



pennsylvania
EMERGENCY MANAGEMENT AGENCY

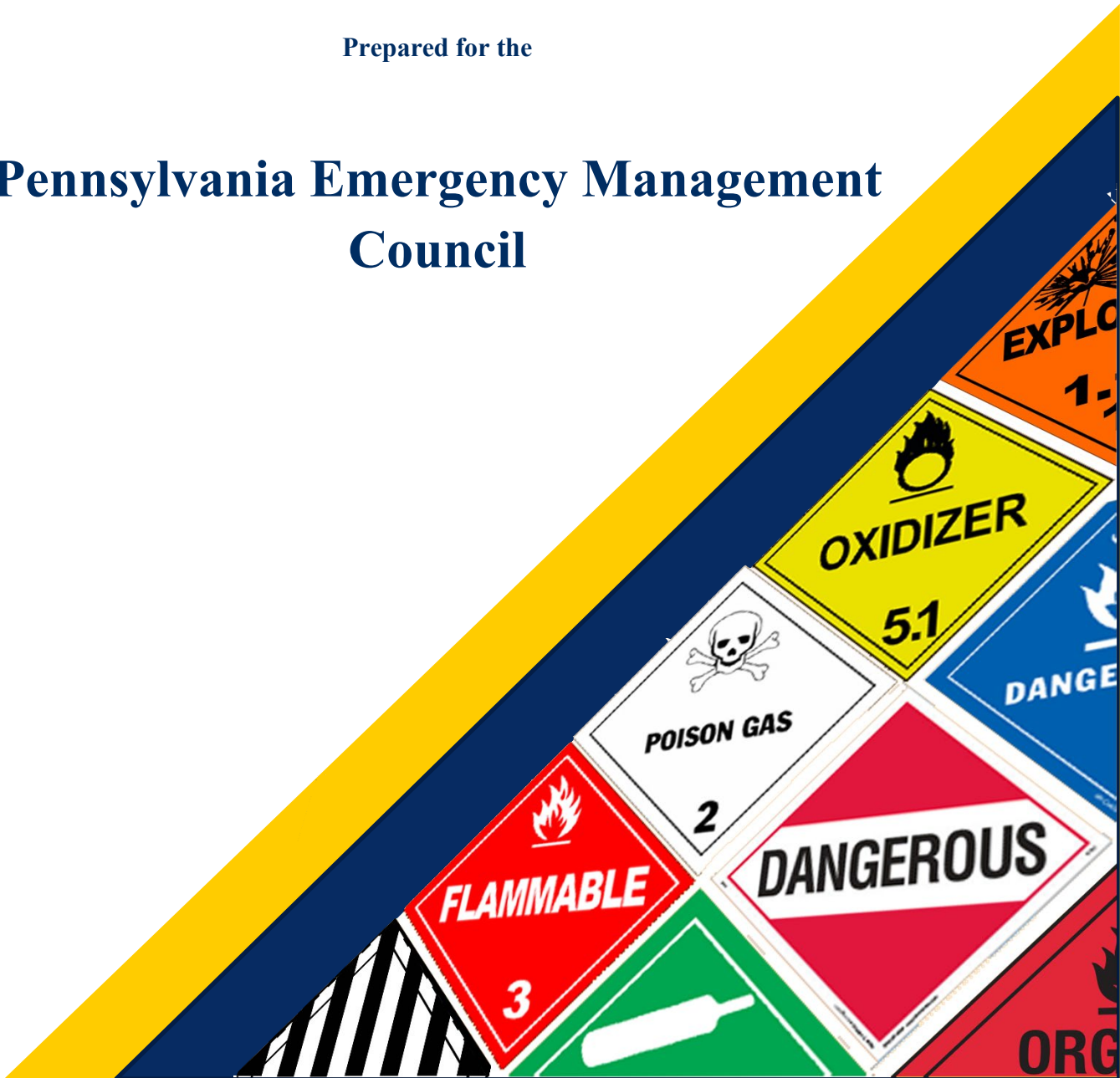
PENNSYLVANIA HAZARDOUS MATERIAL EMERGENCY PLANNING AND RESPONSE

ACT 165 of 1990

2021 ANNUAL REPORT

Prepared for the

**Pennsylvania Emergency Management
Council**



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EXECUTIVE SUMMARY

During calendar year (CY) 2021 there were 17,106 incident-type events reported to the Commonwealth Watch and Warning Center (CWWC).

Of these incidents, 2,962 were reported as being hazardous materials related.



City of Pittsburgh FD, Allegheny County

This is a 36.68 percent increase in hazardous materials incidents reported from CY 2020

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) 2021. 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.

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 by State Treasury and the HMER is maintained at the county level.

The HMRF is funded through the collection 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.

A majority of the HMRF 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.

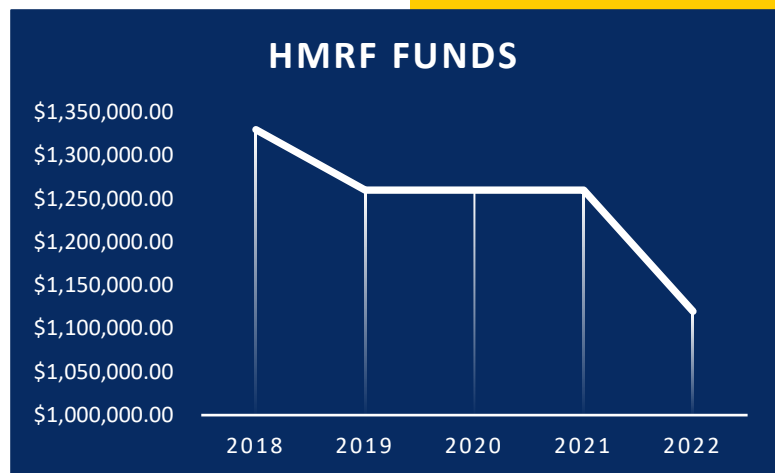
LOCAL EMERGENCY PLANNING COMMITTEES

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

During the 2022 State Fiscal Year (SFY), a total of \$1,120,000.00 was distributed to counties via the HMRF grant program.

This was a 11.7% decrease from the previous year.



During CY 2021, the county annual update reports showed a total of \$2,667,409.05 collected by the counties in chemical and planning fees and interest.

This is a 13.33 percent decrease from CY 2020's collection of \$3,077,938.81.

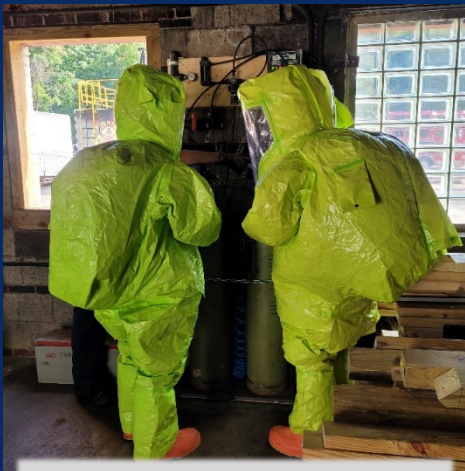
the *List of Lists*, the consolidated list of chemicals subject to reporting requirements under EPCRA by the United States Environmental Protection Agency (EPA). As of December 31, 2021, there were in effect 3,190 off-site emergency response plans drafted by the LEPCs to be reviewed and approved by PEMA 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, at a minimum, of 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, organizational structure, and standard operating guidelines. In addition, HMRTs must complete an



City of Pittsburgh FD, Allegheny County

*Reporting Year 2021 Chemical Facility Profile**

Tier II Facilities – 11,816 (↓0.57%)
Reportable Chemicals – 40,490 (↓0.94%)
Extremely Hazardous Substances (EHS) – 6,420 (↓3.05%)
EHS above Threshold Planning Quantity (TPQ) – 4,616 (↓5.25%)
TRI Chemicals Reported – 3,334 (↓2.27%)
Facilities Requiring Offsite Response Plans – 3,615

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

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

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

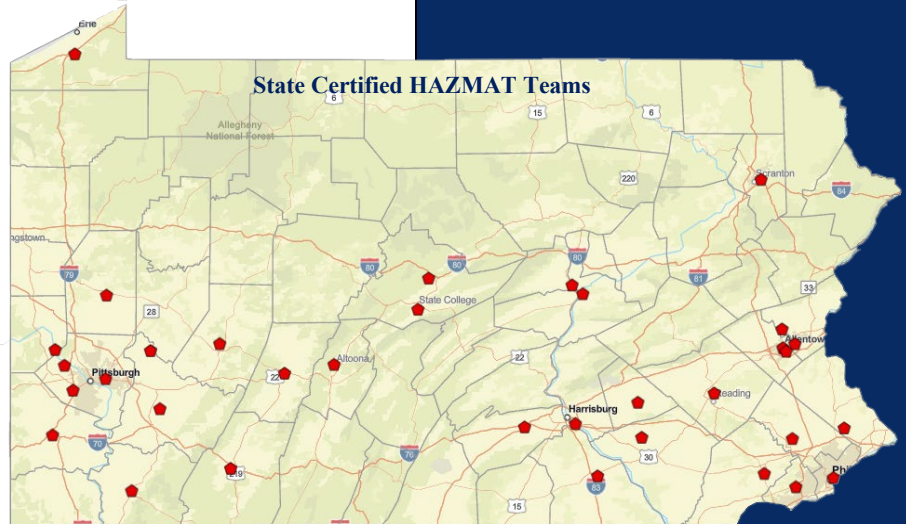
Type I Team – Ability to respond as a Type II, as well as to suspected weapons of mass destruction (WMDs).

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 will begin 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 have been peer tested and will be used to provide realistic hazardous materials incident scenarios in the HMRT certification/recertification process.

As of December 31, 2021, Pennsylvania had 32 state certified Hazardous Materials Response Teams (HMRTs).



In CY 2021, 15 of the certified Hazardous Materials Response Teams were recertified, with 3 teams choosing not to recertify dropping the commonwealth's total to 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

PEMA Directive D2021-01, Hazardous Materials Response Team (HMRT) Training Requirements, establishes training standards for all state-certified HMRTs. These standards require HMRT members to train to the NIMS and National Fire Protection Association (NFPA) standards for hazardous materials response personnel in accordance with the NIMS Resource Typing requirements for HMRTs.

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 as they are most likely to witness or discover a hazardous materials release. All firefighters and other responders who respond to hazardous materials incidents must be trained to the Operations level. Some HMRT personnel must be trained to the Technician, Specialist, or Incident Command level.

In CY 2021, the Pennsylvania State Fire Academy (PSFA) and Educational Training Agencies (ETA) reported conducting 1,480 classes and training 34,099 personnel in hazardous materials incident response through various courses statewide.

Again, in CY 2021, PEMA provided \$40,000 to the Pennsylvania Association of Hazardous Material Technicians (through the Hazardous Materials Emergency Preparedness [HMEP] grant) for their annual conference and educational seminar for hazardous material technicians. The 2021 conference had approximately 136 attendees.

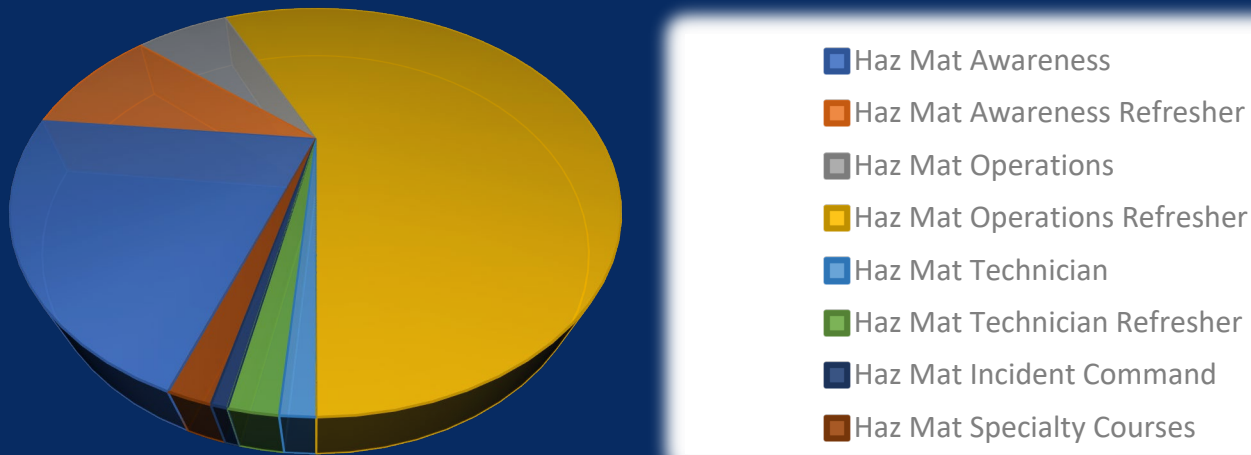


TABLE 1 – PA STATE FIRE ACADEMY HAZMAT COURSES CY 2021

Course	Classes	Students	Course	Classes	Students
Haz Mat Awareness	267	7,206	Haz Mat Awareness Refresher	88	3,275
Haz Mat Operations	170	2,320	Haz Mat Operations Refresher	868	19,397
Haz Mat Technician	27	454	Haz Mat Technician Refresher	15	647
Haz Mat Incident Command	12	215	Haz Mat Specialty Courses	33	585

**Data provided by the Pennsylvania State Fire Academy*

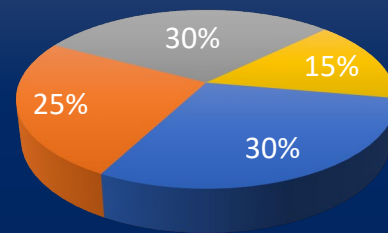
UNMET NEEDS

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 2021, 23 counties reported unmet needs in their programs, with a lack of funding and training being those most reported.

The need for funding is attributed to the increase cost of operations, without a correlating increase in the fees established in Act 165. The counties who submitted that training is an area of improvement further explained that a lack of personnel and funding are the primary factors.

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 \$1,115,142 in CY 2021.

RY 2021 County HMERP Unmet Needs



■ Funding ■ Personnel ■ Training ■ Supplies

FUTURE PLANS

During CY 2022-2023 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.
- 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 follow-up spill reporting platform for fixed facility and transportation related incidents.
- Create and deploy a GIS dashboard for identifying location and availability of specific and unique HAZMAT response equipment
- 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.

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

2021 HIGHLIGHTS



Bucks County Hazardous Incident Response Team (HIRT),
Bucks County

CHEMICAL PREPAREDNESS PROGRAM

Act 165 requires counties to submit an annual HMERP report that reflects the events of the preceding year and the status of their respective hazardous materials program. Additional contents of the report are specified in the Act, which includes “such other information as PEMA may deem necessary.” This report is required to be submitted to PEMA each year.

The CY 2021 report was the first HMERP collected utilizing Survey 123, an adaptive online reporting tool. Utilizing this platform to collect the annual report data affords PEMA the ability to analyze and employ the information collected in other important projects. In these reports, each county provides the status of its Hazardous Materials Safety Program to include an analysis of threats, response organization, response capabilities, financial status, and unmet needs. Major elements of these reports are financial statements regarding the county’s HMER account, training and exercise data, and enforcement actions. Additionally, these reports provide details on the fee structure established by county ordinance to collect fees from facilities manufacturing or storing hazardous chemicals. This includes the fees collected during the reporting 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 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*.

The Emergency Management Directive D2001-1 was updated with PEMA Directive 2022-01, the Act 165 Revenue Expenditures Requirements Directive as well as a companion document, the 2022 Hazardous Materials Safety Program Expenditures Guide. This update provided clarification to the program stakeholders on allowable and unallowable expenses. The guide also outlined the process for counties to complete multi-year projects, multi-county collaboration projects, and how to request review of unique projects not covered in the Directive or the Guide.

The collection of the HMRF budgets, closeout reports and supporting documentation is now completely performed in a SharePoint portal. Each county has been granted access to the online portal which includes folders and workflows for the HMRF and HMRP. This portal is also being utilized for the Radiological Emergency Response Fund (RERF). The use of technology and automated workflows has decreased the overall processing time of the individual county HMRF grant budgets to less than 30 days, with many reviews being completed in less than five (5) days.

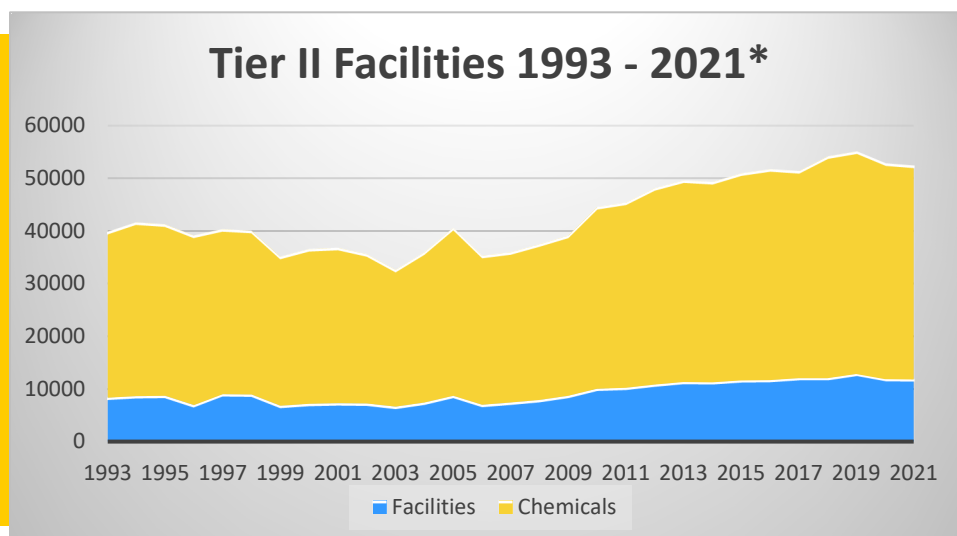
PENNSYLVANIA TIER II SYSTEM

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. With excellent customer service from the PENNSAFE Program, most of the chemical facility reports were filed online in CY 2021 through the Pennsylvania Tier II System (PATTS). PATTS is the required portal for submission of the Tier II data by chemical facilities. Sixty-six of the Commonwealth's sixty-seven (67) County LEPCs have executed a memorandum of understanding with L&I and are also using PATTS as the county's primary source for facility data collection and archiving. This electronically available data can be accessed by a facility and updated to meet compliance requirements in subsequent years.

However, PATTS is not an all-inclusive system and does not provide the capability to do online billing for Tier II fees, or storage of off-site response plans. L&I must invoice and collect checks via mail to collect the chemical fees established by Act 165. It is frequently found that 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 collection system.

In addition to PATTS, many counties had been using an online situational awareness program, Knowledge Center (KC), to perform county level invoicing of the allowed chemical and planning fees. However, KC was purchased by a competitor that discontinued the program. PEMA and other counties utilize WebEOC as an online situational awareness and incident reporting tool. To fill this gap left by the discontinuation of the KC Module, PEMA paid for the development of a "SARA Module" in WebEOC.

Although, the SARA module filled an immediate need, it was not without difficulties and limitations. PEMA is currently working with L&I to identify a more appropriate Tier II reporting software that not only meets the legislatively established reporting requirements but also allows for invoicing and off-site response plan storage.



*As reported by
Labor & Industry

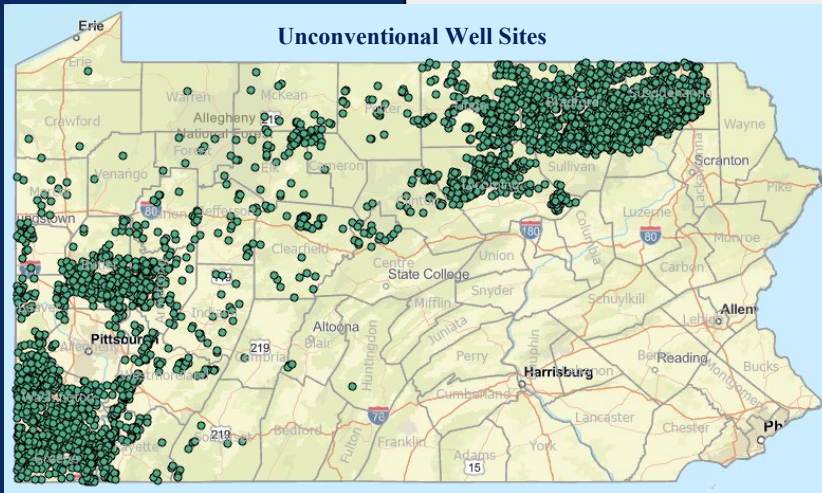
PIPELINES AND MARCELLUS SHALE

The extensive Marcellus Shale extraction activity continued in CY 2021. 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.

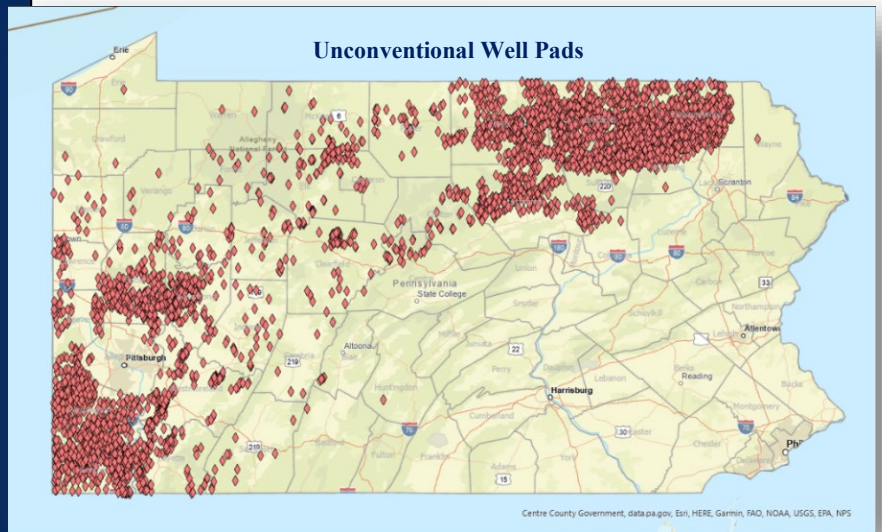
*Pennsylvania has over 3,800 well pads and 12,500 active unconventional well sites.**

These numbers change constantly as drilling companies adjust locations.



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*



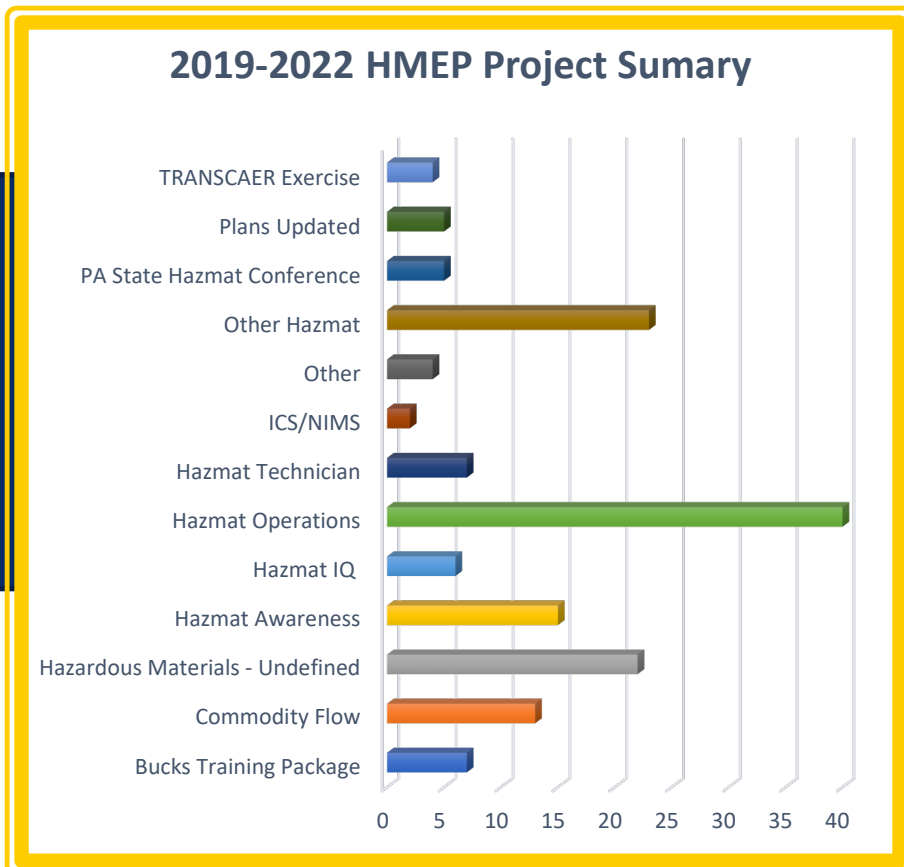
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT (HMEP)

CY 2021 was the 27th 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 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 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 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,

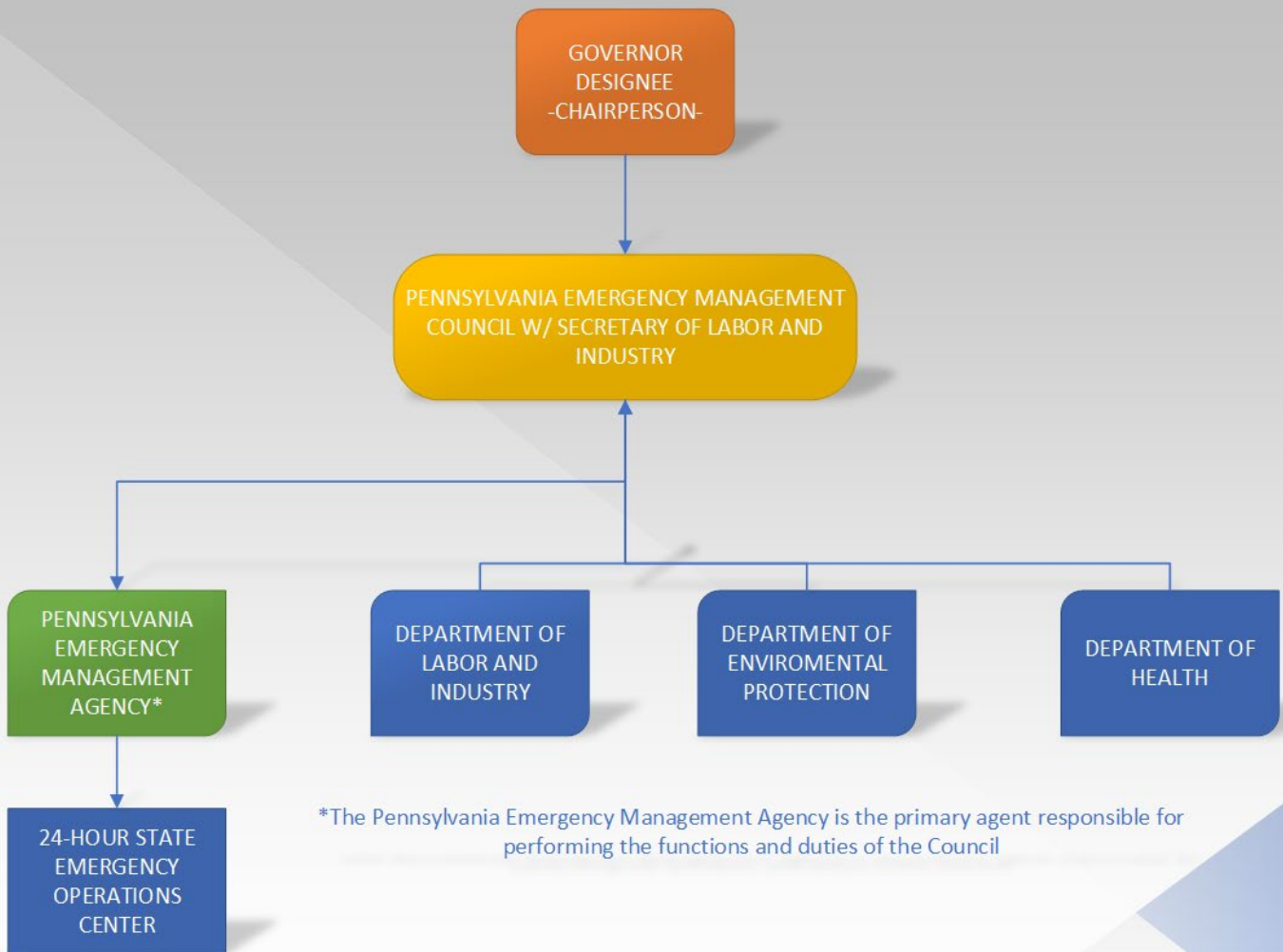


Eagle Towing & Recovery, Inc., Centre County

December 6, 2021, marked the 28th 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 - 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 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)	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 Material 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 3 - CY 2021 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	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	Mr. Ignazio Sabella	40	Luzerne	Mr. Ronald Smith
7	Blair	Mr. Timothy Rea	41	Lycoming	Mr. Irv Temple
8	Bradford	Mr. Matthew Davidson	42	McKean	Mr. Bruce A. Manning
9	Bucks	Mr. Robert A. Kay, Sr.	43	Mercer	Mr. John Flynn
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. Adam 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 Mitchell	51	Philadelphia	Mr. David Binder

18	Clinton	Mr. Kevin Perry
19	Columbia	Mr. Mark Williams
20	Crawford	Ms. Heather Palm
21	Cumberland	Mr. Steven Spangler
22	Dauphin	Mr. Christopher J. Fisher
23	Delaware	Mr. Lawrence Bak
24	Elk	Mr. Tony Casilio
25	Erie	Mr. Charles Ramsey
26	Fayette	Mr. Leo Guy Napolillo
27	Forest	Mr. Randall Parrett
28	Franklin	Mr. William L. Little
29	Fulton	Ms. Donna Welsh
30	Greene	Mr. Gregory C. Leathers
31	Huntingdon	Mr. Robert Schall
32	Indiana	Mr. Jon Pina
33	Jefferson	Mr. Albert Reid
34	Juniata	Mr. John F. Shirk

52	Pike	Mr. Scott Gillette
53	Potter	Ms. Helen Turner
54	Schuylkill	Mr. Randall M. Kalce
55	Snyder	Mr. Fred Wagner
56	Somerset	Mr. Frederic Rosemeyer
57	Sullivan	Mr. Deveron Wilcox
58	Susquehanna	Ms. Kate Kamp
59	Tioga	Mr. John Erich
60	Union	Chief James J. Blount III
61	Venango	Mr. Timothy L. Dunkle
62	Warren	Mr. Joe Sorveri
63	Washington	Mr. Jeffrey Yates
64	Wayne	Ms. Jocelyn Kramer
65	Westmoreland	Mr. Les Harvey
66	Wyoming	Mr. Ronald Coolbaugh
67	York	Mr. Daniel J. O'Connell

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 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.

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 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 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.

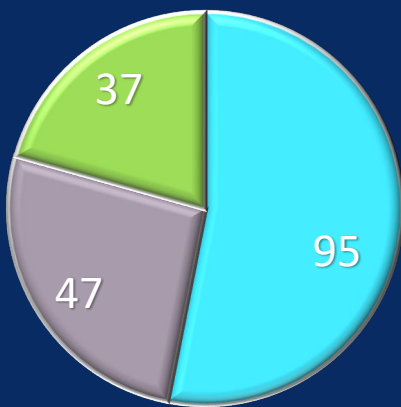
HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORTS

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 criterion 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

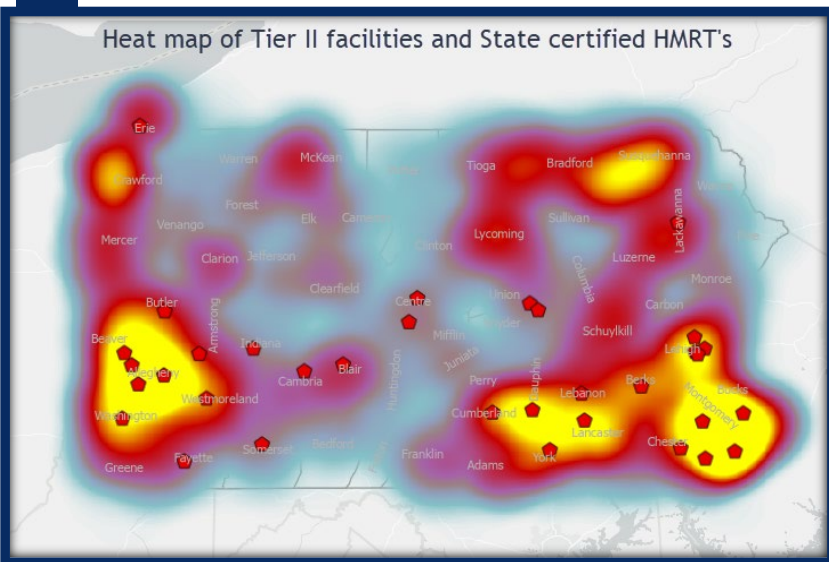


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EMERGENCY NOTIFICATIONS AND INCIDENTS

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.

During CY 2021, 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 2020 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. These types of incidents had not been reported in previous year's reports, which explains the increase in overall hazardous materials incident reports.

See Table 4 for a county-by-county summary of incidents reported to the PEMA CWWC during the period of this report.

TABLE 4 - CY 2021 HAZMAT INCIDENTS

County	Bio-hazardous waste	Biological	Chemical Release / Spill	Explosion	Flammable liquid / solid	Natural gas release	Other	Pipeline break	Grand Total	# Times HMRT Dispatched
Adams	1				1				2	0
Allegheny	1		57	2	17	10	14	2	103	38
Armstrong			2			2	1		5	3
Beaver			10	1	4		1		16	3
Bedford	1		1		6		2		10	0
Berks	2		16		19	1	22		60	64
Blair			1	1	2	1	2		7	2
Bradford			5		5	2	1		13	8
Bucks	1		20		5		6		32	19
Butler			14		5	2	3		24	3
Cambria			3		2	2	2		9	63
Carbon			1	1	1		1		4	4
Centre			3		1		1		5	6
Chester	1		13		9	1	8	13	45	22
Clarion			1			13			14	0
Clearfield					6				6	73
Clinton	1		5		3	1	3		13	2
Columbia			1						1	0
Crawford							1		1	0
Cumberland			10		5		1		16	17
Dauphin			15		11		2		28	54
Delaware	1		14		9	1	3		28	1396
Elk					1				1	0
Erie			4		2	3			9	1

County	Bio-hazardous waste	Biological	Chemical Release / Spill	Explosion	Flammable liquid / solid	Natural gas release	Other	Pipeline break	Grand Total	# Times HMRT Dispatched
Fayette			5	3	8		5	1	22	2
Forest					1	1			2	++
Franklin			13		6	2			21	75
Fulton							1		1	0
Greene			2		1	43	4	2	52	++
Huntingdon			1		1	1	2		5	4
Indiana			4		2				6	4
Jefferson					4	4			8	0
Juniata			1						1	0
Lackawanna			6	2	2	4	2		16	0
Lancaster	1		17	1	11	1	4		35	35
Lawrence	1		3	1			3		8	6
Lebanon			9		12	1	11		33	22
Lehigh			14	1	12	12	12	1	52	572
Luzerne	1		9	1	6	3	7		27	0
Lycoming			8		2	1			11	9
McKean			5		2				7	0
Mercer			8		2		4		14	0
Mifflin					1		1		2	0
Monroe			1		7		4		12	0
Montgomery			25		7	2	6		40	50
Montour			1						1	2
Northampton	1		19	4	12	107	150	2	295	98
Northumberland			2		2	1	2		7	0

County	Bio-hazardous waste	Biological	Chemical Release / Spill	Explosion	Flammable liquid / solid	Natural gas release	Other	Pipeline break	Grand Total	# Times HMRT Dispatched
Perry			1		1		3		5	2
Philadelphia		3	39		17	1	6		66	1647
Pike					1				1	7
Potter			2		1	2			5	2
Schuylkill			6		9		2		17	0
Snyder			2		4	2			8	0
Somerset			6	1	7	3	10		27	88
Susquehanna			2		2				4	0
Tioga	1					2	1		4	0
Union			5		4				9	3
Venango			1		1		4		6	0
Warren			1		3	1			5	0
Washington	2		20	1	4	214	9	2	252	0
Wayne			1						1	40
Westmoreland			13	1	11	23	13	2	63	30
Wyoming			2				1		3	0
York	2	1	13		11	1	9		37	15

Grand Total	18	4	463	21	291	471	350	25	1643	4491
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++Greene and Forest County have not filed the required HMERP Report

²As submitted and certified in the County HMERP Annual Reports

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 2021 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.

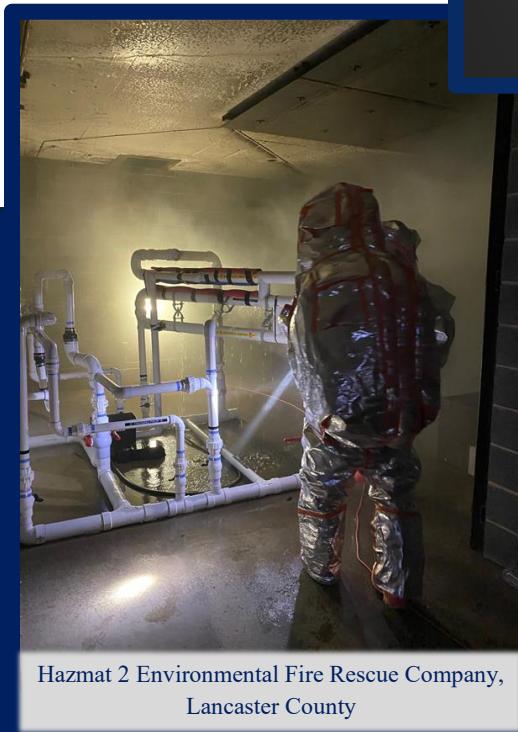
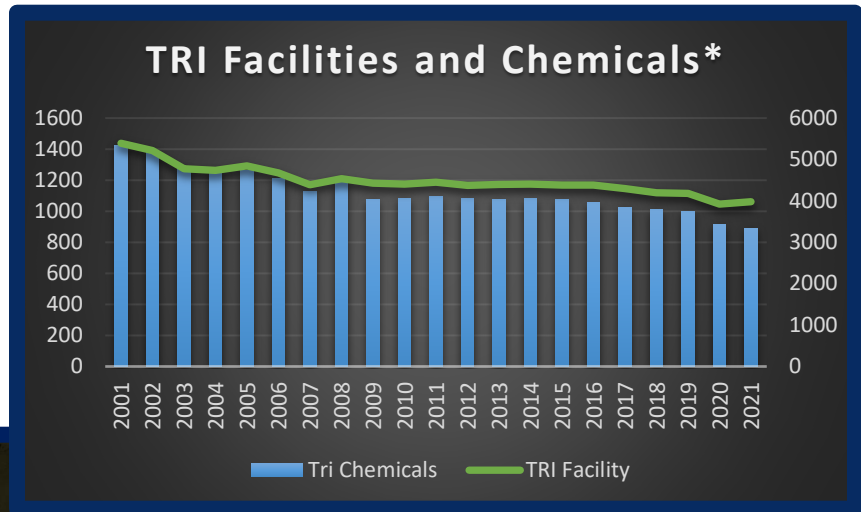
SARA Title III requires the owner/operator of any facility that meets the requirements of Section 302 must prepare and have available a Safety Data Sheet (SDS) for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970, and regulations promulgated under that Act, to prepare 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 the CY 2021, 11,816 facilities submitted reports on 40,490 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.



Hazmat 2 Environmental Fire Rescue Company,
Lancaster County

In Reporting Year 2021, 1,046 facilities submitted Toxic Chemical Release Inventory reports on 3,429 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	141	561	163	103	12	19	78
Allegheny	796	2973	479	343	57	292	315
Armstrong	107	333	38	23	5	21	25
Beaver	214	1033	125	100	32	133	92
Bedford	49	163	29	21	9	21	15
Berks	338	1676	264	195	40	140	163
Blair	156	691	106	81	12	45	68
Bradford	438	1121	67	25	5	30	19
Bucks	367	2655	371	288	51	159	196
Butler	344	1171	127	85	34	122	257
Cambria	126	345	60	40	9	39	38
Cameron	16	54	2	0	3	4	1
Carbon	41	125	17	12	7	27	19
Centre	137	346	72	46	8	7	52
Chester	250	902	171	112	28	71	103
Clarion	117	174	18	8	5	6	8
Clearfield	121	297	40	25	13	27	26
Clinton	86	367	37	29	3	28	21
Columbia	61	254	48	32	7	17	20
Crawford	352	567	66	49	16	50	47
Cumberland	267	880	220	162	19	48	117
Dauphin	257	749	156	120	15	44	122
Delaware	149	785	147	113	19	67	68
Elk	91	302	35	21	24	62	12
Erie	222	619	153	109	43	101	88
Fayette	125	310	51	29	4	6	21
Forest	68	86	4	2	0	0	2
Franklin	125	491	82	65	14	45	45
Fulton	14	33	8	5	3	8	1
Greene	160	384	15	5	2	4	4
Huntingdon	66	189	25	13	2	6	7
Indiana	76	253	37	24	9	62	13

Jefferson	63	226	25	18	15	25	14
Juniata	24	73	16	11	3	5	10
Lackawanna	134	403	92	73	10	24	60
Lancaster	371	1338	280	206	65	153	151
Lawrence	95	363	50	36	18	61	22
Lebanon	149	607	111	89	22	65	54
Lehigh	264	1102	262	203	25	67	129
Luzerne	249	881	185	143	35	74	98
Lycoming	314	891	79	60	18	48	44
McKean	227	393	34	25	12	39	29
Mercer	231	605	81	57	29	93	45
Mifflin	41	106	18	13	4	10	6
Monroe	74	343	66	47	8	15	32
Montgomery	459	1528	344	259	48	128	277
Montour	15	83	12	9	2	12	7
Northampton	192	755	153	124	31	115	88
Northumberland	78	304	46	35	9	26	30
Perry	30	59	12	6	0	0	4
Philadelphia	422	1458	307	209	28	94	167
Pike	20	31	9	2	0	0	2
Potter	50	132	19	9	4	6	15
Schuylkill	204	637	144	119	17	88	110
Snyder	37	87	15	6	3	9	9
Somerset	92	249	40	23	5	14	18
Sullivan	31	83	3	0	0	0	2
Susquehanna	403	1093	32	6	1	1	57
Tioga	244	656	30	18	7	10	21
Union	48	154	21	14	6	7	19
Venango	85	312	25	21	15	58	19
Warren	65	206	29	21	8	44	12
Washington	452	1458	142	107	20	62	88
Wayne	38	70	17	11	1	1	10
Westmoreland	300	1121	169	122	35	108	75
Wyoming	99	305	23	5	1	6	16
York	339	1489	296	224	46	155	150
TOTALS	11,816	40,490	6,420	4,616	1,061	3,334	3,615

**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 material 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 terrorism 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 2021, 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 6 for details.



Indiana County Team 900, Indiana County

TABLE 6 - 2021 COUNTY COVERAGE BY CERTIFIED HAZARDOUS MATERIALS RESPONSE TEAMS

County	Hazardous Materials Response Team	Relationship
Adams	Enviroserve Winfield (Union County)	Contract
Allegheny	City of Pittsburgh FD - Hazardous Material Response Team	Municipal Team
	Allegheny County Hazardous Material 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 Material 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 Material 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 Material 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

County	Hazardous Materials Response Team	Relationship
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 Material Response Team Harrisburg (Dauphin County)	County Team
Delaware	Delaware County Hazardous Material Response Team Media (Delaware County)	County Team
Elk	McCutcheon Enterprises, Inc. Apollo (Armstrong County)	Contract
Erie	Erie County Hazardous Material Response Team Erie (Erie County)	County Team
Fayette	Fayette County Hazardous Material 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 Material 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 Material Response Team Lebanon (Lebanon County)	County Team
Lehigh	Lehigh County Special Operations HazMat Response Team Allentown (Lehigh County)	County Team

County	Hazardous Materials Response Team	Relationship
	Allentown Fire Department HMRT Allentown (Lehigh County)	Municipal Team
	Bethlehem Fire Department HMRT 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 Material Response Team Eagleville (Montgomery County)	County Team
Montour	Enviroserve Winfield (Union County)	Contract
Northampton	Lehigh County Special Operations HazMat 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

County	Hazardous Materials Response Team	Relationship
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 Hazmat Response Team Washington (Washington County)	County Team
Wayne	Datom Products Dunmore (Lackawanna County)	Contract
Westmoreland	Westmoreland County Hazardous Material 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

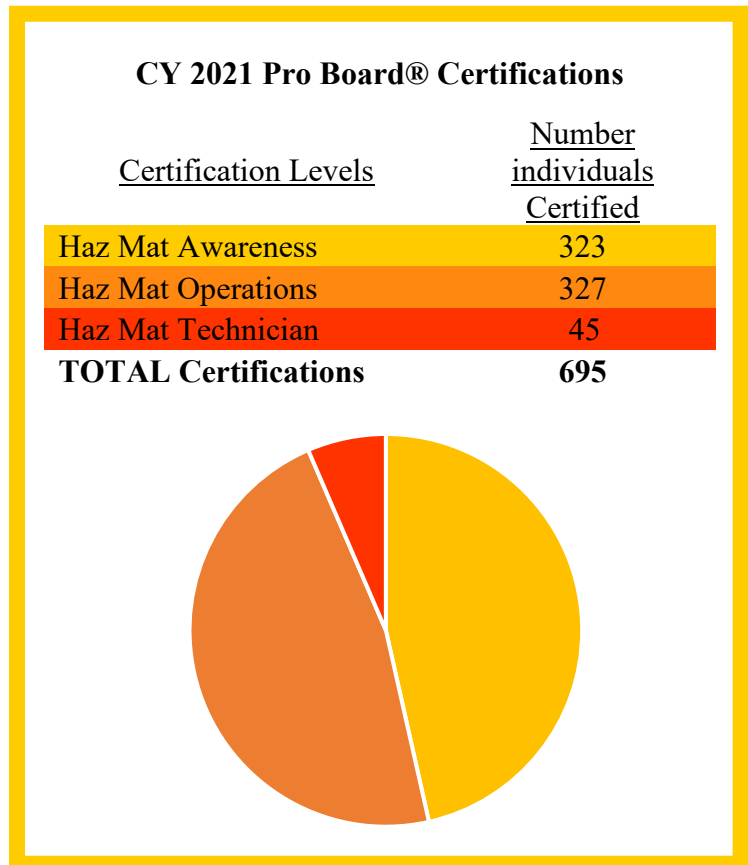
REPORT OF HAZARDOUS MATERIALS TRAINING ACTIVITIES FOR CY 2021

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 2021, 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.

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