



**PENNSYLVANIA HAZARDOUS MATERIAL
EMERGENCY PLANNING AND RESPONSE**

ACT 165 of 1990

2022 ANNUAL REPORT

Prepared for the

**Pennsylvania Emergency Management
Council**



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EXECUTIVE SUMMARY

During calendar year 2022, there were 1,622 hazardous materials related incidents reported to the Commonwealth Watch and Warning Center.



City of Pittsburgh FD, Allegheny County

This report addresses the activities associated with the Commonwealth of Pennsylvania Hazardous Material Emergency Planning and Response Act (Act 1990-165, as amended) for calendar year (CY) 2022. An annual report to the General Assembly is a requirement of this Act.

BACKGROUND

The Hazardous Material Emergency Planning and Response Act (Act 1990-165), hereinafter referred to as Act 165, was enacted December 7, 1990, and became effective 60 days thereafter. The legislation 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.

DELEGATION OF AUTHORITY

Act 165 defines the authority and duties of the State Emergency Response Commission (SERC). Act 165 further delegates roles and responsibilities relating to the hazardous materials safety program to the Pennsylvania Emergency Management Agency (PEMA), Pennsylvania Department of Labor & Industry (L&I), Pennsylvania Department of Environmental Protection (DEP), the counties, and the local governments. The Pennsylvania Emergency Management Council (PEMC), augmented by the Secretary of the Department of Labor and Industry (L&I), is designated by Act 165 as the SERC, which is required by SARA, Title III. PEMA is designated as the primary agent for the PEMC, responsible for performing the functions and duties of the Commission established under Act 165.

2022 HAZARDOUS MATERIALS RELATED INCIDENTS

During calendar year 2022, there were 1,622 hazardous materials related incidents reported to the Commonwealth Watch and Warning Center at PEMA which equates to 4 incidents per day on average.

REVENUES

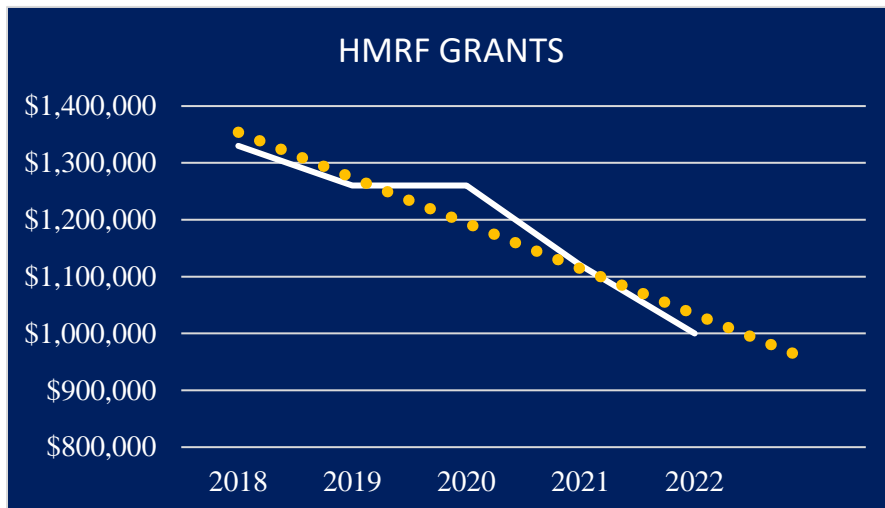
Act 165 established two non-lapsing restricted accounts, the Hazardous Materials Respond Fund (HMRF) and the Hazardous Materials Emergency Response Fund (HMER). The HMRF is maintained at the State level and the HMER is maintained at the county level. These Funds are supported through chemical fees, penalties, appropriations, and other revenue sources.

2022 HMRF Summary:

HMRF revenues are primarily distributed through the HMRF Grant Program in support of county hazardous materials safety programs.

- HMRF revenues continue to decline annually.
- In State Fiscal Year 2022, **\$1,000,000** was distributed to counties via grant.
- The SFY 2022 grant award total represents a **decrease of \$120,000 or 10.7%** from 2021.

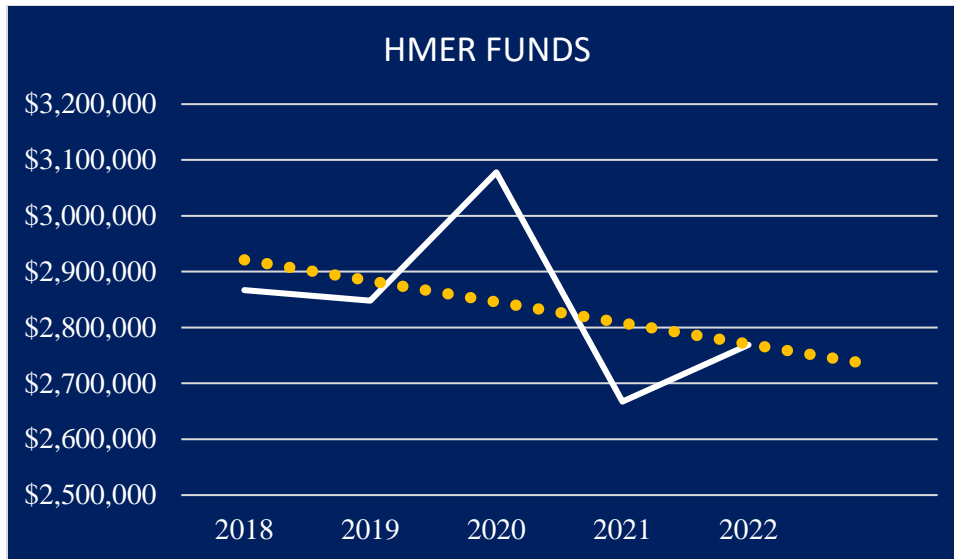
It is important to note that **PEMA contributed \$200,000 of the \$1,000,000 granted** from General Government Operations Funds. PEMA made this one-time contribution to soften the impact of declining HMRF revenues that help support county HazMat Programs.



2022 HMER Summary:

In alignment with Act 165, HMER fees are assessed and collected based on county ordinances.

- In CY 2022, **counties collected \$2,768,758.57** in fees and interest.
- The 2022 revenue totals represent **an increase of \$101,349** or 3.8% increase from CY 2021.
- While HMER revenue increased slightly in 2022, **the amount collected is 10% less** than CY 2020's 20-year high of \$3,077,938



Looking Ahead - HMRP & HMER Revenue:

- **HMRP** revenues are anticipated to decrease annually in the coming years. It is expected that counties will face notable decreases in HMRP grant awards beginning in SFY 2023 and PEMA will not have the ability to supplement grant awards.
- **HMER** revenues have averaged \$2.84 million over the past 5 years. Revenue collections were below average for the past 2 years and it is anticipated that trend will continue.
- To meet the needs and expectations of county Hazardous Materials Programs, an important consideration will be modernize Act 165 and the associated fee structure.

LOCAL EMERGENCY PLANNING COMMITTEES

Act 165 created Local Emergency Planning Committees (LEPC) within the Commonwealth and expanded the federal membership requirements required by SARA, Title III, to ensure county and municipal elected officials are represented. Act 165 also requires each county in the Commonwealth to maintain an LEPC. Under SARA, Title III and Act 165, the LEPC is subject to the supervision of the SERC. LEPC members are nominated by the governing body of each county and are appointed by the SERC (for the PEMC). These appointments are routinely administered by PEMA because of its designation by Act 165 as the primary agent for the Council.

SARA, Title III requires that each LEPC develop an emergency plan for chemical facilities in its emergency planning district (the county). 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*, the consolidated list of chemicals subject to reporting requirements under EPCRA by the United States Environmental Protection Agency (EPA). As of December 31, 2022, there were in effect 3,537 off-site emergency response plans drafted by the

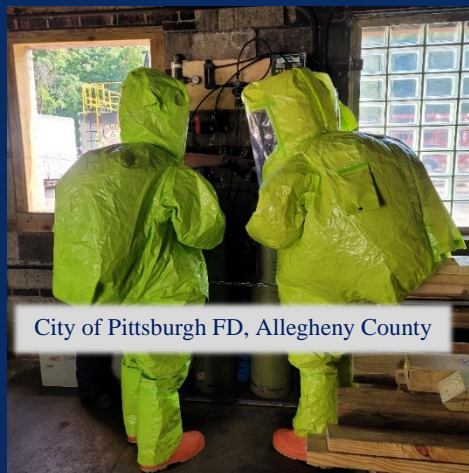
LEPCs to be reviewed and approved by PEMA on behalf of the SERC. This number changes constantly as new facilities are added or removed based on their current chemical inventories. These changes result in a continual requirement for plan development and the annual review and update of previous plans.

STATUS OF ACT 165 FACILITIES

All facilities that manufacture, produce, use, transfer, store, supply, or distribute any hazardous material at or above a specified weight threshold established by the EPA must provide an annual report to the state of their chemical inventory through the Pennsylvania Tier II System (PATTS). The threshold for reporting is published in the EPA's *List of Lists*. Additionally, facilities dealing with large quantities of a specified list of toxic chemicals must provide toxic chemical release forms to the state annually on chemical activity for the previous year when manufacturing 25,000 pounds or more and have usage of 10,000 pounds or more.

HAZARDOUS MATERIAL RESPONSE CAPABILITY

Each county must comply with Act 165 Section 209 by having coverage, of at a minimum, a National Incident Management System (NIMS) Type II Hazardous Materials Response Team (HMRT). This can be accomplished by either individually forming a state certified HMRT, having a formal contract or agreement with a certified HMRT, or participating as a member of a regional HMRT. To operate as a hazardous materials team in Pennsylvania, an HMRT must achieve state certification from PEMA. State certification requires that an HMRT complete an assessment by representatives of PEMA, DEP, the Department of Health (DOH), and the Office of the State Fire Commissioner (OSFC), who evaluate standards regarding personnel complement, training, equipment,



City of Pittsburgh FD, Allegheny County

*Reporting Year 2022 Chemical Facility Profile**

Tier II Facilities – 11,820 (↑0.03%)
Reportable Chemicals – 41,085 (↑1.47%)
Extremely Hazardous Substances (EHS) – 6,557 (↑2.13%)
EHS above Threshold Planning Quantity (TPQ) – 4,782 (↑3.60%)
TRI Chemicals Reported – 3,424 (↑2.70%)
Facilities Requiring Offsite Response Plans – 3,537

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

organizational structure, and standard operating guidelines. In addition, HMRTs must complete an evaluated exercise that tests the ability of the HMRT to respond to and mitigate a hazardous materials incident.

NIMS TYPING OF HMRTS

In CY 2019, PEMA implemented NIMS Resource Typing requirements for HMRTs. This provides for standardization and clarity to the personnel and capabilities of each HMRT.

Type I Team – Ability to respond as a Type II, as well as suspected weapons of mass destruction (WMDs).

Type II Team - Ability to function as a Type III plus respond to unknown chemical incidents and work in vapor protective ensembles.

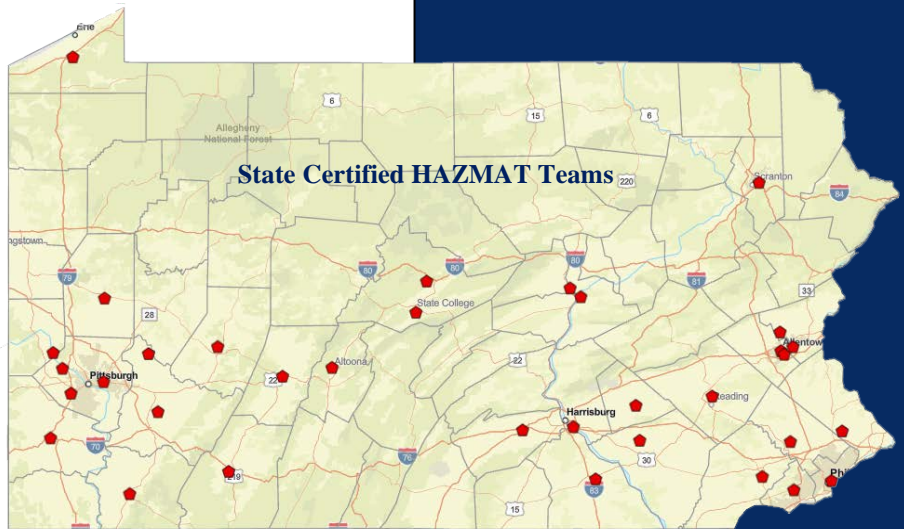
Type III Team – Ability to respond to known chemicals, without vapor protective ensembles.

EXERCISES

Both certification and re-certification of an HMRT requires that satisfactory response capability be demonstrated in an evaluated full-scale exercise of a hazardous materials incident.

Beginning in CY 2022, PEMA began to perform all planning and simulation cell duties for the certification/recertification exercises. Throughout the past three (3) years, the Hazardous Materials Division of PEMA has worked to leverage grant funds to acquire training and exercise equipment, as well as to develop numerous exercise scenarios. These exercises are now being used to provide realistic hazardous materials incident scenarios in the HMRT certification/recertification process.

As of December 31, 2022, Pennsylvania had 32 state certified Hazardous Materials Response Teams (HMRTs).



In CY 2022, 6 of the certified Hazardous Materials Response Teams were recertified, maintaining the commonwealth's total at 32 state-certified teams.

Of these teams:

20 were county teams

6 were municipal teams

6 were contract teams.

**Some HMRTs provided response coverage for more than one county.*

TRAINING

In 2022, the Pennsylvania Emergency Management Agency (PEMA), in accordance with Directive D2022-01, continued to enforce stringent training standards for state-certified Hazardous Materials Response Teams (HMRTs). These standards, aligning with the National Incident Management System (NIMS) and National Fire Protection Association (NFPA) guidelines, ensure that HMRT members are proficient in hazardous materials response as per NIMS Resource Typing requirements.

The Pennsylvania State Fire Academy (PSFA), under the Office of the State Fire Commissioner (OSFC), and in partnership with Educational Training Agencies (ETAs), conducted a remarkable 1,530 classes in 2022, training 29,493 personnel across Pennsylvania’s 67 counties. These courses spanned various levels, including Hazmat Awareness, Hazmat Operations, and specialized courses like Hazmat Incident Command and Hazmat Technician.

The PSFA also undertook certification testing for hazardous materials response personnel, resulting in 746 individuals achieving certifications across various levels, including Hazmat Awareness, Operations, and Technician.

In addition to these training efforts, PEMA, through the Hazardous Materials Emergency Preparedness (HMEP) grant, provided \$40,000 to the Pennsylvania Association of Hazardous Material Technicians. This funding supported their 2022 annual conference and educational seminar, which was attended by approximately 140 hazardous material technicians, further enhancing the state's capabilities in hazardous materials incident response.

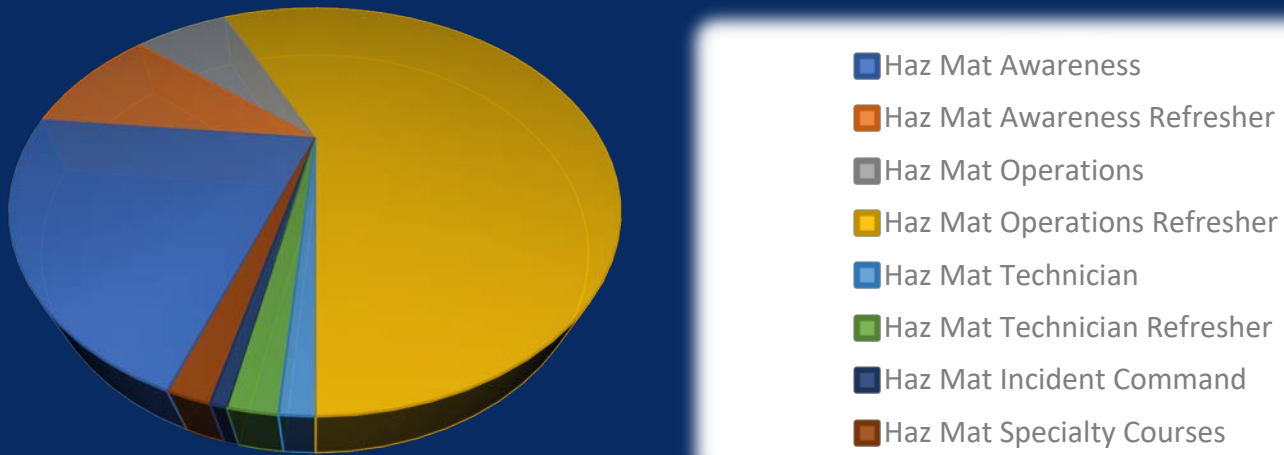


TABLE 1 – PA STATE FIRE ACADEMY HAZMAT COURSES CY 2022

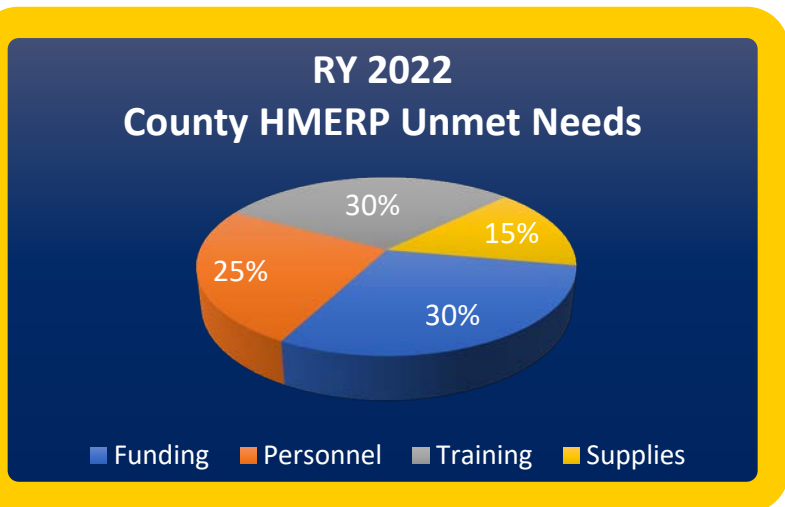
Course	Classes	Students	Course	Classes	Students
Hazmat Awareness	255	6,582	Hazmat Awareness Refresher	92	1,158
Hazmat Operations	129	1,929	Hazmat Operations Refresher	919	17,883
Hazmat Technician	12	148	Hazmat Technician Refresher	32	358
Hazmat Incident Command	3	54	Hazmat Specialty Courses	88	1,381

**Data provided by the Pennsylvania State Fire Academy*

COUNTY IDENTIFIED NEEDS

Counties are asked to provide unmet needs that impact their respective hazardous materials program as part of their annual Hazardous Materials Emergency Response Program (HMERP) report. In CY 2022, 12 counties reported funding shortfalls due to rising operational costs and stagnant fees under Act 165.

Training was also highlighted as a key unmet need by the same number of counties, primarily due to insufficient personnel and funding. Additionally, six (6) counties identified a lack of supplies as a significant challenge, underscoring ongoing resource limitations.



FUTURE PLANS

During CY 2023-2024 PEMA, as the primary agent for the SERC, intends to continue the following lines of effort:

- In conjunction with the Department of Labor and Industry, identify a suitable replacement for PATTS (continued from CY 2021).
- Work with the Pennsylvania State Fire Academy to establish a standardized curriculum for Hazardous Materials Awareness, Operations and Technician training.
- Create and deploy an online off-site response plan platform for facilities housing chemicals above the Threshold Planning Quantity (TPQ)
- Work with stakeholders to update and provide education on a facility compliance manual and LEPC administration guide.
- Work with the Legislature to update Act 165.
- Encourage and support the formation of Type III HMRTs.

2022 HIGHLIGHTS



CHEMICAL PREPAREDNESS PROGRAM

Act 165 mandates annual HMERP reports from counties, detailing the previous year's events and the status of their hazardous materials programs. These reports, as specified in the Act, include various elements such as threat analysis, response organization, capabilities, financial status, and unmet needs. A key component is the financial statement regarding the county's HMER account, including training and exercise data, enforcement actions, and details on the fee structure for

collecting fees from facilities handling hazardous chemicals.

In 2022, the second year using Survey 123, an adaptive online reporting tool, counties provided comprehensive data through this platform. This facilitated PEMA's ability to analyze and utilize the information for other significant projects. The reports also detailed the fees collected during the reporting year and the account balance, in line with Act 165 and Emergency Management Directive No. D2001-1, updated with PEMA Directive 2022-01 and the 2022 Hazardous Materials Safety Program Expenditures Guide. This update clarified allowable expenses and outlined processes for multi-year and multi-county projects.

The collection of HMRF budgets, closeout reports, and supporting documentation is now fully digital via a SharePoint portal, accessible to each county. This portal, also used for the Radiological Emergency Response Fund (RERF), has streamlined the processing of county HMRF grant budgets, reducing review times to less than 30 days, often within five days.

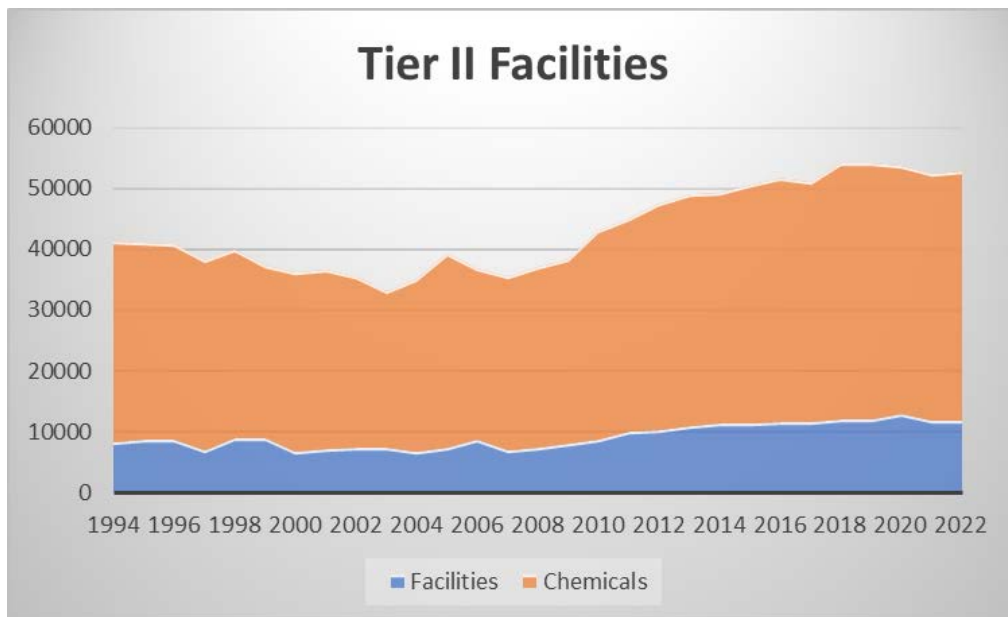
The enhanced data collection and analysis capabilities continued in CY 2022 have significantly improved PEMA's understanding of the statewide hazardous materials response landscape. This comprehensive data, encompassing financial details, training activities, and enforcement actions, has enabled more targeted and effective allocation of resources. Particularly noteworthy is the increased insight into county-level challenges and needs, which has been instrumental in shaping state-level strategies and policies. The shift to digital data management not only streamlines administrative processes but also ensures timely and accurate reporting, fostering a more responsive and adaptive hazardous materials management framework across Pennsylvania.

This progress marks a pivotal step in enhancing the state's preparedness and response capabilities to hazardous materials incidents, ultimately contributing to greater safety and resilience of communities.

PENNSYLVANIA TIER II SYSTEM (PATTS)

In CY 2022, L&I's Bureau of Occupational and Industrial Safety (BOIS) /PENNSAFE Program continued its role as the repository for SARA, Title III Tier II data. A number of improvements to the systems utilized for reporting chemical inventory, storing fixed facility off-site response plans, and invoicing chemical facilities for fees in a timely manner were identified by both PEMA and L&I in the ongoing effort to continue to provide excellent customer service.

As part of these ongoing efforts, L&I in collaboration with PEMA, is actively seeking a more suitable Tier II reporting software solution. This new system intends to fulfill legislative reporting requirements and incorporate features for invoicing and off-site response plan storage, thereby addressing the current system's shortcomings and enhancing overall efficiency and compliance.



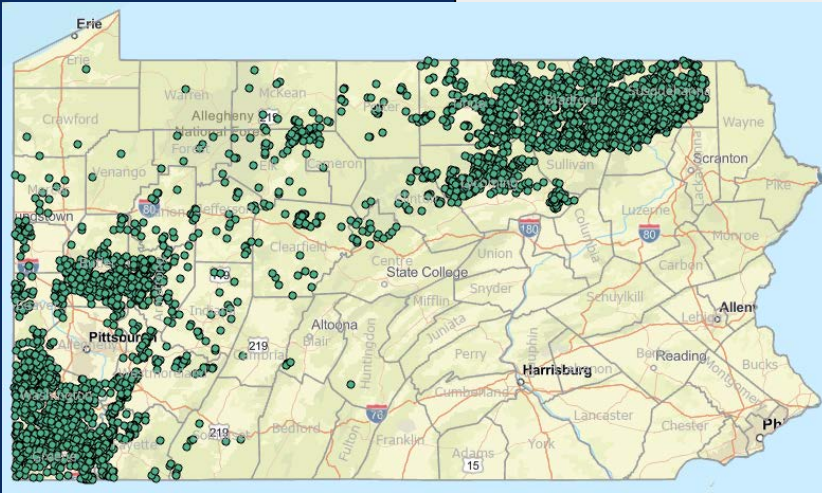
*As reported by
Labor & Industry

*Pennsylvania has over 3,800 well pads and 13,894 active unconventional well sites.**

These numbers change constantly as drilling companies adjust locations.

PIPELINES AND MARCELLUS SHALE

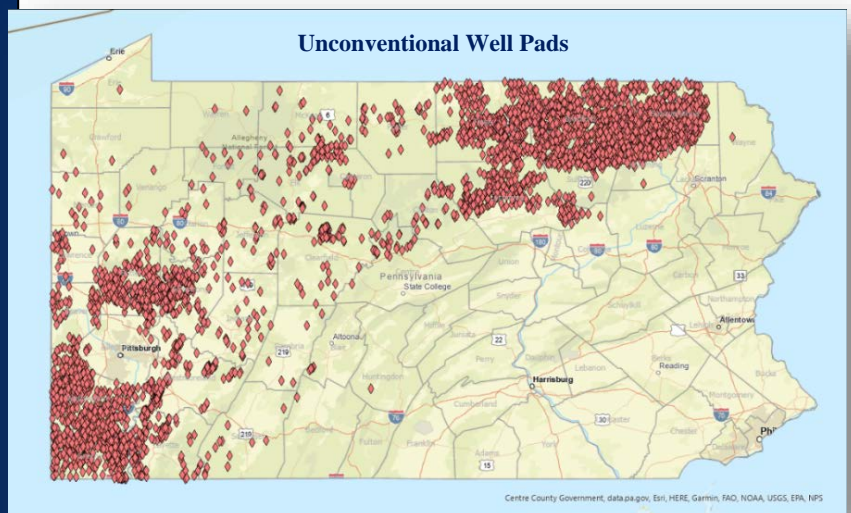
The extensive Marcellus Shale extraction activity continued in CY 2022. The owners/operators of each well site are responsible to ensure a Tier II report, listing the hazardous chemicals on site, is submitted. The activity usually involves the delivery of the chemicals by a sub-contractor. The chemicals 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.



This strong working relationship has provided for continual and timely information sharing to the county LEPCs and the local fire departments.

This makes it extremely challenging for county EMAs and first responders to stay abreast of the current threats in their area.

**Data from PA DEP Oil and Gas GIS feature class*



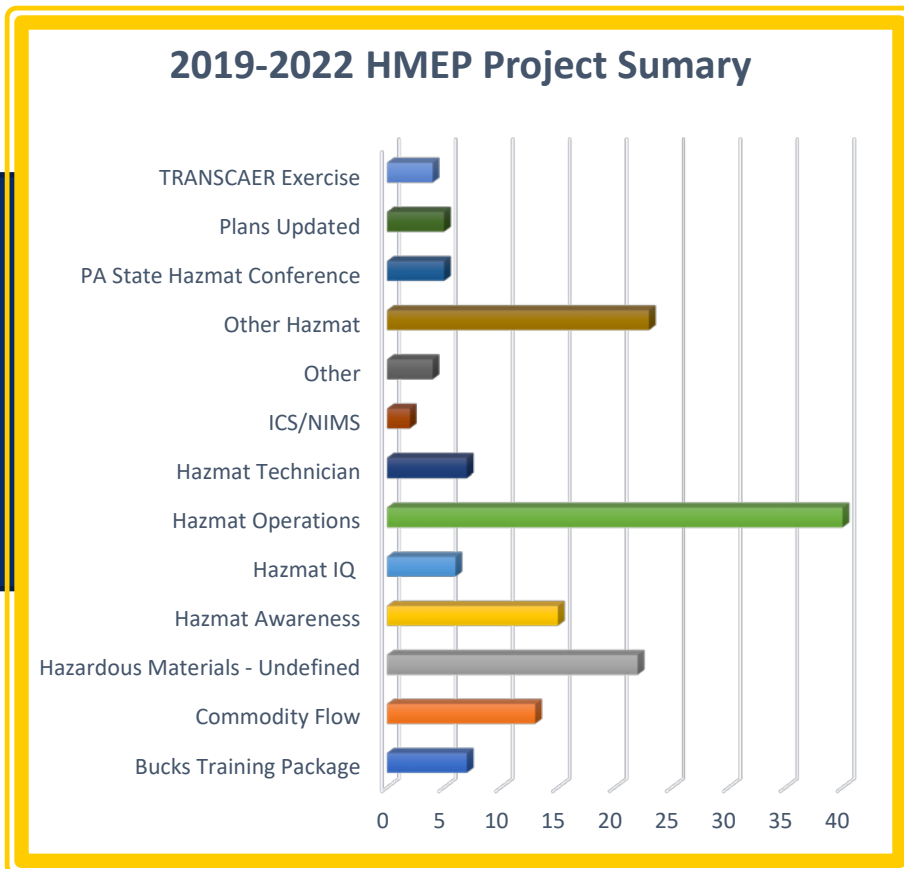
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT (HMEP)

CY 2022 was the 29th year of the U.S. Department of Transportation’s 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 to fund approved projects. These projects include the development of plans to respond to transportation-related hazardous materials incidents, and for the transportation-related training of emergency responders. During the federal grant period of FY 2019-2022, PEMA received an HMEP award totaling \$2.2 million.



Cumberland County Special Hazards Operations Team, Cumberland County

The HMEP grant has a three-year grant cycle for projects that are eligible to span within the grant cycle’s three (3) year period of performance. The HMEP grant is a reimbursable grant for which the counties must provide 20% of the total funds for approved projects and then request reimbursement for 80% of the actual expenses incurred.



STATE EMERGENCY RESPONSE COMMISSION

The PEMC, established by Title 35 Pa. C.S. §7312 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. The Speaker of the House of Representatives, President Pro Tempore of the Senate, Minority Leader of the Senate, and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large, and one representative each of the Pennsylvania State Association of County Commissioners, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania League of Cities, and the Pennsylvania State Association of Boroughs to be non-voting members of the Council.

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 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).



County of York Hazardous Materials Response Team, York County

Act 165 greatly expanded 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 commission and for the implementation of this act and SARA, Title III.

"What might be the right answer today might not be the right answer tomorrow based on the situation and the associated risks."

Gregory Noll, CSP, CEM, South Central (PA) Regional Task Force, Lancaster, Pennsylvania



Eagle Towing & Recovery, Inc., Centre County

December 6, 2022, marked the 29th 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 state level and local level.

TABLE 2 - 2022 PENNSYLVANIA EMERGENCY RESPONSE COMMISSION

The Honorable Tom Wolf

Governor

The Honorable John Fetterman

Lt. Governor

Major General Mark J. Schindler

Adjutant General

Josh Shapiro

Attorney General

Denise Johnson

Acting Secretary of Health

Ramez Ziadeh

Acting Secretary of Environmental Protection

Gregory G. Schwab

General Counsel

Russell C. Redding

Secretary of Agriculture

Yassmin Gramian

Secretary of Transportation

Meg Snead

Acting Secretary of Human Services

Neil Weaver

Acting Secretary of Community and Economic
Development

Gladys M. Brown Dutrieuille

Chairman, Public Utility Commission

Lt. Colonel Robert Evanchick

Commissioner, Pennsylvania State Police

Charles McGarvey

Acting State Fire Commissioner

Jennifer Berrier

Acting Secretary of Labor and Industry

Representing Senate President Pro Tempore Kim Ward

Senator Patrick Stefano

Senate Minority Leader Jay Costa

(Also serves as minority chair Rules & Executive Nominations)

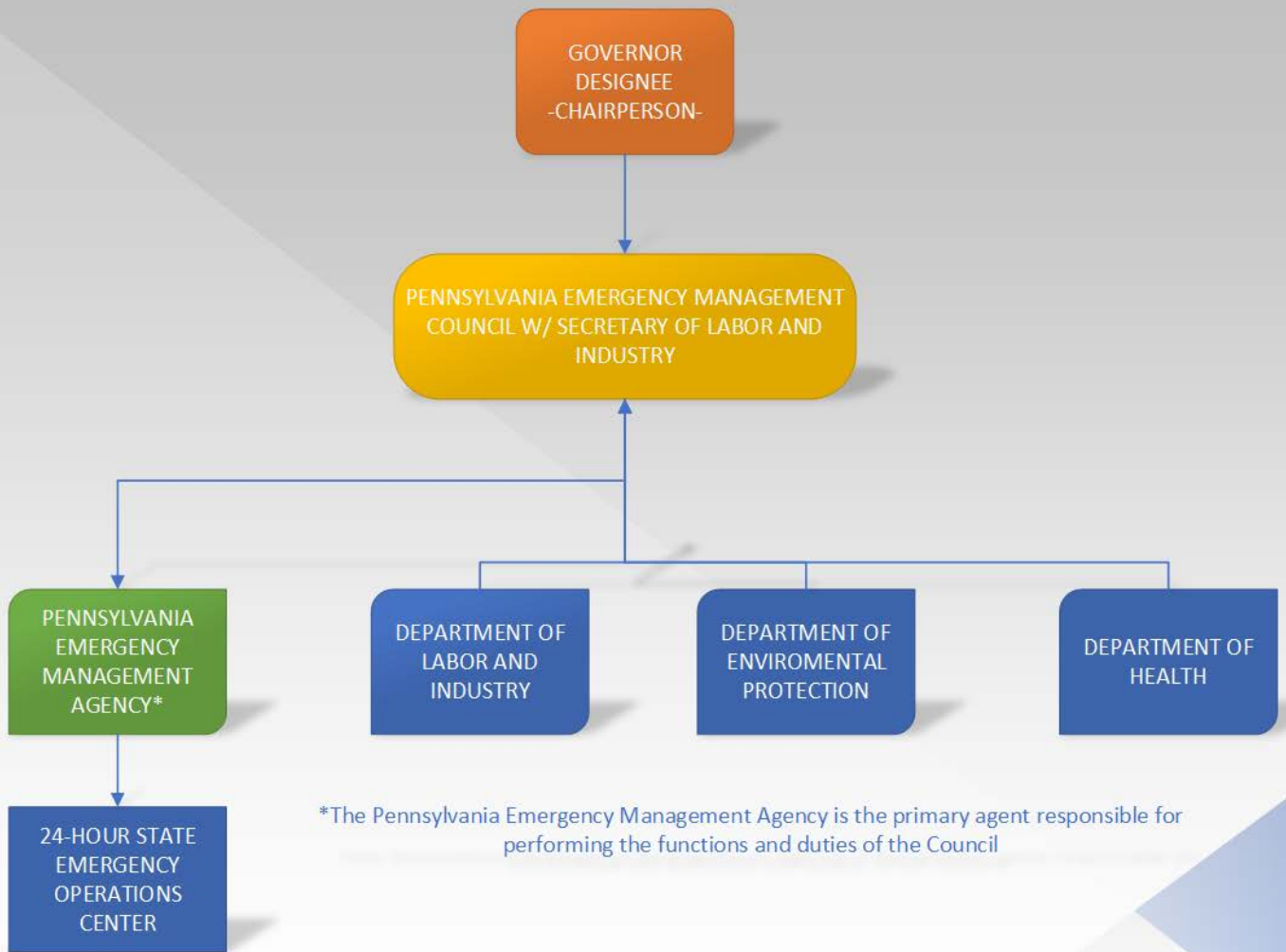
Representing House Speaker Bryan Cutler

State Representative Karen Boback

Representing House Minority Leader Joanna McClinton

State Representative Chris Sainato

TABLE 3 - STATE EMERGENCY RESPONSE COMMISSION (SERC)
ORGANIZATION



SARA, TITLE III, ACT 165 AND THE AMERICAN WATER INFRASTRUCTURE ACT (AWIA):

On October 17, 1986, President Ronald Reagan signed into law the *Superfund Amendments and Reauthorization Act of 1986* (SARA). One section 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 for hazardous chemicals. This legislation builds upon the Environmental Protection Agency's (EPAs) 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 materials 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)	Toxic Chemical Release Reporting (Section 313)
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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)	Stringent enforcement provisions (Section 325)
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- 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 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 timeframe of 60 days to a reporting timeframe of five business days.
- C. **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 facility for which the off-site emergency response plan is required.
- 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. 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, are in Standard Industrial Classification (SIC) and North American Industrial Classification System (NAICS) codes as designated by EPCRA, and that use 10,000 pounds or manufacture 25,000 lbs. of toxic chemicals per year (unless other quantity is included on the Chemicals of Special Concern list) 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, Section 201(g)(7) states “*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.*”
- 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 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 hazardous substance that potentially affects their source water,
- (2) have access to EPCRA Tier II information (i.e., hazardous chemical inventory data).

These requirements went into effect immediately upon signing of the law.

Act 165 also provides specific instructions on how SARA, Title III is to be implemented in the Commonwealth, establishes a funding mechanism for a statewide Hazardous Materials Safety Program, directs the development of requirements for HMRTs, 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.

Further, Act 165 provides for the imposition of civil and criminal penalties against those who fail to comply. 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 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.

RIGHT-TO-KNOW

Pennsylvania's Right-to-Know Law provides access to public information to an individual or organization upon formal, written request. Each Commonwealth agency, county, and municipality has an Open Records Officer to whom such requests should be directed.

The passage of Act 165 was made possible by the actions of the environmental committees of both chambers of the legislature.

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.



LOCAL EMERGENCY PLANNING COMMITTEES (LEPC)

Section 203 of Act 165 specifies that at least one LEPC shall be established in each county. The local committee shall be subject to the supervision of the SERC 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 SERC from nominees submitted by the governing body of the county.

The county Emergency Management Coordinator (EMC) provides administrative support to the LEPC and has the lead responsibility for ensuring that the plans and activities of the LEPC comply with Pennsylvania 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 SERC.
- B. Take appropriate actions to ensure the implementation and updating of the local emergency response plans required by Act 165.
- C. Report to the SERC on alleged violations of Act 165.
- D. Prepare reports, recommendations, or other information related to the implementation of Act 165 as requested by the SERC.
- 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 Materials Emergency Response Account any grants, gifts, or other funds received which are intended for the purpose of carrying out the requirements of Act 165.

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*

TABLE 4 - CY 2022 LOCAL EMERGENCY PLANNING COMMITTEE CHAIRPERSONS

County Code	County Name	LEPC Chairperson	County Code	County Name	LEPC Chairperson
1	Adams	Ms. Kimberly S. Frank	35	Lackawanna	Mr. Steve Pitoniak
2	Allegheny	Mr. Steven J. Wilharm	36	Lancaster	Dr. Duane Hagelgans
3	Armstrong	Mr. J. Larry Rice	37	Lawrence	Mr. Donald J. Cataldi
4	Beaver	Mr. Eugene Miketa	38	Lebanon	Mr. Robert Dowd
5	Bedford	Mr. Alex Delia	39	Lehigh	Ms. Nicole Burton
6	Berks	Mr. Ignazio Sabella	40	Luzerne	Mr. Stan Davis
7	Blair	Mrs. Rebecca Long	41	Lycoming	Mr. Irv Temple
8	Bradford	Mr. Joseph Shay	42	McKean	Mr. Bruce A. Manning
9	Bucks	Mr. Robert A. Kay, Sr.	43	Mercer	Mr. John Nicklin
10	Butler	Mr. Scott M. Hoffman	44	Mifflin	Mr. Craig Weston
11	Cambria	Mr. Arturo Martynuska	45	Monroe	Mr. Nathan Black
12	Cameron	Mr. Kevin Johnson	46	Montgomery	Mr. Steven Wittmer
13	Carbon	Mr. Robert Miller	47	Montour	Mr. Scott Bitting
14	Centre	Mr. Ray Stolinas	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

TABLE 4 - CY 2022 LOCAL EMERGENCY PLANNING COMMITTEE CHAIRPERSONS

17	Clearfield	Mr. Joseph Mitchell	51	Philadelphia	Mr. David Binder
18	Clinton	Mr. Jim Vaiana	52	Pike	Mr. Scott Gillette
19	Columbia	Mr. Phillip J. Yoder Sr.	53	Potter	Ms. Helen Turner
20	Crawford	Mr. Dustin Wyant	54	Schuylkill	Mr. Randall M. Kalce
21	Cumberland	Mr. Steven Spangler	55	Snyder	Mr. Fred Wagner
22	Dauphin	Mr. George Elberti, III	56	Somerset	Mr. Frederic Rosemeyer
23	Delaware	Mr. Lawrence Bak	57	Sullivan	Mr. Sean Thibodeault
24	Elk	Mr. Michael McAllister	58	Susquehanna	Ms. Brody Webster
25	Erie	Mr. Robert Gandley	59	Tioga	Mr. John Erich
26	Fayette	Mr. Leo Guy Napolillo	60	Union	Mr. James J. Blount III
27	Forest	Mr. Timothy Wittmann	61	Venango	Mr. Jim Wetzel
28	Franklin	Mr. William L. Little	62	Warren	Mr. Joe Sproveri
29	Fulton	Mr. Eric Reckner	63	Washington	Mr. Ronald Sicchitano
30	Greene	Mr. Richard Policz	64	Wayne	Ms. Jocelyn Cramer
31	Huntingdon	Mr. Robert Schall	65	Westmoreland	Mr. Les Harvey
32	Indiana	Mr. Jon Pina	66	Wyoming	Mr. Ronald Coolbaugh
33	Jefferson	Mr. Chris Clark	67	York	Mr. Daniel J. O'Connell
34	Juniata	Mr. John F. Shirk			

REVENUES

Act 165 established two funds: one at the county level, known as the HMER account, and one at the state level known as the HMRF. The county HMER fund consists primarily of chemical and planning fees paid by the facilities and associated interest, but may also include county, federal, or state funds; grants; loans; penalties; or private donations. For each chemical reported on the Tier II report by March 1 of each year, a fee is payable to the county of up to \$75 as established by county ordinance. Additionally, a fee established by county ordinance of up to \$100 will be paid by each facility requiring an off-site emergency response plan to the respective county by March 1 each year.

The state Act 165 Fund, which includes funding for the HMRF grant, is a restricted revenue account used to carry out the purposes, goals, and objectives of SARA, Title III and the Commonwealth's hazardous materials safety program. Fees collected consist 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. An additional fee of \$250 is assessed for each toxic chemical release form required by Section 313 of SARA, Title III to be submitted annually by July 1. Toxic chemical release forms must be submitted by the owner or operator of each chemical facility that has 10 or more full time employees, is designated by EPCRA, and that use 10,000 pounds or manufactures 25,000 lbs. of toxic chemicals per year (unless other quantity is included on the Chemicals of Special Concern list), and/or reports releases during the year of any specified chemicals that were manufactured, processed, or otherwise used. 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 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.

YEAR	HMRF GRANTS	HMER REVENUE	TOTAL
2018	\$1,330,000	\$2,866,805	\$4,196,805
2019	\$1,260,000	\$2,848,306	\$4,108,306
2020	\$1,260,000	\$3,077,938	\$4,337,938
2021	\$1,120,000	\$2,667,409	\$3,787,409
2022	\$1,000,000	\$2,768,758	\$3,768,758

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.

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 HMRF.

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 for which 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.

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 HMER account during the calendar year immediately prior to the grant year. Those revenues are accounted for in the annual HMERP report and consists 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 HMER 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.

To be eligible for the HMRF grant, a county must:

- A. Meet the requirements of the Commonwealth's Hazardous Materials Safety Program.
- B. Indicate that they are requesting consideration for a grant award.
- C. Submit a grant budget to PEMA for eligible costs listed under Act 165.
- D. 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.
- E. 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 Materials 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 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.

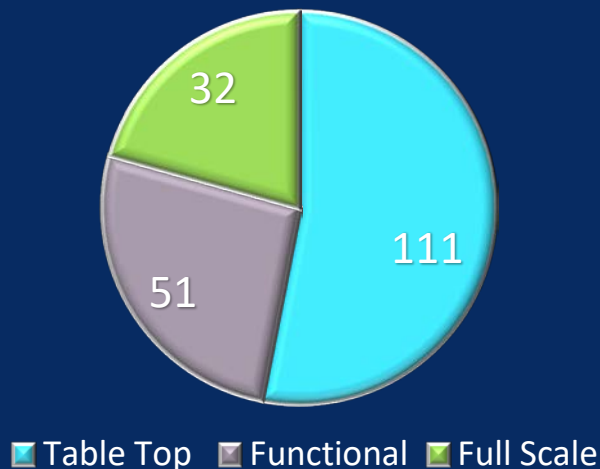
HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORTS

Act 165 requires counties to develop and update an annual report of "Hazardous Material Emergency Response Preparedness" (formerly called "Assessment," but referred to as "HMERP" in this report). This report is an evaluation of the hazardous material threat to the county from both fixed facilities and transportation hazards, the county's capability to respond to hazardous materials incidents, the short-term and long-term administrative and financial plan to maintain and improve the Hazardous Materials Safety Program and its 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. If it satisfactorily fulfills the above criteria and any additional requirements PEMA may deem necessary, it is approved on behalf of the SERC. 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 HMERP, the provisions of Act 165, and the current Emergency Management Directive regarding *Expenditure of Act 165 Generated Revenues at the County Level*.

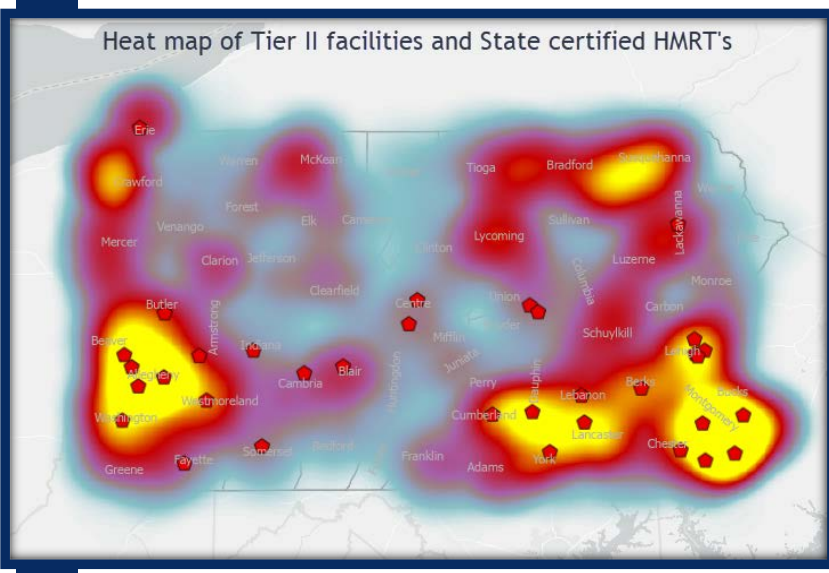
To ensure prompt receipt of the annual report from the counties, as well as to simplify reporting requirements, the end of year report was incorporated into the HMRF grant application.

County Based Exercises



EMERGENCY NOTIFICATIONS AND INCIDENTS

SARA, Title III, established that facilities that 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 following such a release. These written follow-up reports are to include any known or anticipated health or environmental risks associated with the release, as well as actions to be taken to mitigate potential future incidents. The reports are maintained by 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.

In CY 2022, the CWWC recorded 11,463 incident-type events. Of these, 1,622 were hazardous materials related, marking a 45.2% decrease from CY 2021, which saw 2,962 such incidents. This notable reduction could be due to improved safety protocols, changes and/or improvements in reporting standards, or actual decreases in incidents. The CY 2022 data continues to include transportation and structure fire incidents requiring hazardous materials response, as well as natural gas incidents, consistent with the expanded reporting scope initiated in previous years.

ACT 165 FACILITIES AND CHEMICAL REPORTING

SARA, Title III requires that an emergency plan be developed which includes procedures for response to hazardous materials releases from chemical facilities. Act 165 mandates the requirement that LEPCs prepare off-site emergency response plans for each facility that has one or more extremely hazardous substances (EHS) at, or above EPA specified threshold planning quantities (TPQ).

SARA, Title III, Section 302, requires that any facility with one or more of the EHS listed in the EPA's *List of Lists*, in quantities at or greater than the listed TPQ, notify the SERC and the LEPC within 60 days after any change that 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 2022 reporting cycle, there were 3,615 chemical facilities identified as subject to the SARA, Title III planning requirements that mandate county LEPCs develop off-site emergency response plans. This figure varies each year because of facilities changing their business status or on-hand chemical inventories.

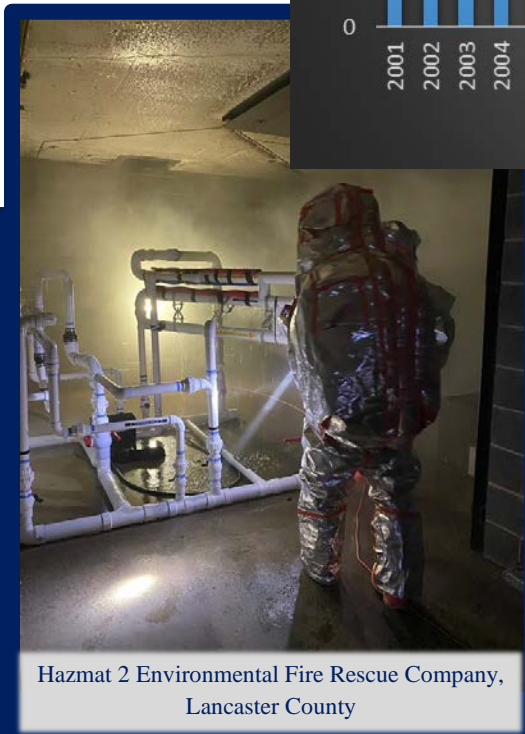
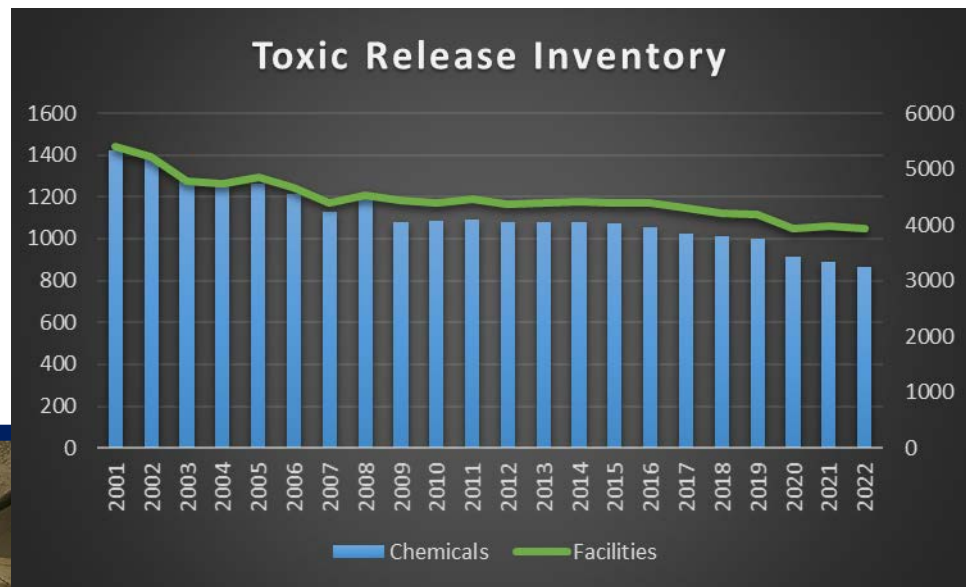
SARA, Title III requires the owner/operator of any facility that meets the requirements of Section 302 must prepare and have available a Safety Data Sheet (SDS) for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970, and regulations promulgated under that Act, to prepare and submit an emergency and hazardous chemical inventory form and/or off-site emergency response plan to the appropriate LEPC, fire departments with jurisdiction over the facility, and to the SERC to provide this information as a resource in the event of a hazardous materials incident.

Pennsylvania requires chemical facilities to submit the federally required Tier II report annually. The Tier II is required by March 1 (via PATTS) each year, 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 CY 2022, a total of 11,820 facilities submitted reports on 41,085 Tier II chemicals.

TOXIC RELEASE INVENTORY (TRI) FACILITIES

SARA, Title III and Act 165 require owners/operators of facilities in specific 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.



In RY 2022, a total of 1,047 facilities submitted Toxic Chemical Release Inventory reports, encompassing 3,246 different chemicals.

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

TABLE 5 - CHEMICAL FACILITY DATA*

	Number of Tier II Facilities	Chemical Count	Number of EHS Chems	Number of EHS Chems more than TPQ	Number of TRI Reporting Facilities	Number of TRI Chemicals Reported	Facilities Requiring Offsite Plans
Adams	137	562	159	99	63	11	15
Allegheny	791	2883	483	347	272	60	284
Armstrong	102	327	46	30	20	6	22
Beaver	206	1054	122	95	69	33	156
Bedford	52	167	32	23	17	9	23
Berks	351	1687	280	215	149	43	145
Blair	159	671	104	81	58	11	33
Bradford	414	1086	54	27	15	5	29
Bucks	379	2710	380	297	165	50	143
Butler	353	1177	128	86	56	34	128
Cambria	129	341	63	43	38	9	39
Cameron	19	48	3	1	1	3	5
Carbon	47	131	19	14	13	6	29
Centre	134	345	72	47	43	7	8
Chester	260	955	174	113	90	31	69
Clarion	123	179	18	7	6	4	6
Clearfield	116	290	38	24	17	12	26
Clinton	85	347	37	30	17	3	27
Columbia	62	258	50	36	22	6	13
Crawford	284	518	64	47	34	16	50
Cumberland	290	889	216	165	134	18	43
Dauphin	259	747	163	132	104	14	43
Delaware	155	861	164	127	64	19	78
Elk	95	324	37	21	15	25	63
Erie	220	585	149	108	74	42	87
Fayette	131	297	47	28	21	4	7
Forest	71	89	4	2	2	0	0
Franklin	132	531	97	76	47	14	44
Fulton	16	35	8	5	2	2	7
Greene	158	351	35	5	5	2	4
Huntingdon	64	185	25	14	10	2	6
Indiana	81	271	41	26	15	8	60

Jefferson	69	229	25	19	18	15	26
Juniata	22	70	13	8	6	4	8
Lackawanna	134	440	99	77	59	10	26
Lancaster	362	1312	273	204	143	62	167
Lawrence	100	405	61	46	27	19	61
Lebanon	153	611	115	91	61	21	56
Lehigh	259	1117	264	206	138	24	66
Luzerne	253	869	185	145	116	32	75
Lycoming	319	960	87	62	37	17	60
McKean	208	395	36	27	23	12	40
Mercer	193	563	84	60	40	28	98
Mifflin	42	106	19	14	9	4	12
Monroe	80	354	59	45	33	8	17
Montgomery	481	1702	353	266	226	45	119
Montour	15	80	11	9	7	2	14
Northampton	195	745	159	130	89	31	128
Northumberland	80	307	47	37	28	11	35
Perry	30	58	13	7	7	0	0
Philadelphia	420	1453	308	215	172	28	89
Pike	23	34	9	2	2	0	0
Potter	48	118	14	8	8	4	3
Schuylkill	209	678	149	124	85	17	87
Snyder	35	86	16	6	5	3	11
Somerset	96	269	43	27	18	5	14
Sullivan	38	142	3	0	0	0	0
Susquehanna	411	1177	35	7	7	1	1
Tioga	251	724	31	17	15	6	14
Union	50	155	21	14	13	5	7
Venango	78	310	30	26	24	15	51
Warren	64	217	29	21	15	7	42
Washington	454	1421	146	113	85	20	66
Wayne	39	76	17	11	10	1	1
Westmoreland	315	1252	175	131	84	33	109
Wyoming	83	249	17	5	3	1	6
York	336	1500	299	231	153	47	144
TOTALS	11820	41085	6557	4782	3424	1047	3246

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

HAZARDOUS MATERIALS 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 off-site response plan and/or SDS for those EHS that are above the RQ, regarding the nature and location of the chemical hazard and the requirement for off-site safety planning. This information is to be utilized by first response organizations and county LEPCs to develop a response capability to address the recognized hazards.

Under Section 209 of Act 165, counties are required to select the type of HMRT that best meets the needs of the county to protect the health and safety of the population and the environment. Three options are provided to meet this standard:

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 materials organization for the purpose of creating and organizing a state certified HMRT.

PEMA, as the primary agent for the SERC, established a program to certify HMRTs and set standards for training, equipment, safety, and operations. PEMA Directive D2019-01, provides organizational and operational guidelines for HMRTs. 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 includes applicable training and equipment guidance for response to weapons of mass destruction incidents. Act 165 provides several 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 2022, the 67 counties were served by a total of 32 state-certified hazardous materials response teams. Of these 32 teams, 20 teams are county teams, six (6) teams are formed within the counties but operating independently, and six (6) teams are contract teams provided through independent vendors. Some counties maintain contracts or agreements with more than one certified team. See Table 7 for details.



Indiana County Team 900, Indiana County

TABLE 6 - 2022 COUNTY COVERAGE BY CERTIFIED HAZARDOUS MATERIALS RESPONSE TEAMS (HMRT)

County	Hazardous Materials Response Team	Relationship
Adams	Enviroserve Winfield (Union County)	Contract
Allegheny	City of Pittsburgh FD - Hazardous Materials Response Team	Municipal Team
	Allegheny County Hazardous Materials Response Team	County Team
Armstrong	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Beaver	Beaver County Emergency Response Team 700 Beaver (Beaver County)	County Team
Bedford	Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	County Team (Contracted)
Berks	Berks County Special Operations Group Leesport (Berks County)	County Team
Blair	Altoona Fire Department Hazardous Materials Response Team Altoona (Blair County)	Municipal Team
Bradford	Datom Products Dunmore (Lackawanna County)	Contract
Bucks	Bucks County Hazardous Incident Response Team (HIRT) Ivyland (Bucks County)	County Team
Butler	Butler County Hazardous Materials Response Team 100 Butler (Butler County)	County Team
Cambria	Special Hazards Assistance Response Program (SHARP) Ebensburg (Cambria County)	County Team
Cameron	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Carbon	Rapid Response, Inc. Northampton (Northampton County)	Contract
Centre	Centre Region Hazmat Team State College (Centre County)	Contract
	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract
Chester	Chester County Hazardous Materials Response Team West Chester (Chester County)	County Team
Clarion	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Clearfield	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract
Clinton	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract

Columbia	Datom Products Dunmore (Lackawanna County)	Contract
Crawford	McCutcheon Enterprises, Inc. Carnegie (Allegheny County)	Contract
Cumberland	Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	County Team
Dauphin	Dauphin County Hazardous Materials Response Team Harrisburg (Dauphin County)	County Team
Delaware	Delaware County Hazardous Materials Response Team Media (Delaware County)	County Team
Elk	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Erie	Erie County Hazardous Materials Response Team Erie (Erie County)	County Team
Fayette	Fayette County Hazardous Materials Response Team 900 Uniontown (Fayette County)	County Team
Forest	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Franklin	Cumberland County Special Hazards Operations Team (SHOT) Carlisle (Cumberland County)	County Team (Contracted)
Fulton	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Greene	Fayette County Hazardous Materials Response Team 900 Uniontown (Fayette County)	County Team (Contracted)
Huntingdon	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract
Indiana	Indiana Co. EMA Hazmat Team 900 Indiana (Indiana County)	County Team
Jefferson	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Juniata	Enviroserve Winfield (Union County)	Contract
Lackawanna	Datom Products Dunmore (Lackawanna County)	Contract
Lancaster	Hazmat 2 Environmental Fire Rescue Company, Inc. Manheim (Lancaster County)	Contract
Lawrence	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Lebanon	Lebanon County EMA Hazardous Materials Response Team Lebanon (Lebanon County)	County Team
Lehigh	Lehigh County Special Operations Hazmat Response Team Allentown (Lehigh County)	County Team

	Allentown Fire Department Hazardous Materials Response Team Allentown (Lehigh County)	Municipal Team
	Bethlehem Fire Department Hazardous Materials Response Team Bethlehem (Lehigh County)	Municipal Team
Luzerne	Datom Products Dunmore (Lackawanna County)	Contract
Lycoming	Enviroserve Winfield (Union County)	Contract
McKean	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Mercer	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Mifflin	Eagle Towing & Recovery, Inc. Milesburg (Centre County)	Contract
Monroe	Datom Products Dunmore (Lackawanna County)	Contract
Montgomery	Montgomery County Hazardous Materials Response Team Eagleville (Montgomery County)	County Team
Montour	Enviroserve Winfield (Union County)	Contract
Northampton	Lehigh County Special Operations Hazardous Materials Response Team - Allentown (Lehigh County)	County Team (Contracted)
Northumberland	Enviroserve Winfield (Union County)	Contract
Perry	Enviroserve Winfield (Union County)	Contract
Philadelphia	Hazmat Task Force 1 Philadelphia	County Team
Pike	Datom Products Dunmore (Lackawanna County)	Contract
Potter	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Schuylkill	Datom Products Dunmore (Lackawanna County)	Contract
Snyder	Enviroserve Winfield (Union County)	Contract
Somerset	Somerset County Hazmat Team 600 Somerset (Somerset County)	County Team
Sullivan	Datom Products Dunmore (Lackawanna County)	Contract
Susquehanna	Datom Products Dunmore (Lackawanna County)	Contract
Tioga	Enviroserve Winfield (Union County)	Contract

Union	Enviroserve Winfield (Union County)	Contract
Venango	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Warren	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Washington	Washington County Hazardous Materials Response Team Washington (Washington County)	County Team
Wayne	Datom Products Dunmore (Lackawanna County)	Contract
Westmoreland	Westmoreland County Hazardous Materials Response Team 800 Greensburg (Westmoreland County)	County Team
Wyoming	Datom Products Dunmore (Lackawanna County)	Contract
York	County of York Hazmat Emergency Response Team (Hazmat 91) York (York County)	County Team

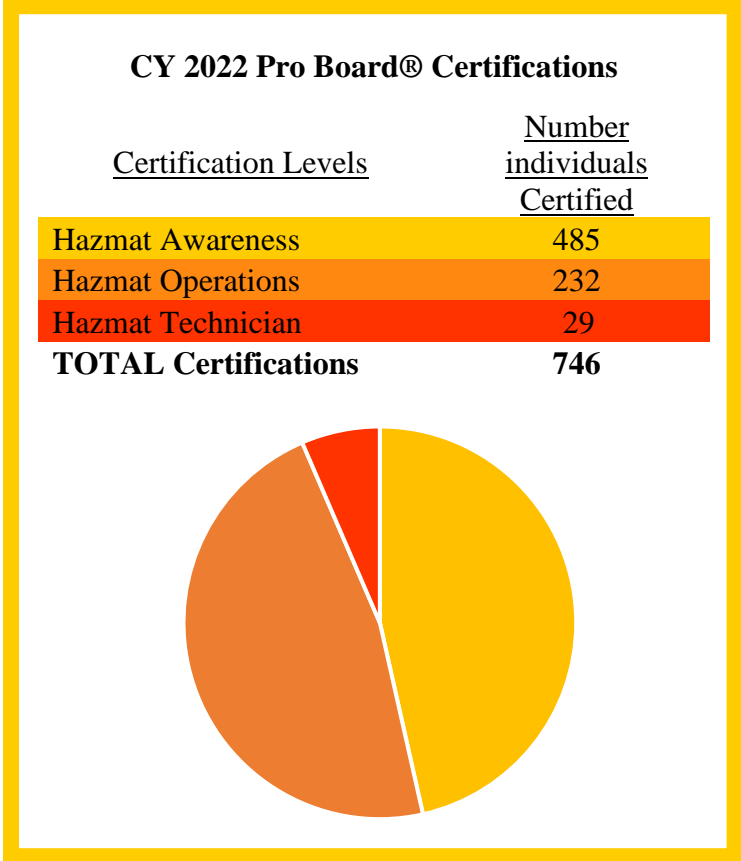
REPORT OF HAZMAT TRAINING ACTIVITIES FOR CY 2022

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 collaborates with PEMA to develop training requirements and programs that provide the Commonwealth with competent personnel who have the knowledge, skills, and abilities to effectively respond to hazardous materials emergencies.

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 OSHA and Hazardous Waste Operations and Emergency Response Training (HAZWOPER) regulations in 29 CFR 1910.120 and EPA regulations in 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 2022, the Hazardous Materials training programs sanctioned by PSFA were offered to all emergency response disciplines, including first responders and military personnel in the Commonwealth’s 67 counties.



The PSFA delivered most classes at local venues (fire stations or community facilities) through a partnership with Educational Training Agencies (ETAs) that include community colleges and full and part-time fire training schools and academies.

The PSFA also conducted Pro Board 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*. Established in 1972, the Pro Board is the original fire service system for the accreditation of agencies that certify candidates to the various disciplines and levels identified in the NFPA Professional Qualification series of standards. The purpose of the Pro Board is to establish an internationally recognized means of acknowledging professional achievement in the fire service and related fields.



Bethlehem Fire Department HMRT,
Lehigh County



Dauphin County Hazardous Materials Response Team,
Dauphin County

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

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