Inc. Hazardous Material Response Team</b> Milesburg (Centre County)	Contract; certified
Clinton	<b>Eagle Towing &amp; Recovery, Inc. Hazardous Material Response Team</b> Milesburg (Centre County)	Contract; certified
Columbia	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified

<b>COUNTY</b>	<b>HMRT</b>	<b>STATUS</b>
Crawford	<b>Weavertown Environmental Group (WEG)</b> Carnegie (Allegheny County)	Contract; certified
Cumberland	<b>Special Hazards Operations Team (SHOT)</b> Carlisle (Cumberland County)	Certified
Dauphin	<b>Dauphin County Hazardous Material Response Team</b> Harrisburg (Dauphin County)	Certified
Delaware	<b>Delaware County Hazardous Material Response Team</b> Media (Delaware County)	Certified
Elk	<b>McCutcheon Enterprises, Inc.</b> <b>Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; Certified
Erie	<b>Erie County Hazardous Material Response Team</b> Erie (Erie County)	Certified
Fayette	<b>Fayette County Hazardous Material Response Team 900</b> Uniontown (Fayette County)	Certified
Forest	<b>McCutcheon Enterprises, Inc.</b> <b>Hazardous Material Response Team</b> Apollo (Armstrong County) January 1 – August 11, 2020	Contract; certified
	<b>Weavertown Environmental Group (WEG)</b> Carnegie (Allegheny County) August 12, - December 31, 2020	Contract; certified
Franklin	<b>Special Hazards Operations Team (SHOT)</b> Carlisle (Cumberland County)	Contract; certified
Fulton	<b>McCutcheon Enterprises, Inc.</b> <b>Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Greene	<b>Weavertown Environmental Group (WEG)</b> Carnegie (Allegheny County)	Contract; certified

COUNTY	HMRT	STATUS
Huntingdon	<b>Eagle Towing &amp; Recovery, Inc. Hazardous Material Response Team</b> Milesburg (Centre County)	Contract; certified
Indiana	<b>Indiana Co. EMA Hazmat Team 900</b> Indiana (Indiana County)	Certified
Jefferson	<b>McCutcheon Enterprises, Inc. Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Juniata	<b>Northridge Group, Inc.</b> Winfield (Union County)	Contract; certified
Lackawanna	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Lancaster	<b>Hazmat 2 Environmental Fire Rescue Company, Inc.</b> Manheim (Lancaster County)	Contract; certified
Lawrence	<b>McCutcheon Enterprises, Inc. Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Lebanon	<b>Lebanon County EMA Hazardous Material Response Team</b> Lebanon (Lebanon County)	Certified
Lehigh	<b>Lehigh County Special Operations Hazardous Material Response Team</b> Allentown (Lehigh County)	Certified
	<b>Allentown Fire Department HMRT</b> Allentown (Lehigh County)	Contract; certified
	<b>Bethlehem Fire Department HMRT</b> Bethlehem (Lehigh County)	Contract; certified
Luzerne	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Lycoming	<b>Northridge Group, Inc.</b> Winfield (Union County)	Contract; certified

COUNTY	HMRT	STATUS
McKean	<b>Incident Response and Mitigation Services, LLC</b> Kane (McKean County)	Contract; certified
Mercer	<b>McCutcheon Enterprises, Inc.</b> <b>Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Mifflin	<b>Eagle Towing &amp; Recovery, Inc.</b> <b>Hazardous Material Response Team</b> Milesburg (Centre County)	Contract; certified
Monroe	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Montgomery	<b>Montgomery County Hazardous Material Response Team</b> Eagleville (Montgomery County)	Certified
Montour	<b>Northumberland County Hazardous Materials Response Team 49</b> Sunbury (Northumberland County)	Contract; certified
Northampton	<b>Bethlehem Fire Dept. Hazmat Team</b> Bethlehem (Northampton County)	Contract; certified
Northumberland	<b>Northumberland County Hazardous Material Response Team 49</b> Sunbury (Northumberland County)	Certified
Perry	<b>Northridge Group, Inc.</b> Winfield (Union County)	Contract; certified
Philadelphia	<b>Hazmat Task Force 1</b> Philadelphia	Certified
Pike	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Potter	<b>Incident Response and Mitigation Services, LLC</b> Kane (McKean County)	Contract; certified
Schuylkill	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified

COUNTY	HMRT	STATUS
Snyder	<b>Northridge Environmental Group, Inc.</b> Northumberland (Northumberland County)	Contract; certified
Somerset	<b>Somerset County Hazmat Team 600</b> Somerset (Somerset County)	Certified
Sullivan	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Susquehanna	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Tioga	(for Northern Tioga County) <b>Incident Response and Mitigation Services, LLC</b> Kane (McKean County)	Contract; certified
	(for Southern Tioga County) <b>Northridge Environmental Group, Inc.</b> Northumberland (Northumberland County)	Contract; certified
Union	<b>Northridge Environmental Group, Inc.</b> Winfield (Union County)	Contract; certified
Venango	<b>McCutcheon Enterprises, Inc.</b> <b>Hazardous Material Response Team</b> Apollo (Armstrong County)	Contract; certified
Warren	<b>Weavertown Environmental Group (WEG)</b> Carnegie (Allegheny County)	Contract; certified
Washington	<b>Washington County Hazmat Response Team</b> Washington (Washington County)	Certified
Wayne	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified
Westmoreland	<b>Westmoreland County Hazardous Material Response Team 800</b> Greensburg (Westmoreland County)	Certified
Wyoming	<b>Datom Products Hazardous Material Response Team</b> Dunmore (Lackawanna County)	Contract; certified



**COUNTY**

**HMRT**

**STATUS**

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 CY 2020, 17,106 incident-type events were reported to the CWWC. Of these incidents, 2,962 were reported as being hazardous materials related. This is a 36.68 percent increase in hazardous materials incidents reported from the CY 2019 Annual Report which recorded 1,846 such events. This year's report includes some transportation and structure fire incidents that required hazardous materials incident response that had not been reported in previous year's reports. In addition, natural gas incidents have been added to this year's report. The transportation, structure fire, and natural gas incidents were not added as hazardous materials incidents in previous year's reporting.

A by county summary of incidents reported to the PEMA CWWC during the period of this report is in Table 10.

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**TABLE 10****HAZARDOUS MATERIALS INCIDENT SUMMARY REPORT BY COUNTY****JANUARY 01, 2020 – DECEMBER 31, 2020**

		<b>Count of Category</b>
<b>Adams County</b>		<b>9</b>
	Bio-hazardous waste	1
	Chemical release	1
	Chemical spill	1
	Flammable liquid & solids	2
	Flammable liquid and solids	1
	Natural gas release	1
	Railroad incident	1
	Road closure (major)	1
<b>Allegheny County</b>		<b>187</b>
	Chemical release	21
	Chemical spill	44
	Explosion / explosive	2
	Flammable liquid & solids	4
	Flammable liquid / solid	3
	Flammable liquid and solids	12
	Natural gas release	22
	Other	34
	Power outage	2
	Railroad incident	1
	Road closure (major)	3
	Structure fire	3
	Underground utility	7
	Vehicle accident	29
<b>Armstrong County</b>		<b>8</b>
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	1
	Natural gas release	3
	Other	1
	Well fire	1
<b>Beaver County</b>		<b>37</b>
	Chemical release	9
	Chemical spill	11
	Flammable liquid & solids	3
	Flammable liquid / solid	1

	Flammable liquid and solids	3
	Natural gas release	3
	Other	4
	Vehicle accident	3
<b>Bedford County</b>		<b>16</b>
	Bio-hazardous waste	1
	Chemical release	1
	Chemical spill	2
	Flammable liquid / solid	1
	Flammable liquid and solids	5
	Natural gas release	1
	Other	4
	Vehicle accident	1
<b>Berks County</b>		<b>150</b>
	Bio-hazardous waste	2
	Chemical release	14
	Chemical spill	20
	Explosion / explosive	1
	Flammable liquid & solids	2
	Flammable liquid / solid	19
	Flammable liquid and solids	8
	Food safety	1
	Natural gas release	18
	Other	50
	Pipeline break	1
	Road closure (major)	2
	Sinkhole	1
	Structure fire	6
	Vehicle accident	5
<b>Blair County</b>		<b>12</b>
	Chemical spill	3
	Fish kill	1
	Flammable liquid & solids	1
	Flammable liquid / solid	4
	Flammable liquid and solids	2
	Vehicle accident	1
<b>Bradford County</b>		<b>10</b>
	Chemical spill	1
	Flammable liquid / solid	1
	Natural gas release	3
	Other	3
	Vehicle accident	1
	Well fire	1
<b>Bucks County</b>		<b>48</b>

	Bio-hazardous waste	2
	Chemical release	9
	Chemical spill	12
	Explosion / explosive	1
	Flammable liquid and solids	9
	Natural gas release	6
	Other	2
	Railroad incident	2
	Road closure (major)	1
	Vehicle accident	4
<b>Butler County</b>		<b>34</b>
	Bio-hazardous waste	1
	Chemical release	5
	Chemical spill	6
	Explosion / explosive	1
	Flammable liquid & solids	2
	Flammable liquid and solids	8
	Other	8
	Road closure (major)	2
	Well fire	1
<b>Cambria County</b>		<b>36</b>
	Chemical spill	6
	Flammable liquid & solids	2
	Flammable liquid / solid	7
	Natural gas release	6
	Other	12
	<b>Vehicle accident</b>	<b>3</b>
<b>Cameron County</b>		<b>2</b>
	Other	1
	Underground utility	1
<b>Carbon County</b>		<b>11</b>
	Chemical spill	2
	Flammable liquid & solids	1
	Flammable liquid / solid	2
	Flammable liquid and solids	2
	Natural gas release	1
	Other	2
	Vehicle accident	1
<b>Centre County</b>		<b>13</b>
	Chemical release	1
	Chemical spill	3
	Flammable liquid and solids	4
	Natural gas release	1
	Power outage	1

	Underground utility	1
	Vehicle accident	2
<b>Chester County</b>		<b>149</b>
	Chemical release	12
	Chemical spill	17
	Explosion / explosive	4
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	12
	Ground subsidence	2
	Log	1
	Mine discharge / blowout	1
	Natural gas release	16
	Other	45
	Pipeline Incident	3
	Road closure (major)	1
	Structure fire	1
	Underground utility	30
	Vehicle accident	2
<b>Clarion County</b>		<b>23</b>
	Chemical release	1
	Chemical spill	1
	Natural gas release	14
	Other	4
	Structure fire	1
	Vehicle accident	1
	Well fire	1
<b>Clearfield County</b>		<b>11</b>
	Chemical spill	1
	Flammable liquid & solids	4
	Flammable liquid / solid	1
	Vehicle accident	5
<b>Clinton County</b>		<b>16</b>
	Bio-hazardous waste	1
	Chemical release	2
	Chemical spill	3
	Flammable liquid & solids	1
	Flammable liquid / solid	3
	Flammable liquid and solids	2
	Other	4
<b>Columbia County</b>		<b>6</b>
	Explosion / explosive	1
	Flammable liquid and solids	2
	Other	2

	Vehicle accident	1
<b>Crawford County</b>		<b>10</b>
	Bio-hazardous waste	1
	Chemical release	2
	Natural gas release	2
	Other	3
	Vehicle accident	1
	Well fire	1
<b>Cumberland County</b>		<b>47</b>
	Chemical release	10
	Chemical spill	11
	Fish kill	1
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	12
	Other	6
	Vehicle accident	5
<b>Dauphin County</b>		<b>36</b>
	Bio-hazardous waste	1
	Chemical release	5
	Chemical spill	8
	Flammable liquid & solids	2
	Flammable liquid / solid	1
	Flammable liquid and solids	11
	Other	4
	Road closure (major)	1
	Vehicle accident	3
<b>Delaware County</b>		<b>68</b>
	Bio-hazardous waste	1
	Chemical release	9
	Chemical spill	26
	Flammable liquid & solids	2
	Flammable liquid / solid	1
	Flammable liquid and solids	13
	Ground subsidence	1
	Other	9
	Railroad incident	6
<b>Elk County</b>		<b>2</b>
	Flammable liquid / solid	1
	Vehicle accident	1
<b>Erie County</b>		<b>34</b>
	Bio-hazardous waste	1
	Chemical release	2
	Chemical spill	7



	Flammable liquid / solid	1
	Flammable liquid and solids	5
	Natural gas release	5
	Other	11
	Plant industry / fertilizer / pesticide	1
	Railroad incident	1
<b>Fayette County</b>		<b>28</b>
	Chemical release	2
	Chemical spill	4
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	3
	Natural gas release	2
	Other	14
	Underground utility	1
<b>Forest County</b>		<b>1</b>
	Vehicle accident	1
<b>Franklin County</b>		<b>41</b>
	Chemical release	7
	Chemical spill	15
	Explosion / explosive	1
	Flammable liquid & solids	3
	Flammable liquid / solid	2
	Flammable liquid and solids	9
	Natural gas release	1
	Other	3
<b>Fulton County</b>		<b>3</b>
	Chemical spill	2
	Vehicle accident	1
<b>Greene County</b>		<b>54</b>
	Chemical spill	4
	Explosion / explosive	1
	Flammable liquid & solids	2
	Flammable liquid / solid	1
	Flammable liquid and solids	1
	Natural gas release	19
	Other	22
	Pipeline break	1
	Vehicle accident	2
	Well fire	1
<b>Huntingdon County</b>		<b>6</b>
	Chemical release	1
	Chemical spill	1

	Flammable liquid & solids	1
	Flammable liquid and solids	2
	Vehicle accident	1
<b>Indiana County</b>		<b>8</b>
	Chemical spill	1
	Flammable liquid & solids	1
	Flammable liquid / solid	2
	Other	2
	Structure fire	1
	Vehicle accident	1
<b>Jefferson County</b>		<b>42</b>
	Chemical spill	3
	Flammable liquid & solids	1
	Flammable liquid / solid	5
	Natural gas release	8
	Other	9
	Pipeline break	1
	Road closure (major)	3
	Underground utility	6
	Vehicle accident	6
<b>Juniata County</b>		<b>2</b>
	Chemical spill	2
<b>Lackawanna County</b>		<b>36</b>
	Chemical release	1
	Chemical spill	11
	Flammable liquid / solid	3
	Flammable liquid and solids	1
	Natural gas release	3
	Other	9
	Underground utility	3
	Vehicle accident	5
<b>Lancaster County</b>		<b>72</b>
	Bio-hazardous waste	4
	Chemical release	14
	Chemical spill	18
	Explosion / explosive	1
	Fish kill	2
	Flammable liquid & solids	4
	Flammable liquid and solids	8
	Natural gas release	5
	Other	9
	Pipeline break	1
	Underground utility	1
	Vehicle accident	5

<b>Lawrence County</b>		<b>45</b>
	Chemical release	1
	Chemical spill	2
	Flammable liquid and solids	1
	Natural gas release	1
	Other	14
	Pipeline break	2
	Structure fire	1
	Underground utility	4
	Vehicle accident	19
<b>Lebanon County</b>		<b>60</b>
	Bio-hazardous waste	2
	Chemical release	2
	Chemical spill	10
	Explosion / explosive	1
	Fish kill	1
	Flammable liquid & solids	15
	Flammable liquid / solid	1
	Flammable liquid and solids	10
	Natural gas release	3
	Other	11
	Pipeline break	2
	Vehicle accident	2
<b>Lehigh County</b>		<b>66</b>
	Bio-hazardous waste	2
	Chemical release	6
	Chemical spill	10
	Flammable liquid & solids	4
	Flammable liquid / solid	8
	Flammable liquid and solids	4
	Mass casualty incident	1
	Natural gas release	7
	Other	19
	Road closure (major)	1
	Suspicious package	1
	Vehicle accident	3
<b>Luzerne County</b>		<b>41</b>
	Chemical release	3
	Chemical spill	2
	Explosion / explosive	4
	Flammable liquid & solids	2
	Flammable liquid / solid	9
	Flammable liquid and solids	3
	Natural gas release	2

	Other	11
	Underground utility	2
	Vehicle accident	2
	Water supply contamination	1
<b>Lycoming County</b>		<b>26</b>
	Chemical spill	4
	Explosion / explosive	1
	Flammable liquid & solids	1
	Flammable liquid and solids	1
	Natural gas release	5
	Other	8
	Pipeline break	1
	Vehicle accident	5
<b>McKean County</b>		<b>8</b>
	Chemical spill	1
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	1
	Other	2
	Underground utility	1
	Vehicle accident	1
<b>Mercer County</b>		<b>20</b>
	Chemical release	5
	Chemical spill	1
	Flammable liquid / solid	2
	Natural gas release	3
	Other	6
	Pipeline break	1
	Vehicle accident	2
<b>Mifflin County</b>		<b>5</b>
	Chemical release	1
	Chemical spill	2
	Flammable liquid and solids	1
	Other	1
<b>Monroe County</b>		<b>13</b>
	Bio-hazardous waste	1
	Chemical release	1
	Chemical spill	4
	Flammable liquid / solid	2
	Flammable liquid and solids	1
	Natural gas release	2
	Road closure (major)	1
	Vehicle accident	1
<b>Montgomery County</b>		<b>72</b>

	Bio-hazardous waste	1
	Chemical release	11
	Chemical spill	24
	Flammable liquid & solids	4
	Flammable liquid and solids	13
	Natural gas release	5
	Other	8
	Railroad incident	5
	Road closure (major)	1
<b>Northampton County</b>		<b>561</b>
	Bio-hazardous waste	1
	Chemical release	10
	Chemical spill	26
	Explosion / explosive	3
	Flammable liquid & solids	3
	Flammable liquid / solid	19
	Flammable liquid and solids	4
	Natural gas release	217
	Other	234
	Pipeline break	2
	Structure fire	1
	Underground utility	35
	Vehicle accident	5
	Wildfire / forest	1
<b>Northumberland County</b>		<b>11</b>
	Bio-hazardous waste	1
	Chemical release	1
	Chemical spill	2
	Flammable liquid / solid	2
	Flammable liquid and solids	1
	Other	1
	Road closure (major)	1
	Vehicle accident	2
<b>Perry County</b>		<b>3</b>
	Flammable liquid and solids	2
	Mass casualty incident	1
<b>Philadelphia County</b>		<b>90</b>
	Bio-hazardous waste	1
	Chemical release	9
	Chemical spill	29
	Flammable liquid & solids	6
	Flammable liquid / solid	2
	Flammable liquid and solids	25
	Natural gas release	1

	Other	8
	Railroad incident	7
	Refinery fire	2
<b>Pike County</b>		<b>2</b>
	Flammable liquid & solids	1
	Other	1
<b>Potter County</b>		<b>3</b>
	Flammable liquid and solids	1
	Natural gas release	2
<b>Schuylkill County</b>		<b>23</b>
	Chemical release	7
	Chemical spill	7
	Explosion / explosive	1
	Flammable liquid / solid	1
	Flammable liquid and solids	3
	Other	3
	Vehicle accident	1
<b>Snyder County</b>		<b>5</b>
	Chemical release	2
	Chemical spill	1
	Flammable liquid and solids	1
	Natural gas release	1
<b>Somerset County</b>		<b>44</b>
	Chemical release	3
	Chemical spill	3
	Explosion / explosive	2
	Flammable liquid / solid	9
	Flammable liquid and solids	2
	Natural gas release	7
	Other	16
	Vehicle accident	2
<b>Sullivan County</b>		<b>6</b>
	Chemical spill	1
	Flammable liquid / solid	1
	Other	3
	Vehicle accident	1
<b>Susquehanna County</b>		<b>9</b>
	Chemical spill	2
	Flammable liquid & solids	1
	Flammable liquid / solid	2
	Other	2
	Vehicle accident	2
<b>Tioga County</b>		<b>8</b>
	Chemical spill	1

	Flammable liquid and solids	1
	Natural gas release	5
	Other	1
<b>Union County</b>		<b>9</b>
	Chemical release	2
	Chemical spill	2
	Flammable liquid & solids	1
	Natural gas release	1
	Other	1
	Underground utility	1
	Vehicle accident	1
<b>Venango County</b>		<b>6</b>
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	1
	Natural gas release	1
	Other	1
	Vehicle accident	1
<b>Warren County</b>		<b>19</b>
	Chemical release	3
	Chemical spill	3
	Flammable liquid & solids	1
	Flammable liquid / solid	1
	Flammable liquid and solids	3
	Natural gas release	4
	Other	3
	Well fire	1
<b>Washington County</b>		<b>354</b>
	Chemical release	5
	Chemical spill	14
	Explosion / explosive	2
	Flammable liquid & solids	1
	Flammable liquid / solid	2
	Flammable liquid and solids	6
	Flooding	1
	Natural gas release	276
	Other	24
	Pipeline break	1
	Structure fire	1
	Vehicle accident	21
<b>Wayne County</b>		<b>3</b>
	Chemical release	1
	Flammable liquid and solids	1
	Underground utility	1

<b>Westmoreland County</b>		<b>115</b>
	Bio-hazardous waste	1
	Chemical release	3
	Chemical spill	7
	Explosion / explosive	1
	Flammable liquid & solids	4
	Flammable liquid / solid	2
	Natural gas release	22
	Other	20
	Pipeline break	3
	Railroad incident	1
	Structure fire	1
	Underground utility	1
	Vehicle accident	49
<b>Wyoming County</b>		<b>4</b>
	Other	3
	Vehicle accident	1
<b>York County</b>		<b>62</b>
	Bio-hazardous waste	3
	Chemical release	12
	Chemical spill	14
	Fish kill	1
	Flammable liquid & solids	4
	Flammable liquid and solids	8
	Natural gas release	7
	Other	11
	Underground utility	1
	Vehicle accident	1
<b>Grand Total</b>		<b>2962</b>

**\*Hazardous materials incidents categorized as “Other” are incidents which were either not categorized properly by the county when reported or are possibly law enforcement sensitive incidents like clandestine labs or white powder incidents.**



## **REPORT OF HAZARDOUS MATERIAL TRAINING ACTIVITIES** **FOR CY 2020**

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 including 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 who 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 2020, the Hazardous Materials training programs sanctioned by PSFA were offered to all disciplines including first responders, private and military personnel in the Commonwealth's 67 counties.

The PSFA delivered the majority of classes 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 PSFA 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 and 1072, Standards for Competence and Job Performance Requirements of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents.

In CY 2020, the PSFA and ETAs reported conducting 1,558 classes and training 31,935 personnel in hazardous materials incident response through various courses statewide in spite of the limitations imposed by the COVID-19 pandemic.

**Hazardous Materials Training Activities for CY 2020:**

<u>Training Courses</u>	<u>Number of Classes</u>	<u>Number of Students</u>
HazMat Awareness	312	6,875
HazMat Awareness Refresher	77	1,079
HazMat Operations	207	3,070
HazMat Operations Refresher	870	19,086
HazMat Technician	22	464
HazMat Technician Refresher	31	647
HazMat Incident Commander	9	142
HazMat Specialty Courses	30	572
<b>TOTALS</b>	<b>1,558</b>	<b>31,935</b>

**Hazardous Materials Professional Certification Activities for CY 2020:**

<b>Certification Level</b>	<b>Total Certified</b>
HazMat Awareness Responder 1072 Chapter 4	446
HazMat Incident Commander 1072 Chapter 8	4
HazMat Technician 1072 Chapter 7	0
HazMat Operations Responder 1072 Chap. 5 - JPR 6.2 HMO-PPE-JPR 6.6 HMO-PC	316
HazMat Operations Responder 1072 Chap. 5 - Core	15
HazMat Operations Responder 1072 Chap. 5 - JPR 6.2 HMO-PPE	15
HazMat Operations Responder 1072 Chap. 6 JPR 6.3 Mass Decontamination	0
HazMat Operations Responder 1072 Chap. 6 JPR 6.4 Technical Decontamination	0
HazMat Operations Responder 1072 Chap. 6 JPR 6.7 Detection, Monitoring & Sampling	0
HazMat Operations Responder 1072 Chap. 6 JPR 6.8 Victim Rescue & Recovery	0
<b>Total Certifications</b>	<b>796</b>

**ANNUAL REPORT**  
Department of Labor and Industry  
Bureau of Occupational & Industrial Safety/PENNSAFE Program  
**CY 2021**

**1. Collection Efforts** Activity for calendar year 2021 (Tier II and TRI facility reports collected were for the CY 2020 reporting year cycle) were as follows:

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

**2. 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 & Industry 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. As of the end of December 2019, all but one of PA’s 67 county LEPCs had executed a memorandum of understanding with the Department to 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. The PEMA Commonwealth Watch and Warning Center (CWWC) and regional staff, as well as DEP hazardous materials response personnel, also utilize the PATTS system.

As part of PENNSAFE's compliance process the 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 760 toxic chemicals that pose a threat to human health and the environment, including 172 Polyfluoroalkyl Substances (PFAS) that were added to the list in February 2020. Facilities in certain industry sectors that manufacture, process, or otherwise use these chemicals in amounts above established levels must report how each chemical is managed through recycling, energy recovery, treatment and/or releases to the environment. A TRI "release" of a chemical means that it is emitted to the environment (i.e. air or water) or placed in some type of land disposal. EPCRA requires that facilities file their TRI reports with both the EPA and with the state. As with the Tier II reports, Act 165 established the Department of Labor & Industry as the TRI data repository and fee collector on behalf of the SERC. The EPA collects and manages online TRI report submissions through their Central Data Exchange (CDX). Only facilities with a verified trade secret status can remit the TRI report by hard copy. TRI annual reports are due July 1, and EPA notifies facilities of the upcoming reporting cycle and any pertinent regulatory changes. Under a data sharing agreement, Pennsylvania TRI report data submitted via CDX is 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.

**3. 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.

**4. Fee Collection.** The Tier II chemical fee is \$10 per hazardous substance 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 invoice 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 or for TRI chemicals that were added as revisions to reports for prior report years, staff generated the invoice based on the number of chemicals being reported and forwarded the invoice to the facility's reporting agent. The TRI fees

represent the larger share of the Hazardous Materials Response Fund monies collected. Outstanding invoices are monitored, and outstanding 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.

<b>PROCESSING YEAR</b>	<b>FEE PROCESSED</b>
Calendar Year 2015	\$1,379,650.00
Calendar Year 2016	\$1,358,530.00
Calendar Year 2017	\$1,312,480.00
Calendar Year 2018	\$1,276,560.00
Calendar Year 2019	\$1,349,450.00
Calendar Year 2020	\$1,310,150.00

The breakdown for the fees collected during calendar year 2020 is as follows:

Tier II Fees Collected	\$366,650.00
TRI Fees Collected	\$943,500.00
Total Deposits	\$1,310,150.00

For the Report Year 2020 Tier II reporting cycle (Annuals due March 1, 2021) the Department collected 13,055 Tier II reports, including annual, initial, update, back year and revision reports. Only 11 of these Tier II reports were hard copy submissions that required staff data entry.

For the Report Year 2020 TRI reporting cycle (due July 1, 2020) the Department processed a total of 3,747 TRI chemical reports.

\*A by county breakdown of both Tier II and TRI chemical reports is detailed in Table 6 of this report.

# 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 residents 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 residents 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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County EMA Coordinators  
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## **ATTACHMENT 2:**

### **DISTRIBUTION**

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

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