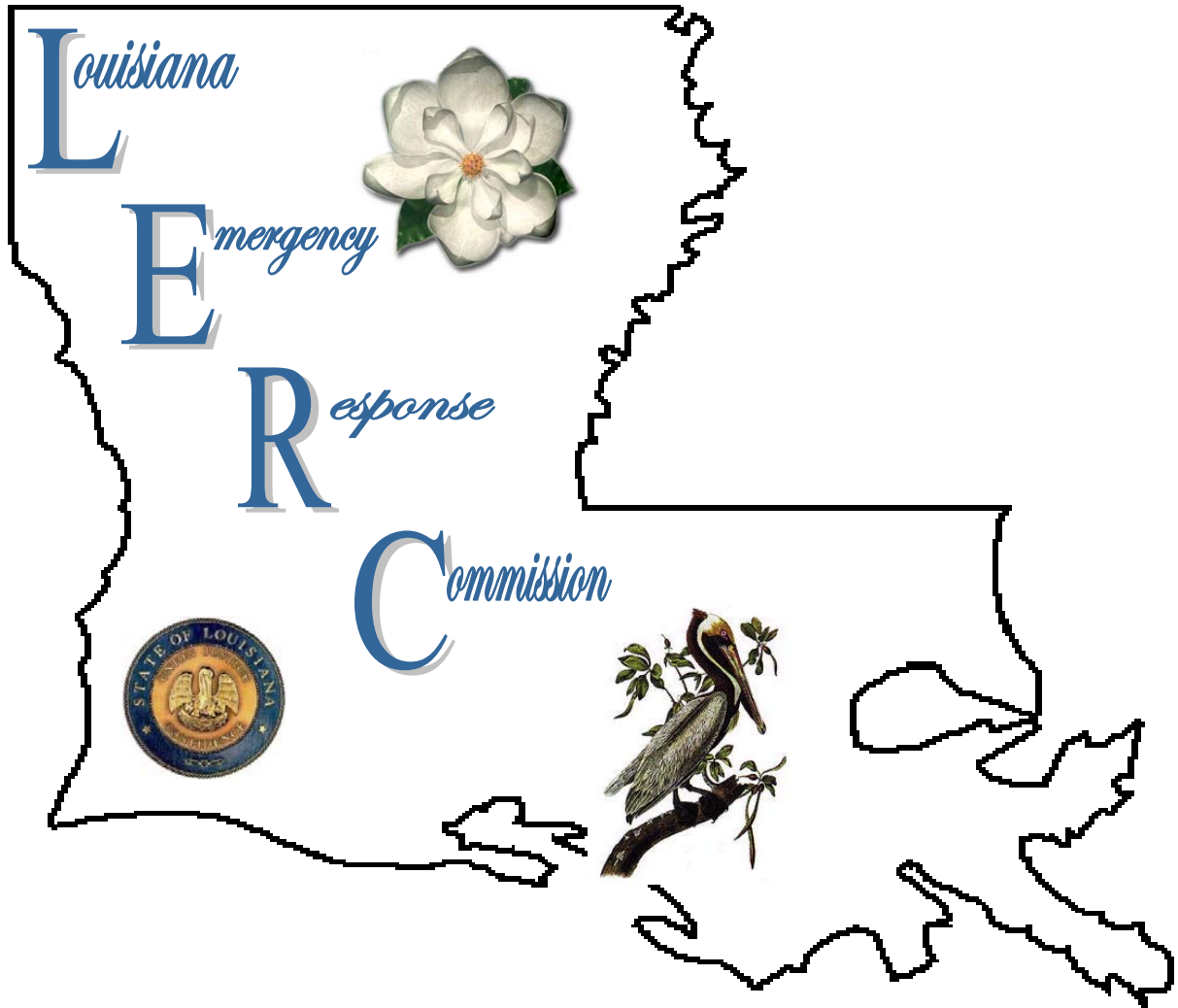


2010 Annual Report



*Prepared by members of
The Louisiana Emergency Response Commission and*

*The Louisiana Office of State Police,
Transportation and Environmental Safety Section,
Right-to-Know Unit*

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I. PURPOSE OF THIS REPORT: A MESSAGE FROM THE CHAIRMAN

The transportation of hazardous materials in Louisiana is a major economic industry for the state. With an increase of demand comes a multiplying affect of hazardous materials moving through the State of Louisiana. The increase in HazMat transportation compounds the chances that an accident may occur. Any of these incidents could result in the mass evacuation of a major city, Shreveport – Baton Rouge – New Orleans, with the resultant problems of displaced persons and disrupted businesses.

The Emergency Planning and Community Right-to-Know Act, adopted as Title III of the Superfund Amendments and Reauthorization Act of 1986, offers the opportunity for all of us to obtain information about chemical hazards in our communities and to help manage chemical risks and prepare for emergencies.

Section 301 (c) of SARA Title III in parts provides for the establishment of local emergency planning committees (LEPCs) in each parish. The committees are composed of hard-working citizens representing various sectors of their community and working on a voluntary basis to identify and analyze potential chemical hazards and to develop and revise emergency plans to address them.

The Louisiana Emergency Response Commission (LERC), appointed by the governor, supervises these LEPCs and attempts to help them coordinate their activities.

This annual report is one way we attempt to do that. The LERC agreed in 1991 that it would compile an annual report of the past year's activities. The report is submitted to the Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services, the chief executive officer of each of the agencies designated as members of the LERC, the Senate Committee on Environmental Quality, the House Committee on the Environment, and the Governor. The report is subsequently made available to other state and local governmental officials and to the public upon request.

We want to keep you advised of our activities and we want to hear from you, also. Our commission meetings are open to the public and are conducted around the state.

We look forward to working with all of you as we continue our efforts to meet your needs and goals for the coming year.

LTC Brian Wynne
LERC Chairman

II. DECEMBER 4, 1984 - BHOPAL, INDIA

At the time it became a law in October 1986, SARA Title III was known in many circles as the “Bhopal Bill.”

The word “Bhopal” had become linked with a tragedy of such immense proportions that it raised serious questions about safety issues around the world and subsequently transformed environmental policy in the United States.

On December 4, 1984, 44 tons of methyl isocyanate escaped from a Union Carbide pesticide manufacturing plant in Bhopal, India. Few citizens of Bhopal knew of the potential hazard presented by having this extremely toxic chemical in their community. Few people in Bhopal knew how to respond to such a release. No communication system was in place to alert them of a release.

Figures vary as to the number of deaths from exposure to the chemical. Published numbers vary from at least 1,700 to more than 2,500. Tens of thousands were injured, and many were permanently disabled.

Fortunately, the world’s worst industrial accident transformed the lives of people in this country in a positive way. In an effort to insure that such a tragedy never occurs in the United States, the federal government, in October 1986, enacted the Emergency Planning and Community Right-to-Know Act as Title III of SARA.

III. SARA TITLE III

SARA Title III is a complex federal law with a simple purpose: to protect lives and property by enabling all segments of a community to have access to timely detailed information about hazardous materials in their community and to use that information to plan for potential chemical emergencies.

SARA Title III encompasses four major sections. Sections 301-303 deal with emergency planning. Section 304 encompasses emergency release notification. Sections 311-312 cover hazardous chemical reporting. Section 313 covers toxic chemical release reporting and inventory. Other sections cover trade secrets, disclosure of information to health professionals, public access to information gathered under the law, penalties and citizens' suits.

The four groups of chemicals that must be reported under provisions of SARA Title III are extremely hazardous substances, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) hazardous substances, hazardous chemicals and toxic chemicals. A chemical can fall into more than one category.

A. SERCs and LEPCs

In accordance with Title III's emergency planning provisions, the governor of each state appointed a State Emergency Response Commission (SERC) by April 17, 1987. A SERC can be composed of representatives of one or more existing state agencies or of only private citizens. Louisiana's SERC is composed of 20 representatives of State agencies, industry, fire services, citizen groups and the media.

The SERC divides the state into local emergency planning districts and appoints a local emergency planning committee (LEPC) for each district. The number of LEPCs in the state can vary. In Louisiana, there is one LEPC in each of the state's parishes. Members are nominated locally and appointed by the LERC. In addition, Louisiana has seven regional emergency planning districts that correspond to the State's seven Emergency Broadcast System areas.

SERCs supervise LEPC activities and work with them to attempt to establish procedures to receive and process hazardous materials information requests. SERCs are also assigned to annually review local emergency plans to ensure they comply with federal and state law.

The SERCs receive material safety data sheets (MSDS), annual inventories about the hazardous chemicals, and notifications of accidental releases of hazardous chemicals. In Louisiana, the Office of State Police's Right-to-Know Unit receives, monitors and processes hazardous materials information submitted to the LERC.

An LEPC should include: state and local officials, representatives of law enforcement, emergency preparedness, fire departments, transportation workers, community groups, news media, business and industry or other users of hazardous chemicals.

LEPCs must analyze chemical hazards in their communities and develop emergency response plans to use in case a hazardous chemical is released.

The LEPC uses chemical data gathered from local industries and others dealing with specified types and quantities of hazardous materials to develop a plan tailored to its community. The plan must identify facilities and transportation routes where hazardous substances are present. It must include evacuation plans to be put into effect if there is a chemical release. The LEPC sets up notification procedures for emergency response personnel and establishes methods for determining the severity of the release and affected areas and populations. The LEPC must develop a means of notifying the public about a release. It must publicize the plan.

The LEPC keeps track of emergency equipment in local public agencies and industrial facilities. Its plan includes a program and schedule for training local emergency responders and medical workers and the same for conducting emergency response plan exercises. The plan should be updated at least once a year.

The LEPC is among entities that receive notification of any accidental release of hazardous chemicals.

Under state and federal laws, most facilities must report if they have certain quantities of specific “extremely hazardous substances” (EHS) on-site at any time. If an EHS is released at a facility or on a transportation route in an amount that exceeds a “reportable quantity” (RQ) for that substance, the LEPC and the SERC must be notified immediately in accordance with Title III’s emergency release notification provision. This rule also applies to approximately 725 hazardous substances subject to emergency notification response requirements of the CERCLA. It requires that the National Response Center (NRC) be notified about releases. If necessary, the NRC sends a federal response team. Under Louisiana rules, releases of hazardous materials, on which the Occupational Safety and Health Administration (OSHA) requires facilities to maintain a MSDS, are also reportable if they exceed the state-designated RQ and escape beyond the site of the facility.

After a chemical release is under control, the facility coordinator must submit a written report to the SERC and LEPC. This report goes into more detail about notification and response, health risks and medical care of victims.

Most manufacturing and non-manufacturing facilities must report the amount, location, and potential effects of hazardous chemicals on-site in specific quantities. This information is submitted to the SERC, LEPC and local fire department.

The companies submit MSDSs, copies of which are kept on file at the facility in accordance with OSHA law. The companies also submit annual inventories of hazardous chemicals that describe how each chemical is stored, its location in the facility and other information.

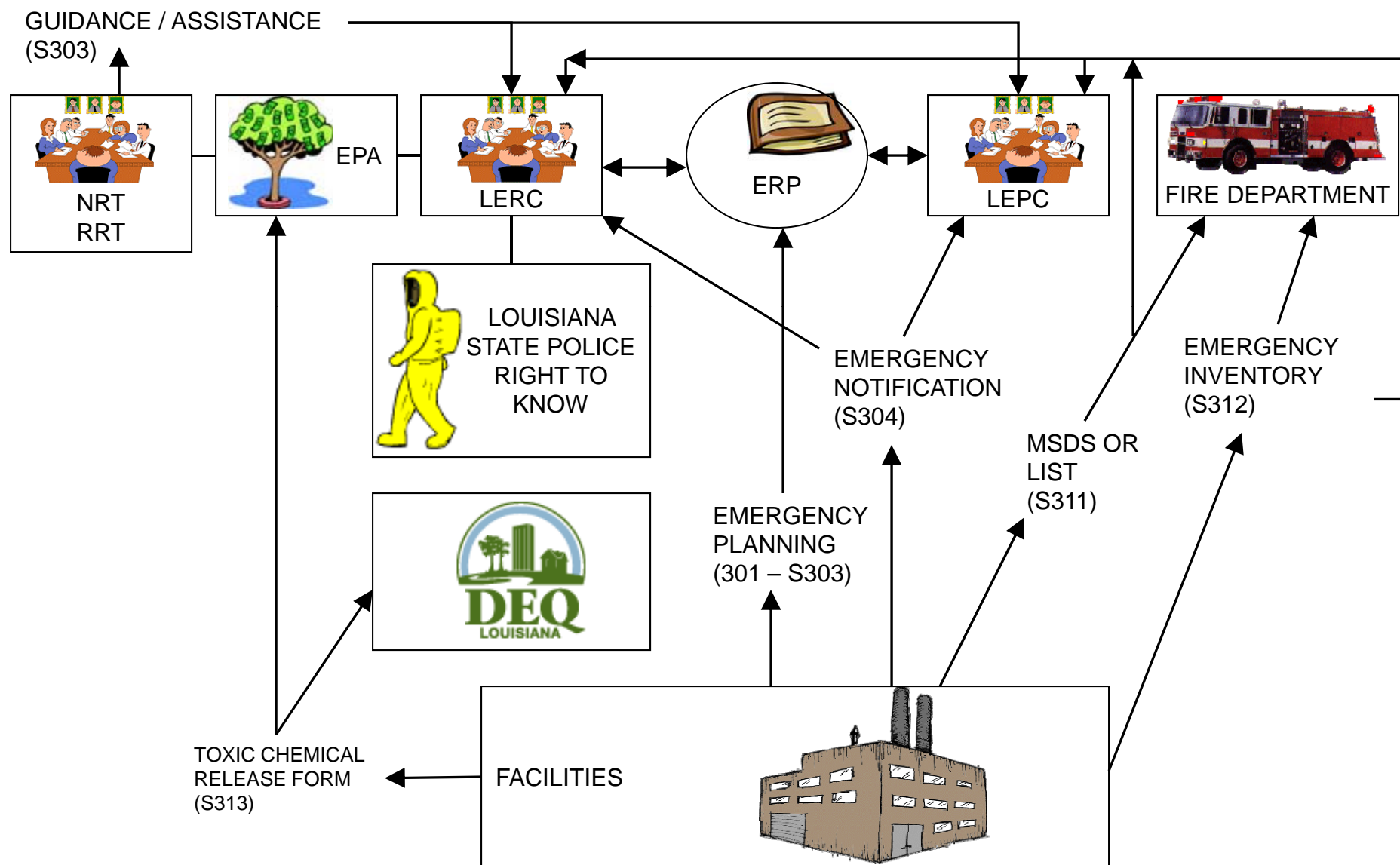
Annually, reporting facilities submit release and transfer information on approximately 400 chemicals and chemical categories on the Toxics Release Inventory chemical list. Facilities provide the total amount of toxic chemicals released into the environment and the amount transferred off-site for further waste management on a Form R. If the release transfer amount for the chemical does not exceed 500 pounds and if the facility does not manufacture, process, or otherwise use more than 1 million pounds of the listed chemical, a Form A can be used. Both the U. S. Environmental Protection Agency (US EPA) and the

Louisiana Department of Environmental Quality (LDEQ) collect this information and make it available to the general public.

Facilities and other users of hazardous chemicals are subject to numerous criminal and/or civil penalties for violating the federal Title III law or a state's Right-to-Know law.

Citizens have a right to use information gathered in accordance with Title III to protect themselves from potential risks posed by hazardous chemical releases in their communities. They have the right to review the local emergency response plan and to comment on it. They have the right to seek information from the LEPC and SERC about hazardous materials in their communities and information about what facilities are doing to reduce dangers posed by hazardous materials.

B. TITLE III-MAJOR INFORMATION FLOW REQUIRMENTS



IV. LOUISIANA EMERGENCY RESPONSE COMMISSION: AN EARLY START

The LERC grew out of what was originally known as the Hazardous Material Information Development, Preparedness, and Response Advisory Board.

In the summer of 1985, the Louisiana Legislature created the Hazardous Material Information Development, Preparedness, and Response Act. It was landmark legislation which, in part, stated that Louisiana citizens have a right and responsibility to know about and protect themselves from risks and effects of hazardous materials in their environment.

The law required owners and operators of certain businesses or research operations to report information about certain hazardous substances to the State Department of Public Safety and Corrections. It provided, in part, for local governing authorities to designate a local repository to provide information to the public upon request. Its provisions covered a limited amount of notification, administrative penalties for failure to report, monitoring and enforcement, initial funding, an annual fee to cover the cost of maintaining and expanding an information system and other aspects of hazardous material reporting.

Congress subsequently passed SARA Title III in 1986. It required that the governor of each state appoint a SERC to implement an information system pertaining to SARA Title III. Governor Edwin Edwards issued an executive order that same year to create the LERC.

In July 1987, the Louisiana Legislature amended Louisiana's Right-to-Know Law with Act 347. The new legislation aligned State statutes with federal law when possible. Some provisions of State law remain more stringent than federal law. The 1987 act also abolished the Hazardous Material Information Development, Preparedness, and Response Advisory Board and replaced it with the LERC.

As a result of Louisiana's early move to establish its own Right-to-Know law, the LERC was the first SERC established in the United States in accordance with SARA Title III.

Louisiana also led the rest of the country in compiling data required under the federal law because much of the same information had already been submitted under Louisiana's first Right-to-Know law.

V. LERC MEMBERSHIP AND ORGANIZATION

By executive order, the Governor appoints the chairperson and members of the commission. The chairperson appoints the vice- chairperson.

In 1996, Governor Mike Foster issued two executive orders designating positions on the commission under his administration. Executive Order MJF 96-48 issued October 17, 1996, referenced eight original agencies and associations represented, and increased the number of at-large positions to seven, for a total of fifteen positions. Executive Order MJF 96-67 issued November 8, 1996, added an additional member from the Department of Agriculture and Forestry, thereby increasing the number of positions to sixteen.

On March 3, 1997, Governor Mike Foster issued Executive Order MJF 97-14 increasing the number of at-large positions to ten for a total membership of nineteen.

On August 20, 2004, Governor Kathleen Babineaux Blanco issued Executive Order KBB 04-34. Under this Executive Order, the membership of the Commission remained essentially the same as during Governor Foster's administration, except that the number of members was increased to 20 by the addition of a second director of the Office of Homeland Security and Emergency Preparedness in the Military Department.

On August 22, 2008, Governor Bobby Jindal issued Executive Order BJ 2008-72 which referenced nine original agencies and associations represented and ten at-large members:

Membership includes the following:

1. One member representing the deputy secretary of the Department of Public Safety, or the deputy secretary's designee;
2. One member representing the secretary of the Department of Environmental Quality; or the secretary's designee;
3. One member representing the secretary of the Department of Agriculture and Forestry, or the secretary's designee;
4. One member representing the director of the Governor's Office of Homeland Security and Emergency Preparedness, or the director's designee;
5. One member representing the Right-to-Know Unit, Department of Public Safety, Office of State Police;
6. One member representing the Louisiana Emergency Preparedness Association;

7. One member representing the Louisiana State University Firemen and Emergency Training Institute;
8. One member representing environmental interests;
9. One member representing the chemical industry to be nominated by the Louisiana Chemical Association; and
10. Ten at-large members.

Attachment 3: 1996 and 1997 Executive Orders
Attachment 4: 2004 Executive Order
Attachment 5: 2008 Executive Order
Attachment 6: LERC BYLAWS

LOUISIANA EMERGENCY RESPONSE COMMISSION

EXECUTIVE ORDER NO. BJ 2008-72

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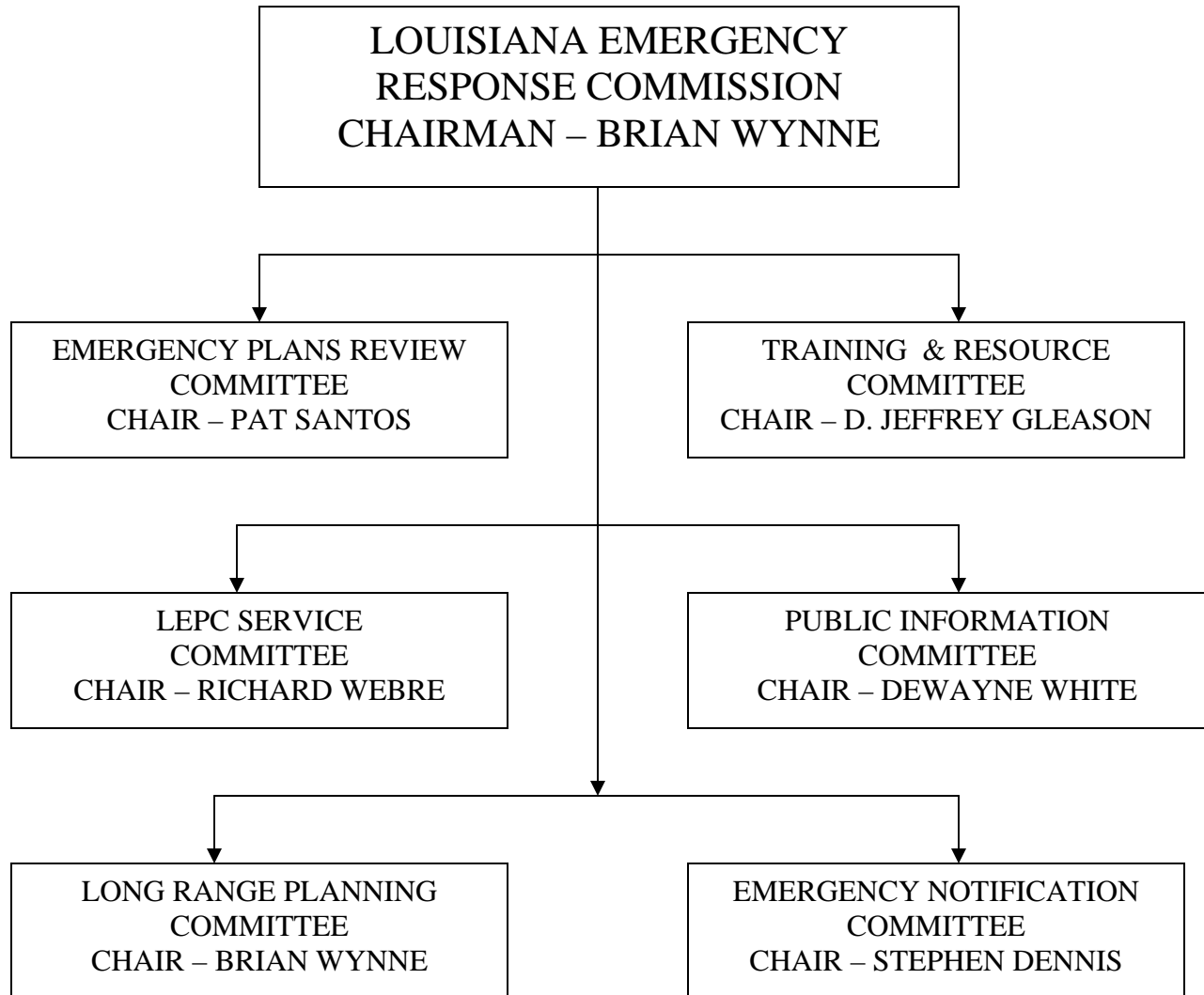
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FLOW CHART OF LERC'S 2010 COMMITTEES



VI. LERC'S 2010 COMMITTEES

A. LONG-RANGE PLANNING COMMITTEE

2010 Membership:

Chair - Lt. Col. Brian Wynne

The LERC's Long-Range Planning Committee is comprised of the LERC chairperson, vice chairperson and the chairpersons of each of the LERC's standing committees. The committee's chief function is to provide long-term direction for the commission.

The committee is successfully working with the U.S. Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD) and The University of Texas at Dallas (UT Dallas) to allow the use of Louisiana's Tier II data. The data collected through this effort will be protected in secure servers and access is limited to Federal Users having reasonable and demonstrated need to know through a Department of Homeland Security portal. The use of State data is made available to first responders through E-Plan. By linking E-Plan to our existing data management systems, we are able to offer Louisiana fire fighters, State Police and other first responders a comprehensive system to access hazmat information on demand in seconds when it is needed most.

B. EMERGENCY PLANS REVIEW COMMITTEE

2010 Membership:

Chair - Colonel Pat Santos

Function:

The Emergency Plans Review Committee's function is to give the appropriate research information to the LERC with regards to HazMat planning and Annex H or ESF-10 development.

PLANNING SCHEDULE FOR COMPREHENSIVE PLAN REVIEW

<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
ASCENSION	ACADIA	ALLEN	ASSUMPTION
DESOTO	BIENVILLE	BEAUREGARD	AVOYELLES
E. CARROLL	BOSSIER	CAMERON	CALCASIEU
FRANKLIN	CADDO	CATAHOULA	CALDWELL
GRANT	EVANGELINE	CLAIBORNE	E. BATON ROUGE
IBERIA	JEFF-DAVIS	CONCORDIA	JACKSON
IBERVILLE	MADISON	EAST FELICIANA	LASALLE
JEFFERSON	MOREHOUSE	RAPIDES	LINCOLN
LAFAYETTE	OUACHITA	RED RIVER	LIVINGSTON
LAFOURCHE	PLAQUEMINES	RICHLAND	NATCHITOCHES
ORLEANS	POINTE COUPEE	ST. JAMES	ST. HELENA
SABINE	ST. BERNARD	ST. JOHN	UNION
ST. MARTIN	ST.CHARLES	TANGIPAHOA	VERNON
ST. MARY	ST. LANDRY	TENSAS	WASHINGTON

W. CARROLL	ST. TAMMANY	VERMILION	W. BATON ROUGE
WINN	TERREBONNE	WEBSTER	W. FELICIANA

Every year the Louisiana Emergency Response Plan Review Committee (LERC) is required by law to not only review Parish Annex H plans to ensure compliance with state law, but to also ensure functionality of the plan as it relates to each parish. In the 2010 review-year, the review checklist was expanded to provide better feedback to the parish regarding the full scope of response to a hazardous materials incident; e.g. the checklist now includes several points related to the responsibilities and actions of the Responsible Party. Plans from the 16 parishes listed above were reviewed. For the most part, the Plan areas identified as needing improvement relate to the responsibilities and activities of the Responsible Party (which are new items on the checklist). Since 2007 the review committee has noticed a drastic improvement to all Hazards Materials Plans submitted for review by each Parish.

In late 2010, in response to natural gas drilling and production activities in the Haynesville Shale in northwest Louisiana, local and State emergency response/management entities formed the Haynesville Shale Task Force. The purpose of this task force is to maintain an awareness of the hazards associated with natural gas drilling and production activities in the Haynesville Shale area and to foster awareness and readiness to respond within the entire local/State emergency response community.

C. LEPC SERVICE COMMITTEE

2010 Membership:

Chair - Richard A. Webre

The title, Service Committee, provides a basic understanding of the purpose of this committee. Its purpose is to serve the needs of the LEPCs as it relates to implementation of SARA Title III.

The following philosophies offer definition and purpose to this functional section of the LERC:

- Determine by surveys, visits or other means the real needs of LEPCs within the state.
- Identify resources of existing agencies charged with emergency response functions, which can be utilized to achieve the LERC's goals.
- Devise methods to utilize local and regional expertise in assisting with LEPC needs.
- Identify and deliver training to LEPCs through Training Committee.
- Provide recommendations to LERC concerning various LEPC activities and concerns.

No report submitted at time of publication.

D. TRAINING & RESOURCE COMMITTEE

2010

Chair – D. Jeffrey Gleason

LSU Fire and Emergency Training Institute has been offering courses in hazardous materials training for the fire service, law enforcement, and industry since 1980. We were one of the first such training institutions in the country to be recognized in OSHA 29 CFR 1910.120. Our course meets NFPA 472, OSHA 29 CFR 1910.120 and EPA 40 CFR Part 311. LSU FETI has continued to improve its hazardous materials training methods and besides delivering courses at the Baton Rouge facility, we have several mobile props allowing training to take place at local fire departments and in industrial plants statewide. FETI has been delivering courses at no cost to Louisiana municipal fire departments and at a nominal charge to business and industry.

As reflected in the report below, LSU FETI continues to reach nearly 2000 students a year in all hazardous material discipline levels, including the chemistry of hazardous materials. Hazardous material refresher courses continue to be popular, especially for haz-mat teams within Louisiana. LSU offers certification at all levels which is accredited by two nationally recognized accreditation bodies.

LSU Fire & Emergency Training Institute

Quarter: 1/1/10-3/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry of HazMat Part A	10	1
	Chemistry of HazMat Part B	0	0
	Site Ops	0	0
	HazMat Technician	84	7
	HazMat Technician Refresher	103	12
	HazMat Awareness Level	330	18
	HazMat Operational Level	98	6
	Cameo	0	0
	Total	625	44
Quarter: 4/1/10-06/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry of HazMat Part A	0	0
	Chemistry of HazMat Part B	10	1
	Site Ops	9	1
	HazMat Technician	43	7
	HazMat Technician Refresher	180	11
	HazMat Awareness Level	201	13
	HazMat Operational Level	54	3
	Cameo	0	0
	Ethanol Awareness	134	9
	Total	631	45
Quarter: 7/1/10-09/30/10	Class Name:	# of Students:	# of Classes:
	Chemistry of HazMat Part A	6	1
	Chemistry of HazMat Part B	6	1
	Site Ops	9	1
	HazMat Technician	66	5
	HazMat Technician Refresher	24	4
	HazMat Awareness Level	180	14
	HazMat Operational Level	22	2
	Cameo	0	0
	Total	313	28
Quarter: 10/1/10-12/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry of HazMat Part A	0	0
	Chemistry of HazMat Part B	0	0
	Site Ops	0	0
	HazMat Technician	34	2
	HazMat Technician Refresher	76	9
	HazMat Awareness Level	152	12
	HazMat Operational Level	103	8
	Cameo	0	0
	Air Monitoring and Detection	9	2
	Total	374	33

Year: 1/1/10-12/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry of HazMat Part A	16	2
	Chemistry of HazMat Part B	16	2
	Site Ops	18	2
	HazMat Technician	227	21
	HazMat Technician Refresher	383	36
	HazMat Awareness Level	863	57
	HazMat Operational Level	277	19
	Cameo	0	0
	Ethanol Awareness	134	9
	Air Monitoring and Detection	9	2
	Total	1943	150

Louisiana State Police

Quarter: 1/1/10-3/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry I	45	1
	Chemistry II	42	1
	Per 222 Sampling Techniques	0	0
	Tank Truck Workshop	0	0
	HazMat Technician	25	1
	HazMat Technician Refresher	29	1
	HazMat Awareness Level	62	2
	Safety Officer	25	1
	Total	228	7
Quarter: 4/1/10-06/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry I	45	1
	Chemistry II	42	1
	Per 222 Sampling Techniques	0	0
	Tank Truck Workshop	0	0
	HazMat Technician	25	1
	HazMat Technician Refresher	29	1
	HazMat Awareness Level	62	2
	Safety Officer	25	1
	Total	228	7

Quarter: 7/1/10-09/30/10	Class Name:	# of Students:	# of Classes:
	Cameo	23	1
	HazMat IQ	35	1
	HazMat Technician Refresher	17	1
	Total	75	3
Quarter: 10/1/10-12/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry I	0	0
	Chemistry II	0	0
	Street Chemistry III	21	1
	HazMat Technician	26	1
	HazMat Technician Refresher	23	2
	TRANSCAER	121	1
	Tank Truck Workshop	37	2
	Cameo	0	0
	Total	228	7
Year: 1/1/10-12/31/10	Class Name:	# of Students:	# of Classes:
	Chemistry I	90	2
	Chemistry II	84	2
	Street Chemistry III	21	1
	HazMat Technician	76	3
	HazMat Technician Refresher	98	5
	TRANSCAER	121	1
	Tank Truck Workshop	37	2
	Cameo	23	1
	HazMat IQ	35	1
	Per 222 Sampling Techniques	0	0
	Total	585	18

E. PUBLIC INFORMATION COMMITTEE

2010 Membership

Chair - Major Dewayne White

Thus far the Department of Public Safety, Office of State Police, has provided training for 504 students in a variety of Hazardous Materials classes. Eligible students are state, local and municipal emergency response employees. The funding for these classes is provided by the training portion of the Hazardous Materials Emergency Preparedness grant, which originates from the federal Department of Transportation. HazMat Awareness and Refresher training is being offered. Please call 225-658-7208 and ask for Sheldon Perkins.

To facilitate written communications between industry and the Right-to-Know unit, a new Post Office box has been established. It is P. O. Box 66168, Baton Rouge, LA 70896.

F. EMERGENCY NOTIFICATION COMMITTEE

2010 Membership

Chair - Stephen W. Dennis

The committee continued to monitor the issue/concern for the after-hours handling of HazMat Hotline calls. Early in the year, LSP transitioned the handling of after-hour Hotline calls to each individual Troop. Calls are routed to the appropriate troop via software that detects the caller's location. The committee is not aware of any significant complaints or issues about the Hotline that arose during the year.

The committee and the Louisiana State Police worked on enhancements to notification processes via leveraging other successful programs in emergency response and homeland security. This included looking at new processes, enhancing clarity, reducing redundant work, and providing for more efficient and effective dissemination of critical information to those who need it to respond.

No new projects have been started nor are there any in progress at this time.

No report submitted at time of publication.

VII. LOUISIANA STATE POLICE TRANSPORTATION AND ENVIRONMENTAL SAFETY SECTION RIGHT-TO-KNOW UNIT

The LSP Right-to-Know Unit serves as the official repository for all documents and notifications filed with the LERC under Federal SARA Title III and under Louisiana's Hazardous Material Information Development, Preparedness, and Response Act.

The following paragraphs summarize principal sections of SARA Title III, how state law differs from federal law and the approximate number of submittals received from business and industry statewide.

A. SUMMARY OF FEDERAL AND STATE LAW

Section 302 - Planning Notification Requirement. Requires the owner or operator of a facility at which an extremely hazardous substance (EHS) is present at or above a threshold amount to notify the SERC and LEPC that the facility is subject to the emergency planning provisions of Title III.

As of December 2010, the staff of the Right-to-Know Unit estimated that there are approximately 15,000 facilities in Louisiana subject to Section 302 requirements. This estimate was arrived at, and includes the previously listed number of 7500 facilities plus 7500 additional facilities. These 7500 additional facilities include those that file Tier Two forms listing EHS chemicals in excess of 500 pounds or TPQ, whichever is lower, as well as water treatment, wastewater treatment, and refrigeration industries known to have EHS chemicals but that have not actually filed a Section 302 notification letter to this effect.

Section 303 - Emergency Response Plans. This section requires the owner or operator of a facility subject to Section 302 to designate a facility representative who will participate in the planning process and assist LEPCs in developing local emergency response plans. This section also provides authority for the LEPC to request any information from a facility needed for emergency planning and response.

Approximately 700 facilities have named facility coordinators to assist the LEPCs in developing emergency response plans.

Of the 64 parishes in Louisiana, each of which has been designated a local emergency planning district, 38 submitted plans to the LERC by the deadline of October 17, 1988. (There are 37 plans since Bossier and Caddo parishes submitted a combined plan.) Since then, 14 more submitted plans for a total of 52 parishes by December 1991. With the assistance of the Louisiana Office of Homeland Security and Emergency Preparedness (GOHSEP) the remaining 12 plans were submitted for review by the LERC on November 12, 1992. In 1993,

the LERC at the recommendation of the GOHSEP approved a four-year planning schedule.

In 1996 the LERC approved the HazMat Annex H plan review criteria. There were 26 of 29 reviews completed in 1997 utilizing these criteria. After studying the results from these reviews, GOHSEP have enhanced and refined the plans review process. In 1998, only four plans were reviewed. Due to personnel changes at GOHSEP and the necessity to train a new Hazardous Material Program Manager, the agency was unable to accomplish its goal of 16 parish reviews. GOHSEP reviews the entire plan for the parish versus separately reviewing Annex H.

GOHSEP has ongoing reviews of all parish plans (including Annex H) in keeping in compliance with the National Response Plan and the newly revised State Plan.

Section 304 - Release Notification Requirement. Requires facilities to notify LEPCs and SERCs immediately if there is a release into the environment of an EHS or a hazardous substance regulated under the CERCLA at or above a designated reportable quantity (RQ).

Louisiana law and rules require immediate phone notification to the LERC/State Police at (877) 925-6595 and to the parish LEPC if an EHS, CERCLA or Department of Transportation-listed substance is released, exceeds the RQ and escapes beyond the site of the facility (same as federal law).

Louisiana law is more restrictive than federal law in requiring notification, (as above), of any release of a material on which a MSDS is required by OSHA, (which does not appear on the above-referenced lists), if the release exceeds the designated state RQ and escapes beyond the site of the facility. (See Section 10111.D of Right-to-Know rules on RQs for OSHA substances.)

In 1997, the state law was amended to require reporting of any release that causes any injury requiring hospitalization or any fatality, or any release which results in a fire or explosion which has the potential to affect public safety beyond the boundaries of the facility.

In 1999, the state law was further amended to define “reportable release” as follows: “Reportable release” means a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the reportable quantity when that reportable quantity, as defined pursuant to rules promulgated by the deputy secretary, could be reasonably expected to escape beyond the site of the facility. A reportable release as defined herein shall be based upon the quantity of hazardous material or substance discharged continuously,

intermittently, or as a one-time discharge, within any continuous twenty-four hour period.

In addition, the legislature enacted the requirement that any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility or where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department.

Both Louisiana and federal law require follow-up written notifications to the SERC and LEPC from fixed-site facilities that have reportable releases within five days after the release occurred.

If the release / incident is transportation related, it is subject to reporting, not only under federal and state Right-to-Know Laws, but also under Louisiana's R.S. 32:1510. This law was amended in the 2004 Regular Session of the Legislature by Act No. 107. This act defined what circumstances constitute "a continuing danger to life, health, or property at the place of the incident or accident."

For the 2010 calendar year, a total of 7386 incidents involving hazardous materials were reported to the State Police Hotline. The number of incident notifications reflected in the Hotline statistics beginning with the 2002, 2003, and 2004 calendar years increased significantly when prompt notification calls to LDEQ at 342-1234 (answered by the Hotline) were added to State Police's Louisiana Chemical Network HazMat Incident database and were transmitted electronically by e-mail to LDEQ. Many of these releases were "courtesy notifications" and not necessarily reportable under state or federal Right-to-Know Laws since the RQ was not exceeded or the release did not escape off-site.

The following table provides comparative data on legally reportable incidents versus courtesy notification for calendar years 1998 through 2010.

COMPARATIVE STATISTICS ON INCIDENTS

Calendar Year	Total # of Incidents	Total # Legally Reportable	%	Total # Courtesy Notification	%
1998	6139	3537	58%	2602	42%
1999	7299	4193	57%	3106	43%
2000	7705	4344	56%	3361	44%
2001	7953	5084	64%	2869	36%
2002	8724	4258	49%	4466	51%
2003	9065	4102	45%	4963	55%
2004	9004	3831	43%	5173	57%
2005	9268	4177	45%	5091	55%
2006	7779	4018	51%	3794	49%
2007	7873	4146	53%	3727	47%
2008	8138	3964	49%	4174	51%
2009	7008	3397	48.5%	3611	51.5%
2010	7386	4017	54.5%	3369	45.5%

Figures for Section 302, 303, and 311 do not include duplicates, revisions or updates. LSP's Right-to-Know Unit has added a screen to the Tier Two data base in order to cross-reference Sections 302, 303 and 311 filings with Tier Two (Sec. 312) filings. Until validation and entering of the information is completed, these figures are approximate.

Attachment 9: Fixed Site and Transportation Release and Incident Reporting Criteria
Attachment 10: Uniform Hazardous Materials Reporting Form
Attachment 11: Emergency Response Phone List

Section 311 - MSDS/List Filing Requirements. Requires facilities which have hazardous chemicals present above certain thresholds (10,000 pounds of a hazardous chemical on which OSHA requires an MSDS; 500 pounds or lower threshold planning quantity (TPQ) for some EHSs) to submit either MSDSs or a list of MSDS chemicals to the LEPC, the SERC and the local fire department. MSDSs typically include the identity of chemicals and their hazardous components, physical and chemical characteristics, fire and explosion hazard data, reactivity and health hazard data and precautions for safe use and control measures.

Update to 2010 13,948 facilities had reported for the year 2009 submitting chemical lists and and/or MSDSs.

Section 312 - Tier Two Filing Requirements. Requires facilities subject to Section 311 to submit an annual inventory form on quantities and locations of hazardous chemicals to the LEPC, SERC and the local fire department. The facility may submit either a Tier One, Tier Two or equivalent form developed by the state. Tier One requests aggregate information on hazardous chemicals according to type of physical and health hazards they present. The Tier Two requests chemical-specific information.

Louisiana law and rules require filing of Tier Two forms by regulated businesses by March 1st for the preceding calendar year. Copies go to the SERC, LEPC and the fire department with jurisdiction over the facility.

Louisiana law and rules are more restrictive than the federal law in requiring reporting of any hazardous chemicals present on-site on any single day during the preceding year in amounts of 500 pounds or more (lower for some EHSs). Federal law requires reporting of OSHA/MSDS substances at a 10,000 pound inventory threshold (500 pounds or lower for some EHSs).

Under previous Louisiana law, filing fees were \$50 per facility with a maximum of \$300 per parish and \$1,000 statewide. Small businesses (those with nine or less employees and \$2 million or less in average annual gross receipts) had a filing fee of \$15 per facility. However, the 1997 Regular Session of the Louisiana Legislature revised Section 2374 of the Right-to-Know law increased fees associated with filing the Right-to-Know Tier Two Chemical Inventory form. For facilities not meeting the definition of small business, the fee is based on the number of chemicals present on-site.

01 – 25 Chemicals	\$75	76 – 100 Chemicals	\$200
26 – 75 Chemicals	\$100	Over 100 Chemicals	\$300

In the 2001 Regular Session of the Louisiana Legislature, Section 2374 of the law was again revised, reducing the filing fees for large businesses by approximately 15%. The current Tier Two filing fees are as follows:

01 - 25 Chemicals	\$65	76 - 100 Chemicals	\$170
26 - 75 Chemicals	\$85	Over 100 Chemicals	\$255

For small businesses, the filing fee is \$25 per facility. The maximum statewide filing fee for a company with multiple facilities is \$2000.

Section 313 - Toxic Chemical Release Reporting. Requires facilities in the following Standard Industrial Classification (SIC) codes to submit a Toxic Chemical Release Inventory Form (Form R or Form A):

- Metal mining (SIC code 10, except 1011, 1081, 1094)
- Coal mining (SIC code 12, except 1241 and extraction activities)
- SIC codes 20-39
- Electrical utilities that combust coal and/or oil (SIC code 4911, 4931, 4939)
- Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste treatment and disposal facilities (SIC code 4953)
- Chemicals and allied products (SIC code 5169)
- Petroleum and bulk plants and terminals (SIC code 5171)
- Solvent recovery services (SIC code 7389)
- Federal facilities

Facilities estimate their releases to the air, land, water, and underground injection wells. Each facility must report to the US EPA, which makes the information available to the public through national and state databases.

B. ENFORCEMENT ACTIONS TAKEN DURING CALENDAR YEAR 2010

The Right-to-Know Unit of State Police is empowered under the Hazardous Material Information Development, Preparedness, and Response Act to enforce the chemical inventory and release reporting provisions of the law as promulgated in the Right-to-Know Rules. These rules and Tier Two forms are mailed to businesses all over the state each December in preparation for the March 1st reporting deadline.

When a release or incident involving hazardous materials is reported to the State Police Hazardous Materials Hotline, the Right-to-Know Unit staff checks to see if compliance with the law was achieved.

1. Was the release reported timely (immediately)?
2. Was a follow-up notification letter on fixed-site releases sent to the Right-to-Know Unit/LERC within five business days?
3. Did the business file a Tier Two form if it had regulated threshold quantities of hazardous materials on-site during the preceding year?

If the company did not comply with the law and rules, a notice of violation is issued. These notices of violation may be a warning only for small amounts released or short delays in notification. If more serious violations are discovered, monetary penalties could be levied ranging from \$250 to \$25,000 per violation.

From January through December 2010, a total of 669 notices of violation were issued for failure to comply with inventory filing, underground utilities infractions, explosives infractions and release reporting provisions of the Louisiana Right-to-Know Law. Of the 669 notices of violations issued; 153 were issued to fixed site facilities, 187 to transporters of hazardous materials, 190 for underground utilities infractions, and 139 for explosives infractions.

C. FACTS AND FIGURES ON THE RIGHT-TO-KNOW UNIT FOR 2010

Employees include one Administrative Program Manager 3 that oversees the 10 member Right-to-Know Unit. The Unit personnel are sub-divided into two parts:

Part One;

One Administrative Program Manager 2 that supervises the Hotline staff which consists of three (3) Administrative Program Specialist A positions. They enter release notifications into the Hazardous Incident Tracking System of the Louisiana Chemical Network and transmit incident data via telephone, e-mail, and fax to the Louisiana Department of Environmental Quality, the Department of Health and Hospitals, the Governor's Office of Homeland Security and Emergency Preparedness, the Louisiana Oil Spill Coordinators Office and various other Agencies as "required."

Part Two;

Four (4) Administrative Program Specialist B positions that review release notifications for compliance with the law and process civil penalties if warranted; two (2) Administrative Coordinators working together to accomplish the following: processing of inventory forms and fees, entering Tier II data, processing notices of violation, transcribing meeting minutes, processing correspondence, filing documents, and responding to requests for documents from the public.

All releases reported to the State Police Hazardous Materials Hotline are reviewed by commissioned State Police personnel to determine if a response action will be taken. All notices of violation are reviewed by administrative staff before issuance.

The Right-to-Know Unit is the coordinating body of Underground Utilities Enforcement action. The Unit serves as the administrative and enforcement arm of explosives regulations.

Total Tier Two filing fees collected from January through December 2010 were \$483,980.00.

The following table provides comparative data on number of facilities filing and fees collected since 1998.

**COMPARATIVE STATISTICS ON
TIER TWO INVENTORY FILINGS**

Fees Submitted	For Calendar Year	Facilities Reporting	Fees Collected
1998	1997	13,044	\$675,100.00
1999	1998	12,597	\$672,325.00
2000	1999	12,286	\$618,370.70
2001	2000	10,143	\$525,195.00
2002	2001	10,252	\$484,841.00
2003	2002	10,254	\$467,841.00
2004	2003	10,385	\$466,185.00
2005	2004	10,382	\$483,115.00
2006	2005	10,078	\$603,356.00
2007	2006	11,669	\$471,390.00
2008	2007	11,714	\$463,775.00
2009	2008	12,073	\$476,934.00
2010	2009	14,347	\$483,980.00

- Posted on the Tier Two E-filing web site is the list of 46 LEPCs that have signed the Tier Two Repository Agreement which, along with numerous fire departments statewide, have designated the Right-to-Know Unit of State Police as their repository. This allows them to access the Tier Two data for facilities in their parish over the Internet, rather than maintain hard copies of the forms.

VIII. GLOSSARY

CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980- This federal statute authorized Superfund; EPA administers it. It provides funding for cleanups and emergency response actions for hazardous substances at the worst hazardous waste sites in the U. S. It sets the first criteria for notification of emergencies involving hazardous substances.
EHS	Extremely Hazardous Substance- Any one of 355 hazardous chemicals on a list compiled by EPA to provide a focus for state and local emergency planning
EPCRA	Emergency Planning and Community Right-to-Know Act of 1986- The third part (Title III) of SARA
FEMA	U. S. Federal Emergency Management Agency
FORM R	The Toxic Chemical Release Inventory Form completed by reporting facilities if they manufacture, process or otherwise use listed chemicals above specified thresholds during a calendar year. This is submitted to EPA and the state and available to the public through a national and state database. Form A (Certification Statement) is submitted by facilities utilizing the alternate threshold for release amounts less than 500 pounds.
HAZMAT	Hazardous Material
HMEP	Hazardous Materials Emergency Preparedness
LDEQ	Louisiana Department of Environmental Quality
LEPC	Local Emergency Planning Committee- Oversees planning for hazardous materials incidents in a community
LERC	Louisiana Emergency Response Commission- The State Emergency Response Commission in Louisiana that oversees 64 LEPCs.
GOHSEP	Louisiana Office of Homeland Security and Emergency Preparedness, part of Louisiana Military Department
MSDS Material Safety Data Sheet	A worksheet required by the U. S. Occupational Safety and Health Administration. It contains information about hazardous chemicals in the workplace; MSDSs fulfill part of the hazardous chemical inventory reporting requirements under the EPCRA.

NRT	National Response Team- National team composed of representatives of 15 federal agencies, with emergency planning and response capabilities; Includes EPA and FEMA
OSHA	Occupational Safety and Health Administration
RQ	Reportable Quantity- An amount of extremely hazardous substance, CERCLA hazardous substance, or MSDS regulated substance that, if released, must be reported under the emergency release reporting requirements of EPCRA, CERCLA, or Louisiana Right-to-Know Law
RRT	Regional Response Team- Composed of federal, regional and state officials. May review emergency response plans and provide assistance
SARA	Superfund Amendments and Reauthorization Act of 1986
SERC	State Emergency Response Commission
TPQ	Threshold Planning Quantity- If this amount or more of an EHS is present at specified types of facilities, the owner or operator must notify the SERC and the LEPC that his facility is subject to emergency planning requirements
Title III	The third part of SARA, known as the Emergency Planning and Community Right-to-Know Act
TRI	Toxic Release Inventory
US DOT	U.S. Department of Transportation
US EPA	U. S. Environmental Protection Agency

IX. ATTACHMENTS

ATTACHMENT 1

SARA Title III – Emergency Planning and Community Right-to-Know Act Fact Sheet



The Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) establishes requirements for Federal, State and local governments, Indian Tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

What Does EPCRA Cover?

EPCRA has four major provisions:

- Emergency planning (Section 301-303),
- Emergency release notification (Section 304),
- Hazardous chemical storage reporting requirements (Sections 311-312), and
- Toxic chemical release inventory (Section 313).

Information gleaned from these four requirements will help States and communities develop a broad perspective of chemical hazards for the entire community as well as for individual facilities. Regulations implementing EPCRA are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372. The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Table 1 on the next page summarizes the chemicals and thresholds.

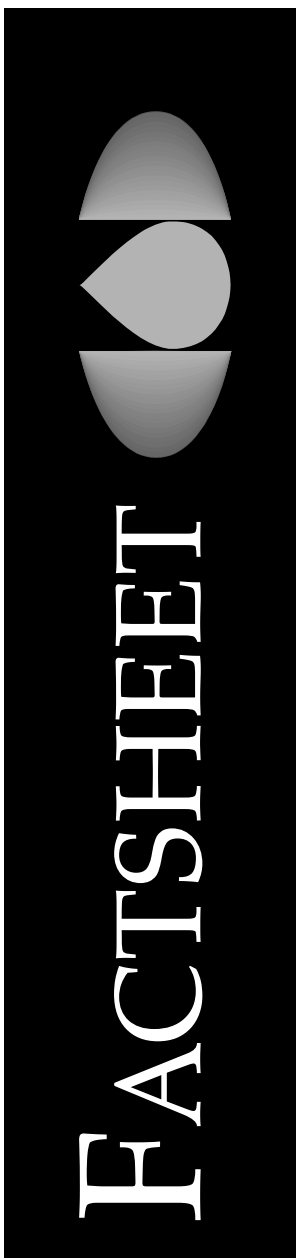
What Are Emergency Response Plans (Sections 301-303)?

Emergency Response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under

section 303. The plans must:

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the probable affected area and population by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and,
- Provide methods and schedules for exercising emergency response plans.

Planning activities of LEPCs and facilities initially focused on, but were not limited to, the 356 extremely hazardous substances listed by EPA. The list includes the threshold planning quantities (minimum limits) for each substance. Any facility that has any of the listed chemicals at or above its threshold planning quantity must notify the SERC and LEPC within 60 days after they first receive a shipment or produce the substance on site.



What Are the Emergency Notification Requirements (Section 304)?

Facilities must immediately notify the LEPC and the SERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 356 extremely hazardous substances as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a)(40 CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- The chemical name;
- An indication of whether the substance is extremely hazardous;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and,

What Are SERCs and LEPCs?

The Governor of each state designated a State Emergency Response Commission (SERC). The SERCs, in turn, designated about 3,500 local emergency planning districts and appointed Local Emergency Planning Committees (LEPCs) for each district. The SERC supervises and coordinates the activities of the LEPC, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

The LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

- Name and telephone number of contact person.

A written follow-up notice must be submitted to the SERC and LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

Table 1: EPCRA Chemicals and Reporting Thresholds

	Section 302	Section 304	Sections 311/312	Section 313
Chemicals Covered	356 extremely hazardous substances	>1,000 substances	500,000 products	650 toxic chemicals and categories
Thresholds	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	TPQ or 500 pounds for Section 302 chemicals; 10,000 pounds on site at any one time for other chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year used; certain persistent bioaccumulative toxics have lower thresholds

What Are the Community Right-to-know Requirements (Sections 311/312)?

Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place. Approximately 500,000 products have MSDSs.

Section 311 requires facilities that have MSDSs for chemicals held above certain quantities to submit either copies of their MSDSs or a list of MSDS chemicals to the SERC, LEPC, and local fire department. If the facility owner or operator chooses to submit a list of MSDS chemicals, the list must include the chemical or common name of each substance and must identify the applicable hazard categories. These hazard categories are:

- Immediate (acute) health hazard;
- Delayed (chronic) health hazard;
- Fire hazard;
- Sudden release of pressure hazard; and
- Reactive hazard.

If a list is submitted, the facility must submit a copy of the MSDSs for any chemical on the list upon the request of the LEPC or SERC.

Facilities that start using a chemical or increase the quantity to exceed the thresholds must submit MSDSs or a list of MSDS chemicals within three months after they become covered. Facilities must provide a revised MSDS to update the original MSDS if significant new information is discovered about the hazardous chemical.

Facilities covered by section 311 must, under section 312, submit annually an emergency and hazardous chemical inventory form to the LEPC, the SERC, and the local fire department. Facilities provide either a Tier I or Tier II form. Tier I forms include the following aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of chemicals for each category present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of chemicals in each category; and,
- The general location of hazardous chemicals in each category.

The Tier II report contains basically the same information as the Tier I, but it must name the specific chemicals. Many states require Tier II information under state law. Tier II forms provide the following information for each substance:

- The chemical name or the common name as indicated on the MSDS;
- An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
- A brief description of the manner of storage of the chemical;
- The location of the chemical at the facility; and
- An indication of whether the owner elects to withhold location information from disclosure to the public.

Because many SERCs have added requirements or incorporated the Federal contents in their own forms, Tier I/II forms should be obtained from the SERC. Section 312 information must be submitted on or before March 1 each year. The information submitted under sections 311 and 312 is available to the public from LEPCs and SERCs.

In 1999, EPA excluded gasoline held at most retail gas stations from EPCRA 311/312 reporting. EPA estimates that about 550,000 facilities are now covered by EPCRA 311/312 requirements.

Reporting Schedules

Section	
302	One time notification to SERC
304	Each time a release above a reportable quantity occurs; to LEPC and SERC
311	One time submission; update only for new chemicals or information; to SERC, LEPC, fire department
312	Annually, by March 1 to SERC, LEPC, fire department
313	Annually, by July 1, to EPA and State

What is the Toxics Release Inventory (Section 313)?

EPCRA section 313 (commonly referred to as the Toxics Release Inventory or TRI) requires certain facilities (see box) to complete a Toxic Chemical Release Inventory Form annually for specified chemicals. The form must be submitted to EPA and the State on July 1 and cover releases and other waste management of toxic chemicals that occurred during the preceding calendar year. One purpose of this reporting requirement is to inform the public and government officials about releases and other waste management of toxic chemicals. The following information is required on the form:

- The name, location and type of business;
- Whether the chemical is manufactured (including importation), processed, or otherwise used and the general categories of use of the chemical;
- An estimate (in ranges) of the maximum amounts of the toxic chemical present at the facility at any time during the preceding year;
- Quantity of the chemical entering the air, land, and water annually;
- Off-site locations to which the facility transfers toxic chemicals in waste for recycling, energy recovery, treatment or disposal; and
- Waste treatment/disposal methods and efficiency of methods for each waste stream;

In addition, the Pollution Prevention Act of 1990 requires collection of information on source reduction, recycling, and treatment. EPA maintains a national TRI database, available on the Internet (see the Where Can I Find EPCRA Information? section for further details).

What Else Does EPCRA Require?

Trade Secrets. EPCRA section 322 addresses trade secrets as they apply EPCRA sections 303, 311, 312, and 313 reporting; a facility cannot claim trade secrets under section 304 of the statute. Only chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. In practice, less than one percent of facilities have filed such claims.

Even if chemical identity information can be legally withheld from the public, EPCRA section 323 allows the

Who's Covered by TRI?

The TRI reporting requirement applies to facilities that have 10 or more full-time employees, that manufacture (including importing), process, or otherwise use a listed toxic chemical above threshold quantities, and that are in one of the following sectors:

- Manufacturing (Standard Industrial Classification (SIC) codes 20 through 39)
- Metal mining (SIC code 10, except for SIC codes 1011, 1081, and 1094)
- Coal mining (SIC code 12, except for 1241 and extraction activities)
- Electrical utilities that combust coal and/or oil (SIC codes 4911, 4931, and 4939)
- Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste treatment and disposal facilities (SIC code 4953)
- Chemicals and allied products wholesale distributors (SIC code 5169)
- Petroleum bulk plants and terminals (SIC code 5171)
- Solvent recovery services (SIC code 7389)

information to be disclosed to health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment activities. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. In medical emergencies, the health professional, if requested by the facility, provides these documents as soon as circumstances permit.

Any person may challenge trade secret claims by petitioning EPA. The Agency must then review the claim and rule on its validity.

EPCRA Penalties. EPCRA Section 325 allows civil and administrative penalties ranging up to \$10,000-\$75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

Citizens Suits. EPCRA section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. A SERC, LEPC, and State or local government may institute actions against facility owner/operators for failure to comply with EPCRA requirements. In addition, States may sue EPA for failure to provide trade secret information.

Where Can You Find EPCRA Information?

MSDSs, hazardous chemical inventory forms, follow-up emergency notices, and the emergency response plan are available from the SERC and LEPC.

MSDSs on hazardous chemicals are maintained by a number of universities and can be accessed through www.hazard.com.

EPA also provides fact sheets and other information on chemical properties through its website: www.epa.gov. EPA has compiled a list of all chemicals covered by name under these regulations into a single list and published them as The Title III List of Lists available at www.epa.gov/swercepp/ds-epds.htm#title3.

Profiles of extremely hazardous substances are available at www.epa.gov/ceppo/ep_chda.htm#ehs

Each year, EPA publishes a report summarizing the TRI information that was submitted to EPA and States during the previous year. In addition, TRI data are available through EPA's Envirofacts database at www.epa.gov/enviro. TRI data are also available at www.epa.gov/tri, www.rtk.net, and www.scorecard.org.

All of these sites can be searched by facility, city, county, and state and provide access to basic TRI emissions data. The RTK-Net site, maintained by the public advocacy group OMB Watch, provides copies of the full TRI form for each facility. The Scorecard site, maintained by the Environmental Defense public advocacy group, ranks facilities, States, and counties on a number of parameters (e.g., total quantities of carcinogens released) as well as maps that show the locations of facilities in a county or city.

Initial emergency release notifications made to the National Response Center or EPA are available on line at www.epa.gov/ernsacct/pdf/index.html.

A list of LEPCs and SERCs is available at <http://www.RTK.NET:80/lepc/>.

Many of these sites can also be accessed through www.epa.gov/ceppo/.

Are There Other Laws That Provide Similar Information?

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to EPCRA provisions for extremely hazardous substances. Plans are developed at the local, State and Federal levels. The OPA plans offer an opportunity for LEPCs to coordinate their plans with area and facility oil spill plans covering the same geographical area.

The 1990 Clean Air Act Amendments require the EPA and OSHA to issue regulations for chemical accident prevention. Facilities that have certain chemical above specified threshold quantities are required to develop a risk management program to identify and evaluate hazards and manage those hazards safely. Facilities subject to EPA's risk management program rules must submit a risk management plan (RMP) summarizing its program. Most RMP information is available through RMP*Info, which can be accessed through www.epa.gov/enviro.

For More Information

Contact the EPCRA Hotline at:
(800) 424-9346 or (703) 412-9810
TDD (800) 553-7672
Monday -Friday, 9 AM to 6 PM, EST

Visit the CEPPPO Home Page at:
WWW.EPA.GOV/CEPPO/

For EPA EPCRA contacts, check the CEPPPO home page.
For TRI program officials and EPA TRI regional contacts, check www.epa.gov/tri/statecon.htm.

ATTACHMENT 2

Hazardous Material Information Development,
Preparedness, and Response Act

CHAPTER 16. HAZARDOUS MATERIAL INFORMATION
DEVELOPMENT, PREPAREDNESS, AND
RESPONSE ACT

§2361. Citation

This Chapter shall be known and may be cited as the "Hazardous Materials Information Development, Preparedness, and Response Act" and may be referred to as the "Right-to-Know" Law.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1997, No. 1046, §1.

§2362. Declaration of policy and purpose

A. The legislature hereby adopts as a policy that the citizens of this state have the right and responsibility to know about and protect themselves from the risks and effects of hazardous materials in their environment. Inherent in the public's right to know is the public's need to know that state and local agencies have the information to both respond to their inquiries and to protect them by:

- (1) Providing information to physicians for emergency medical diagnosis.
- (2) Adequately preparing for disasters.
- (3) Centralizing, and coordinating regional, and local long-range planning concerning the environmental hazards in various localities.
- (4) Developing information on chronic health risks which may appear as the result of the presence of hazardous materials.

B. The purpose of this Chapter, therefore, is to create a comprehensive information system containing specific data regarding the presence and location of hazardous materials in Louisiana. Such information should be compiled in a way which permits the data to be shared with the public and among involved state agencies and local governing authorities.

C. The legislature recognizes that among the state agencies presently collecting, disseminating, and analyzing data there exists much of the technical capability, determination, and expertise to develop, implement, manage, and expand such an information system. The legislature therefore mandates and supports a cooperative effort of all involved agencies to work through an interagency advisory commission, and a single state supervisory agency to create a comprehensive information system, implement comprehensive state and local planning, and as soon as practical and feasible, make this crucial information available to the public through designated local repositories at a minimum of additional cost to owners or operators, the state, or local government.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1.

§2363. Definitions

The following terms as used in this Chapter shall have the following meanings:

- (1) "Commission" means the Emergency Response Commission appointed by the governor to implement the mandates of the Superfund Amendments and Reauthorization Act passed by the United States Congress in 1986. This commission is created within the Department of Public Safety and Corrections, public safety services.
- (2) "Department" means the Department of Public Safety and Corrections.
- (3) "Deputy secretary" means the deputy secretary for the office of public safety services in the Department of Public Safety and Corrections.
- (4) "Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.
- (5) "Extremely hazardous substance" (EHS) means a hazardous substance listed by the United States Environmental Protection Agency in 40 CFR Part 355, Appendix A (the list of Extremely Hazardous Substances and Their Threshold Planning Quantities) and subject to the emergency planning, release reporting, MSDS filing, and inventory filing requirements of SARA Title III.
- (6) "Facility" means the physical premises used by the owner or operator in which the hazardous materials are manufactured, used, or stored. A natural gas pipeline shall not be classified as a compressed natural gas facility.
- (7) "Hazardous material" means any substance deemed a hazardous material or a hazardous substance and included on a list adopted by rule by the deputy secretary to include those materials deemed hazardous under the Comprehensive Environmental Response Compensation Liability Act (CERCLA), the Superfund Amendments and Reauthorization Act (SARA, Title III U.S.C.), and certain substances included in the U.S. Department of Transportation regulations as found in 49 CFR Part 172.101. Hazardous material also means any substance designated by the deputy secretary by rule on recommendation of the commission which meets criteria established for adding other materials to the list. This term shall mean and include hazardous substances.
- (8) "Hospitalization" means the admission into a hospital as a patient for an overnight stay or emergency treatment at a hospital to the extent that the owner or operator requested such treatment or becomes aware of such treatment within twenty-four hours of the initiation of the relevant release.
- (9) "Immediately" means a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release considering the exigency of the circumstances.
- (10) "Inventory form" means the reporting form adopted by the department, and completed by owners and operators, which contains certain requested information on hazardous materials and which is used in developing the information system mandated by this Chapter.
- (11) "Local governing authority" means the police jury, parish council, the mayor's office of the city of New Orleans or the city-parish of East Baton Rouge or other primary governmental body of a parish.
- (12) "Owner or operator" means any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, departments, bureaus, or instrumentalities engaged in business or research operations which use, manufacture, emit, or store a hazardous material at a facility.
- (13) "Reasonably be expected to affect the public safety beyond the boundaries of the facility" means fire, explosion, incident, accident, or cleanup within a facility that may reasonably impact public safety beyond the facility, including but not limited to an impact of such nature as to require shelter-in-place orders, evacuations, immediate response by emergency responders, or off-site road closures. The term shall not include facility drills, internal facility announcements, internal facility alarms and sirens, or internal facility response activities such as rolling facility fire trucks or ambulances, and movement of facility personnel in personal protective equipment.
- (14) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous material or substance. However, the term release as used in this Paragraph shall not include federal or state permitted releases.
- (15) "Reportable release" means a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the reportable quantity when that reportable quantity, as defined pursuant to rules promulgated by the deputy secretary, could be reasonably expected to escape beyond the site of the facility. A reportable release as defined herein shall be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one-time discharge, within

be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one time discharge, within any continuous twenty-four hour period.

(16) "Repository" means the local entity designated pursuant to R.S. 30:2368 to house and record information on hazardous materials received from the department, regulated facilities, and other state agencies for public dissemination and inspection.

(17) "Retail gas station" means a retail facility engaged in selling gasoline or diesel fuel primarily to the public, for use in land-based motor vehicles.

(18) "Small business" means a single business establishment employing not more than nine full-time employees and having not more than two million dollars in average annual gross receipts. Any business employing more than nine persons shall not be considered a small business regardless of the average annual gross receipts. Any business with average annual gross receipts of over two million dollars shall not be considered a small business regardless of the number of employees.

(19) "Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information, including chemical name or other unique identifier, that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 666, §§1, 2; Acts 1997, No. 1046, §1; Acts 1999, No. 424, §1, eff. June 18, 1999; Acts 1999, No. 771, §1; Acts 1999, No. 1166, §1, eff. July 9, 1999; Acts 2008, No. 550, §1, eff. June 30, 2008.

§2364. Emergency Response Commission

The Hazardous Material Information Development, Preparedness, and Response Advisory Board is hereby abolished and in its place the Emergency Response Commission, which is appointed by the governor, is hereby established and will assume the advisory function of the board. The secretary of the Louisiana Department of Environmental Quality or his designee shall also serve as a member of the Emergency Response Commission. This commission shall function under the supervision and authority of the deputy secretary, Department of Public Safety and Corrections, public safety services, office of the state police, and shall also be responsible for the following:

- (1) Establishing emergency planning districts.
- (2) Appointing local emergency planning committees.
- (3) Supervising and coordinating the activities of the local emergency planning committees.
- (4) Providing the administrator of the United States Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances.
- (5) Designating, as necessary, additional facilities to be covered under this Chapter.
- (6) Recommending a standardized inventory form to be used in gathering the required information under this Chapter and providing for alternative reporting procedures to reduce duplication of reporting.
- (7) Recommending, as necessary, additional substances which should be defined as hazardous materials based on location, toxicology, known short and long term health effects, and other characteristics.
- (8) Acting as the centralized advisory body for coordinating the state and federal activities concerning community "Right-to-Know" legislation with regard to hazardous materials and substances.
- (9) Establishing procedures for receiving and processing requests from the public for information.
- (10) Reviewing local emergency planning committee (LEPC) emergency response plans and making recommendations to the LEPC on revisions of the plan that may be necessary to ensure the coordination of such plan with emergency response plans of other emergency planning districts.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1997, No. 1046, §1.

§2365. Responsibilities of the department

A. The deputy secretary shall:

- (1) Develop rules and regulations governing criteria for defining a substance as a hazardous material and for the development, implementation, compilation, supervision, and management of the information system for hazardous materials.
- (2) Make reasonable efforts to insure that owners and operators are aware of reporting requirements under this Chapter.
- (3) Develop a rule for alternative reporting requirements for businesses as provided for in R.S. 30:2370.
- (4) Supervise the dissemination of data to repositories and train repository personnel to provide information to the public. If the sheriff's office is not designated as the repository, the sheriff in each parish shall have access to the data compiled under this law through the local emergency planning committee and/or local fire departments in the respective parish.
- (5) Apply for, accept, and expend money through the appropriate budgetary process from federal sources for the further development, implementation, and dissemination of information to agencies, to emergency response personnel, and to the public.
- (6) Develop a centralized inventory reporting and notification system allowing for the standardization of reporting on the state, parish, and local government levels. The department, working in conjunction with other state agencies and parish government planning agencies, including local emergency planning committees and local response agencies, will identify the standard content of reporting and develop a centralized state inventory reporting and notification system that can be used by all government agencies.
- (7) Develop a means to assist all parishes in developing comprehensive hazardous material emergency response plans which reflect local governments' primary responsibility for the protection of local citizens.

B. The department shall, whenever practical and feasible, consult with the commission in developing rules and regulations for the implementation of this Chapter.

C. The inventory form adopted under this Chapter shall replace, to the extent feasible and practical, all other reporting presently required for reporting the manufacture, use, storage, or release of all hazardous materials to state governmental agencies.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 984, §18; Acts 1997, No. 1046, §1.

§2366. Responsibilities of cooperating departments

A. The Department of Agriculture and the Department of Environmental Quality shall consult with the deputy secretary regarding implementation of this Chapter. They shall, whenever practical and feasible, coordinate reporting efforts and requirements with the department through representation on the commission and through any established or created methods of cooperation and coordination among agencies covered by this Chapter.

B. The department shall forward information it develops or receives regarding long-term toxic effects of hazardous materials to the Department of Health and Hospitals, which shall coordinate such information with the Louisiana Regional Poison Control Center.

C. The department shall communicate these laws and regulations to all state departments. The department shall coordinate its efforts in developing a one-call notification system with all departments of state government. All departments of the state shall adjust the reporting requirements to allow for the development of the one-call state notification system for emergency release notifications. The Department of Environmental Quality shall also adjust its requirements for the prompt reporting of a release that does not cause an emergency condition, but is nonetheless reported to the department because it is in excess of an applicable reportable quantity.

D.(1) Upon development of the one-call state notification system for emergency release notifications, proper notification to the department of a release shall satisfy all emergency reporting obligations of the person making the notification, including all emergency reporting obligations of such person to the Department of Environmental Quality, other state agencies, and local response agencies.

(2) Upon development of the one-call state notification system for emergency release notifications, proper notification to the department of a release that is in excess of an applicable reportable quantity but does not cause an emergency condition shall satisfy all prompt reporting obligations, under LAC 33:I.3917(A), of the person making the notification, provided, however, that this provision shall not apply to the reporting of any release of radionuclides in excess of a reportable quantity determined in accordance with LAC 33:I.3929.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1997, No. 1046, §1; Acts 2008, No. 81, §1, eff. June 5, 2008.

§2367. Alternative compilation of data through certain agencies

A. Repealed by Acts 1992, No. 535, §1.

B.(1) Those manufacturers, storers, and users of liquified petroleum gas who make reports, pay fees, and are permitted through the Liquified Petroleum Gas Commission of the Department of Public Safety and Corrections shall not be required to pay additional fees for reporting under this Chapter.

(2) The deputy secretary of public safety services shall consult with the chairman of the Liquefied Petroleum Gas Commission and the Louisiana Liquefied Petroleum Gas Association to develop the necessary guidelines for incorporating reporting procedures and forms into inventory reports required by this Chapter or develop alternate reporting procedures under R.S. 30:2370(A)(2). Further, the deputy secretary and the chairman of the Louisiana Liquefied Petroleum Gas Commission shall develop a mechanism for sharing and including such data in the information management system developed under this Chapter.

(3) The administrative costs, as determined by the deputy secretary, of including information regarding liquified petroleum gas shall be paid by the Liquified Petroleum Gas Commission through fees presently paid to the commission by manufacturers, users, and storers of liquified petroleum gas.

(4) Nothing in this Subsection shall be intended to nullify an owner's or operator's obligation to report in compliance with rules promulgated under this Subsection.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 535, §1; Acts 1997, No. 1046, §1.

§2368. Designated repositories

A. The Emergency Response Commission shall designate the following as repositories for information gathered under this Chapter. The repositories shall be:

- (1) The local emergency planning committee, as designated by the commission.
- (2) The local fire department.
- (3) The Department of Public Safety and Corrections, office of state police, hazardous substance control section, acting for the Emergency Response Commission.

B.(1) Each repository designated pursuant to Subsection A of this Section shall provide information gathered under this Chapter to any person upon request during reasonable office hours and may charge such person a reasonable amount for copying charges and other administrative costs. The charges for the said costs shall be the same as the charges authorized for copies of public records as provided for in R.S. 44:32.

(2) In addition, the repository may refer public requests for information regarding specific medical, toxic, and health effects to the Louisiana Regional Poison Control Center.

C. The department shall, whenever practical and feasible, enhance the capability of local governing authorities and repositories to maintain and update public information, train personnel in repository management, and to develop other capabilities to assist in their compliance with this Chapter.

D. Each local governing authority may adopt an ordinance to impose fees or charges on owners or operators whose facilities are located within the parish and who are subject to the reporting requirements of the Superfund Amendments and Reauthorization Act of 1986, Title III, 42 U.S.C. 11022. The amount of the fee or charge imposed pursuant to this Subsection shall provide anticipated proceeds not to exceed the anticipated costs for performing the services required in this Section, and the Superfund Amendments and Reauthorization Act of 1986, Title III, 42 U.S.C. 11022, including those initial costs necessary to establish a system for storage, updating, and dissemination of the information herein required to be made available to the public. In no case shall the fees or charges imposed on any one person by the local governing authority exceed one dollar per page, fifty dollars per inventory report, or three hundred dollars per report including but not limited to reporting multiple facilities in one parish. In no case shall charges imposed on small businesses, as defined in this Chapter, exceed fifteen dollars per inventory report.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1988, No. 753, §1, eff. July 15, 1988; Acts 1992, No. 541, §1; Acts 1997, No. 1046, §1.

§2369. Responsibilities of owners and operators

A. Owners or operators shall be responsible for filing inventory forms for all hazardous materials manufactured, used, or stored at their facilities and for immediately reporting releases of certain hazardous materials in certain reportable quantities to be established by rule as provided for in R.S. 30:2373(B) and (C)(2).

B.(1) Owners or operators shall have the responsibility to obtain inventory forms and submit them to the Emergency Response Commission by way of the Department of Public Safety and Corrections, office of state police, Right-to-Know unit by March 1, 1988, and by March first of each year thereafter.

(2) This does not relieve the owner or operator from having to file inventory forms or make emergency release notification to other agencies, e.g., local fire departments or local planning committees, as may be required by federal law.

C. Repealed by Acts 1992, No. 565, §2.

D. Owners or operators shall post signs at their facilities, subject to a rule adopted by the deputy secretary, indicating that a hazardous material reported pursuant to the provisions of this Chapter is present on the premises. The deputy secretary shall develop, adopt, and disseminate rules and regulations which provide for such posting.

E.(1) Owners or operators who manufacture, use, store, or release a hazardous material at their facility shall so notify their present employees and each new employee within a reasonable time of his beginning employment. Such notification shall be made by posting a notice in a place in the facility where it is easily accessible to employees.

(2) Whenever the owner or operator has information regarding the toxic effects of a hazardous material manufactured, used, stored, or released at the facility, he shall so advise his employees, and make the information available to them on request for their examination only on the premises.

(3) Louisiana manufacturers, distributors, and packagers of hazardous materials and mixtures manufactured, blended, packaged, mixed, or distributed within Louisiana for those materials listed under the Superfund Amendments Reauthorization Act (SARA) Title III, Sections 302, 304, 311, and 312, or Louisiana's Right-to-Know Law, R.S. 30:2361 et seq., shall incorporate on the hazardous material's material safety data sheet or supply a separate statement with the verbiage "This material may be regulated by Louisiana's Right-to-Know Law, R.S. 30:2361 et seq." for identifying the hazardous materials as regulated by the state of Louisiana or the Superfund Amendments Reauthorization Act (SARA) Title III, Sections 302, 304, 311, and 312, or use language of similar nature. This Paragraph shall be effective only upon the promulgation by the deputy secretary of rules and regulations setting forth the criteria for the notice required herein. The deputy secretary may exempt from this requirement materials and mixtures with generic material safety data sheets used nationally or internationally.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 565, §§1, 2; Acts 1997, No. 1046, §1; Acts 1999, No. 424, §1, eff. June 18, 1999.

§2370. Extraordinary circumstances; deputy secretary's discretion to permit alternative reporting procedures; residential and retail use; exemptions

A. The deputy secretary shall establish alternative reporting procedures for certain owners or operators. Such alternative reporting procedures shall only be established when the deputy secretary determines that the nature of the owner's or operator's enterprise is such that the collection or compilation of data under procedures required under R.S. 30:2369 would be difficult to report by the owner or operator and of marginal informational value to agencies or persons requesting or using the data. Alternative reporting procedures shall be available under the following circumstances:

- (1) The nature of the owner's or operator's business is such that any hazardous material present at a facility would be present for a short period of time. Such businesses shall include but not be limited to building construction industries or wharf and dock facilities, where an inventory of any hazardous material would be present for only short periods of time; or
- (2) Emergency response personnel are likely to be able to predict the nature and volume of hazardous materials present at the facilities without recourse to the information provided by the inventory form. Such facilities may include premises whose only structures are electrical transmission and distribution equipment or clearly marked storage tanks for liquified petroleum gas.
- (3) The nature of the business is related to waste disposal and reclamation, in which the hazardous materials are collected in such a manner that the identity of each substance may not be individually identified under established reporting procedures.
- (4) In the determination of the secretary, alternative reporting procedures would further the purposes of this Chapter.

B. Any alternate reporting requirement adopted pursuant to Subsection A of this Section shall define each of the following as precisely as possible:

- (1) The nature of the activities which may be conducted at the facility.
- (2) The identity of the hazardous materials which may be present at the facility.
- (3) The maximum quantity of each such hazardous material which may be present at the facility.

C. The deputy secretary shall define and provide by rule for exemptions for "small quantities" of hazardous materials which need not be reported under this Chapter by certain categories of owners or operators. The definition of small quantities shall be based on the degree of hazard such quantities might potentially present in certain situations, either to emergency response personnel, the owner or operator, his personnel or property, or to the surrounding community. Such categories of owners or operators shall include, but not be limited to:

- (1) Residential users.
- (2) Owners or operators of hotels, motels, restaurants, apartment buildings, or office buildings which use only small quantities of air conditioning and cleaning supplies and do not exceed the small quantities exemption for any other hazardous material.
- (3) Owners or operators of retail sales establishments which sell consumer products or food stuffs packaged for distribution to, and intended for use by, the general public, and who have storage areas or storerooms in such establishments which are separated from shelf or display areas but maintained within the physical confines of such retail establishments.

D. The exemptions provided for in Subsection C shall not apply to hazardous materials placed in a separate warehouse. However, owners or operators maintaining such a warehouse facility shall be required to make only one report under this Chapter, regardless of the number of warehouses, storerooms, and storage areas retained by the owner or operator.

E. The following substances shall not be required to be reported for purposes of inventory reporting:

- (1) Repealed by Acts 1997, No. 1046, §2.
- (2) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (3) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (4) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (5) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual. This would not include substances stored in a separate warehouse or storage room.

(6) Any substance to the extent it is used in routine agricultural operations or is fertilizer held for sale by a retailer to the ultimate customer.

(7) Hazardous materials required to be reported to the Nuclear Regulatory Commission by utilization facilities licensed under 10 C.F.R. 50 and R.S. 40:1299.100.

(8) Gasoline, all grades combined, that has been stored in tanks having a capacity of less than seventy-five thousand gallons, entirely underground, at a retail gas station that has been in compliance at all times during the preceding calendar year with all applicable underground storage tank requirements as provided in R.S. 30:2194. This exemption shall be effective March 1, 2001, for calendar year 2000 reporting. Notwithstanding the provisions of this Section, copies of any reports submitted by retail gas stations to the Department of Environmental Quality as required by this Chapter shall be provided by the Department of Environmental Quality to any local emergency planning committee and the Department of Public Safety and Corrections, office of state police.

(9) Diesel fuel, all grades combined, that has been stored in tanks with a capacity of less than one hundred thousand gallons, entirely underground, at a retail gas station that has been in compliance at all times during the preceding calendar year with all applicable underground storage tank requirements as provided in R.S. 30:2194. This exemption shall be effective March 1, 2001, for calendar year 2000 reporting. Notwithstanding the provisions of this Section, copies of any reports submitted by retail gas stations to the Department of Environmental Quality as required by this Chapter shall be provided by the Department of Environmental Quality to any local emergency planning committee and the Department of Public Safety and Corrections, office of state police.

F. Small businesses as defined under this Chapter shall be required to report inventories or releases of hazardous substances regulated under this Chapter with the exception being that they shall pay a reduced fee in accordance with R.S. 30:2374.

G. The provisions of this Chapter shall not apply to retail establishments as defined by R.S. 47:301(4)(b) and (11), cosmetology salons, and barber salons.

H. The following nonexclusive list of facilities shall qualify, when otherwise required to report under this Chapter, for the alternate reporting procedures established under this Section:

- (1) Oil and gas exploration and production facilities.
- (2) Natural gas, crude oil, and hydrocarbon product pipelines.
- (3) Hydrocarbon storage facilities other than at petroleum refineries.
- (4) Gasoline service stations.
- (5) Electrical transmission and distribution equipment.
- (6) Transportation related industries.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 566, §1; Acts 1997, No. 1046, §§1, 2; Acts 1999, No. 771, §1; Acts 1999, No. 1166, §1, eff. July 9, 1999.

§2371. Trade secret protection

With regard to trade secret protection and the information disclosure requirements of this Chapter, the state of Louisiana, through the Department of Public Safety and Corrections, hereby adopts as its own the trade secret provisions as found in Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. 11042. All petitions for trade secret protection must be filed with the administrator of the United States Environmental Protection Agency.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1997, No. 1046, §1.

§2372. Trade secrets; emergency treatment disclosure

A. With regard to trade secret information needed for medical diagnosis or treatment of a person exposed to a hazardous material, the state of Louisiana, through the Department of Public Safety and Corrections, hereby adopts as its own the trade secret provisions as found in Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. 11042.

B. Nothing in this Section shall be construed so as to interfere with the duty of a physician to report actual or potential public health problems to the proper authorities.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1997, No. 1046, §1.

§2373. Failure to report; penalties

A. All owners and operators shall be required to report the information required under R.S. 30:2369 of this Chapter regarding the manufacture, storage, or use of hazardous materials by no later than March 1, 1988, and by March first of each year thereafter.

B.(1) Owners and operators shall immediately notify the department of any reportable releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this Chapter exceeding the reportable quantity when that reportable quantity could be reasonably expected to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Failure to do so shall subject owners and operators to civil penalties as provided in Subsection C of this Section.

(2) Any reportable release of any hazardous material regulated by this Chapter which causes any injury requiring hospitalization or any fatality or any release which results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility shall be reported immediately to the department.

(3) Any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility or where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department.

(4) Any release or incident that occurs within the boundaries of a facility and may be subject to reporting under this Section shall not be reportable by the owner or operator of the facility, or the employees, non-commercial carriers, contractors, or consultants of such owner or operator pursuant to the provisions of Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950, unless such release or incident involves a railcar that is in transportation and the owner or operator of the facility is required to report the release or incident under 49 C.F.R. 171.15.

(5) The department shall not subject an owner or operator to a civil penalty as provided in Subsection C based on any incident or release that was not required to be reported under this Section and that was reported by the owner or operator as a courtesy.

(6) The secretary may develop rules and regulations to implement and clarify the reporting requirements of this Subsection and to address changes in federal regulations.

(7) The Department of Environmental Quality shall make available to the public for examination any information contained in reports required pursuant to R.S. 30:2025(J), 2060(H), and 2076(D).

C.(1) For owners and operators who knowingly fail to file an inventory form on hazardous materials as required by this Chapter by March 1, 1988, and by March first of each year thereafter, the department may levy a civil penalty which shall not exceed twenty-five thousand dollars per hazardous material not reported. Small businesses who have an omission from the inventory reporting forms shall receive a warning only for their first offense.

(2) The department may also levy a civil penalty not to exceed twenty-five thousand dollars per violation for failure to timely report nonpermitted releases pursuant to R.S. 30:2373(B).

(3) For owners and operators who knowingly fail to report a reportable release of a hazardous material regulated by this Chapter, the department may assess a civil penalty not to exceed twenty-five thousand dollars per violation per day.

(4) The department shall consider, in determining whether to assess a fine, the financial situation of owners and operators of small businesses as well as any willfulness in failing to comply with the provisions of this Chapter. Such fines shall be deposited in the Right-to-Know Fund pursuant to R.S. 30:2380.

D.(1) Any person who handles, stores, or otherwise maintains a hazardous material regulated by this Chapter in a negligent or unreasonable manner without regard for the hazards of the material and causes a significant impact to public health and safety as a result of a reportable release of a hazardous material shall be in violation of this Subsection.

(2) For any person, owner, operator, or facility that violates this Subsection, the department may levy a civil penalty not to exceed ten thousand dollars per violation.

E.(1) No person shall intentionally handle, store, or otherwise maintain any hazardous material regulated by this Chapter in a manner which endangers human life.

(2) Any person, owner, operator, or facility that willfully violates this Subsection may be assessed a civil penalty by the department not to exceed twenty-five thousand dollars per violation per day or upon first conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Upon second or subsequent conviction of a violation of R.S. 30:2373(E)(1), said person, owner, operator, or facility shall be fined not less than five hundred dollars nor more than ten thousand dollars or imprisoned

with or without hard labor for not less than six months nor more than ten years.

F.(1) Any owner or operator who causes a reportable release that requires a significant emergency response by the department or is in violation of Subsection D of this Section shall reimburse the department for reasonable and extraordinary costs of emergency response, including actions taken by the department to mitigate such reportable release.

(2) Reimbursement to the department pursuant to Paragraph (1) of this Subsection shall preclude reimbursement for the same incident to the department from other response funds, including but not limited to the Hazardous Waste Protection Fund, R.S. 30:2198, the Motor Fuels Underground Storage Tank Trust Fund, R.S. 30:2195, et seq., and the Oil Spill Contingency Fund, R.S. 30:2483, et seq.

(3) An owner or operator of a small business shall not be responsible for the emergency response costs of the department in excess of twenty-five thousand dollars.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 665, §§1, 2; Acts 1992, No. 984, §9; Acts 1995, No. 850, §1; Acts 1997, No. 1046, §1; Acts 1999, No. 355, §1, eff. June 16, 1999; Acts 2001, No. 1087, §1; Acts 2008, No. 550, §1, eff. June 30, 2008; Acts 2009, No. 235, §1.

§2374. Fees

A. An annual fee shall be submitted with the inventory form by each owner or operator required to report under this Chapter. The fee shall be assessed in proportion to the number of hazardous materials manufactured, used, or stored on site.

B.(1) The fees for facilities not meeting the definition of "small business" in R.S. 30:2363 shall be assessed as follows:

Number of Hazardous Materials Present at Facility	Amount of Fees Charged
01 to 25	\$ 65.00
26 to 75	\$ 85.00
76 to 100	\$170.00
Over 100	\$255.00

(2) Any facility required to pay a fee pursuant to this Section and any retail gas station exempt from reporting pursuant to R.S. 30:2370 shall not be required to pay an additional fee to the local emergency planning committee other than the fees already imposed by the local emergency planning committee for the collection of information required by this Chapter.

(3) In the case of owners or operators reporting facilities with numbers of hazardous materials referenced above at multiple locations throughout the state, no owner or operator shall be assessed total fees in excess of two thousand dollars.

(4) The fee per facility for small businesses as defined in this Chapter shall not exceed twenty-five dollars. Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 540, §1; Acts 1992, No. 984, §9; Acts 1997, No. 1046, §1; Acts 1999, No. 771, §1; Acts 1999, No. 1166, §1, eff. July 9, 1999; Acts 2001, No. 1087, §1; Acts 2003, No. 331, §1; Acts 2008, No. 884, §1.

§2375. Access to facilities for emergency response

A. When there has been a release subject to the reporting requirements of R.S. 30:2373(B), the owners and operators of the facility where the release occurred shall, upon the request or demand, allow access to the facility by the designated local emergency response agency without delay; however, each representative of the designated local emergency response agency seeking access to the facility shall be certified or qualified in the handling of hazardous materials by an appropriate governmental agency and qualified in dealing with the particular emergency and the equipment and/or the facility involved. The parish governing authority shall designate one local emergency response agency which shall have access to facilities within the parish pursuant to this Section. The owner or operator of a facility where a release has occurred may delay access to the facility for a reasonable period of time, to the extent necessary in order to secure the facility, insure immediate safety, preserve property, or verify the authority of those persons seeking access to the facility pursuant to this Section.

B. An owner or operator who fails to comply with the requirements of this Section shall be subject to a civil fine of five thousand dollars.

C. The fine provided for in this Subsection shall be due, in the aggregate, to the agencies denied access in violation of this Section and may be levied by the district court of the parish in which the violations occurred.

D. Each representative of a state or local emergency response agency provided access to a facility under this Section shall be under the strict supervision of facility personnel and shall not take any direct action to respond to the release unless specifically authorized to do so by such facility personnel.

E. None of the provisions of this Section shall prohibit or hinder the Transportation and Environmental Safety Section of the Office of State Police from coordinating an emergency response as authorized in R.S. 30:2376.

Acts 1995, No. 1037, §1.

§2376. Monitoring and enforcement

A. The deputy secretary or his designees shall have the right to reasonably monitor owners or operators to ensure their compliance with this Chapter. They shall have the right to enter and inspect any facility in which they have reasonable cause to believe hazardous material, the reporting of which is required by this Chapter, is manufactured, stored, used, or released and which has not been reported, and to require the report of the presence of such hazardous material as required by this Chapter.

B. The deputy secretary may conduct investigations, make reports, conduct hearings, and conduct, directly or indirectly, the research, development, demonstration, or training activities necessary to undertake his responsibilities and exercise his authority under Subsection A of this Section. The deputy secretary, through the office of state police, hazardous materials unit, shall act as coordinator of emergency response activities arising as a result of releases of materials regulated under this Chapter.

C. Nothing in this Chapter shall be intended to diminish any sheriff's responsibility with regard to his authority to address emergency response needs in his parish.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1997, No. 1046, §1.

§2377. Reports

The Department of Public Safety and Corrections, in consultation with the commission, shall make an annual report by April first to the Senate Committee on Environmental Quality, the House Committee on Natural Resources and Environment, and the governor regarding:

- (1) The progress made in developing, implementing, compiling, disseminating, and coordinating the information system.
- (2) The level of reporting by owners and operators.
- (3) Additional recommendations for legislation and other recommendations to facilitate compliance with the provisions of this Chapter.
- (4) The problems experienced by owners and operators and state and local government and agencies in complying with this Chapter.
- (5) Reporting forms and procedures used by governmental agencies to require the reporting of the manufacture, use, storage, or release of hazardous materials which should be replaced by the inventory form.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1991, No. 21, §1, eff. June 14, 1991; Acts 1997, No. 1046, §1; Acts 2008, No. 580, §2.

§2378. Administrative procedures

A. All proceedings conducted under this Chapter and all rules and regulations adopted pursuant to this Chapter shall be conducted or adopted in accordance with the Administrative Procedure Act and the Open Meetings Law.

B. All legislative oversight jurisdiction for the implementation of this Chapter, including the promulgation of rules and regulations, shall be placed with the Senate Committee on Environmental Quality and the House Committee on Natural Resources and Environment.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1991, No. 21, §1, eff. June 14, 1991; Acts 1997, No. 1046, §1; Acts 2008, No. 580, §2.

§2379. Preemption

A. No local governing authority, municipality, parish, or other local governmental entity may enact, adopt, or enforce an ordinance, law, or regulation relative to hazardous materials reporting or any other provisions of this Chapter, except as otherwise specifically authorized by state law. However, if reporting requirements to agencies in the federal government under federal law conflict with reporting requirements under this Chapter, the affected entities shall file those reports. This Chapter shall have prospective effect only.

B. The commission and the department shall, where practical and feasible, incorporate local purposes into the state information system and provide local access to such information, subject to the qualifications provided for in R.S. 30:2368(B)(1).

Acts 1989, No. 505, §1; Acts 1997, No. 1046, §1.

§2380. Right-to-Know Fund

A. Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies collected under R.S. 30:2373 shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within a fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into a special fund, which is hereby created in the state treasury and designated as the "Right-to-Know Fund", hereinafter referred to as the fund, an amount equal to all monies collected under R.S. 30:2373. The fund balance shall not exceed two million dollars. Any monies in excess of that amount shall revert to the general fund.

B. Monies in the fund shall be paid to the deputy secretary on his warrant and shall be used to develop the Louisiana Chemical Network (LCN), a statewide centralized inventory and release reporting system. This centralized reporting system is intended to eliminate duplication in reporting requirements, develop centralized data management, and provide processed data to all parishes via the local emergency planning committees (LEPCs). The department shall have the responsibility to develop a centralized data distribution system and provide the local emergency planning committees with the necessary equipment, software, and training to support its application. The monies in the fund shall be dedicated to equipment acquisition and personnel training for LEPCs and for the department to properly staff the centralized data management functions. The deputy secretary shall adopt the necessary rules and regulations to administer this system.

Acts 1997, No. 1046, §1.

ATTACHMENT 3

1996 and 1997 Executive Orders

EXECUTIVE ORDER MJF 96-48

Emergency Response Commission

WHEREAS: the ability to protect the citizens of the State of Louisiana depends, in part, upon the adequacy of local community emergency response plans;

WHEREAS: the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. § 1101-11050, requires the states to establish and maintain an emergency response commission which has technical expertise in the field of emergency response to notify and protect the public in the event of a release of an extremely hazardous substances into the environment; and

WHEREAS: through the enactment of R.S. 30:2364, the Louisiana Legislature created an Emergency Response Commission within the Department of Public Safety and Corrections to (1) establish emergency planning districts; (2) appoint local emergency planning committees; (3) supervise and coordinate the activities of local emergency planning committees; (4) provide the Environmental Protection Agency with information concerning notification received on certain releases of hazardous substances; (5) designate, as necessary, facilities subject to hazardous material reporting procedures; (6) recommend a standardized inventory form for gathering required information and develop reporting procedures which reduce duplication of reporting; (7) recommend, as necessary, additional substances which should be defined as hazardous materials; and (8) act as the central advisory body for coordinating state and federal Right-to-Know activities with regard to hazardous substances;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Emergency Response Commission (hereafter "Commission") shall have 15 members, and shall be composed of the following:

- A. the Deputy Secretary of the Department of Public Safety, or the Deputy Secretary's designee;
- B. the Secretary of the Department of Environmental Quality, or the Secretary's designee;
- C. the Director of the Office of Emergency Preparedness, Military Department, Office of the Governor, or the Director's designee;
- D. a representative of the Right-to-Know Unit, Department of Public Safety, Office of State Police;
- E. a representative of the Louisiana Emergency Preparedness Association;
- F. a member of the Louisiana State University Fireman Training Program;
- G. a representative of environmental interests;
- H. a representative of the chemical industry nominated by the Louisiana Chemical Association; and
- I. seven at-large members.

SECTION 2: Members shall be appointed by and serve at the pleasure of the Governor.

SECTION 3: The Commission shall have authority to receive grants, donations, or gifts of money, equipment, supplies, or services from any public or private source to enable it to fulfill the duties and responsibilities specified in Title 30 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 4: The Governor shall appoint the Chair of the Commission from its membership. The members of the Commission may elect such other officers as it deems necessary.

SECTION 5: The Commission shall meet quarterly and at other times as called by the Chair. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 6: Members shall serve without compensation, and no member shall receive a per diem or reimbursement of personal expenses from public funds.

SECTION 7: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 17th day of October, 1996.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER MJF 96-67

Emergency Response Commission

WHEREAS: Executive Order MJF 96-48, signed on October 17, 1996, establishes the Louisiana Emergency Response Commission; and

WHEREAS: it is necessary to expand the membership of that commission to include a representative from the Department of Agriculture and Forestry;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order MJF 96-48, is amended to add Subsection J, which shall provide as follows:

- J. The Secretary of the Department of Agriculture and Forestry, or the Secretary's designee.

SECTION 2: All other sections and subsections of Executive Order MJF 96-48 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially, and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 8th day of November, 1996.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER MJF 97-14

Emergency Response Commission

WHEREAS: Executive Order MJF 96-48, signed on October 17, 1996 establishes the Louisiana Emergency Response Commission (hereafter "Commission"); and

WHEREAS: it is necessary to expand the membership of that Commission to include three additional at-large members;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR. Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 (I) of Executive Order MJF 96-48 is amended to provide as follows: I. Ten at-large members. SECTION 2: All other Sections and Subsections of Executive Order MJF 96-48 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana at the Capitol, in the City of Baton Rouge on this 3rd day of March, 1997.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

ATTACHMENT 4

2004 Executive Orders

EXECUTIVE ORDER KBB 04-34

Louisiana Emergency Response Commission

WHEREAS, the ability to protect the citizens of the state of Louisiana depends, in part, upon the adequacy of local community emergency response plans;

WHEREAS, the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. §11001-11050, requires the states to establish and maintain an emergency response commission which has technical expertise in the field of emergency response to notify and protect the public in the event of a release of an extremely hazardous substance into the environment; and

WHEREAS, through the enactment of R.S. 30:2364, the Louisiana Legislature created the Emergency Response Commission within the Department of Public Safety and Corrections to

- (1) establish emergency planning districts;
- (2) appoint local emergency planning committees;
- (3) supervise and coordinate the activities of local emergency planning committees;
- (4) provide the Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances;
- (5) designate, as necessary, facilities subject to hazardous material reporting procedures;
- (6) recommend a standardized inventory form for gathering required information and develop reporting procedures which reduce duplication of reporting;
- (7) recommend, as necessary, additional substances which should be defined as hazardous materials;
- (8) act as the central advisory body for coordinating state and federal Right-to-Know activities with regard to hazardous substances;
- (9) establish procedures for recalling and processing public requests for information; and
- (10) review local emergency planning committee emergency response plans and recommend revisions as necessary.

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Emergency Response Commission (hereafter "Commission") shall be composed of twenty (20) members appointed by and serving at the pleasure of the governor, selected as follows:

- A. The deputy secretary of the Department of Public Safety, or the deputy secretary's designee;

- B. The secretary of the Department of Environmental Quality, or the secretary's designee;
- C. The secretary of the Department of Agriculture and Forestry, or the secretary's designee;
- D. The two (2) directors of the Office of Homeland Security and Emergency Preparedness, Military Department, Office of the Governor, or the directors' designees;
- E. A representative of the Right-To-Know Unit, Department of Public Safety, Office of State Police;
- F. A representative of the Louisiana Emergency Preparedness Association;
- G. A member of the Louisiana State University Firearm Training Program;
- H. A representative of environmental interests;
- I. A representative of the chemical industry nominated by the Louisiana Chemical Association; and
- J. Ten (10) at-large members.

SECTION 2: The chair of the Commission shall be selected by the governor, all other officers, if any, shall be elected from the membership of the Commission

SECTION 3: The Commission shall have authority to receive grants, donations, or gifts of money, equipment, supplies, or services from any public or private source to enable it to fulfill the duties and responsibilities specified in Title 30 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 4: The Commission shall meet quarterly and at the call of the chair.

SECTION 5: Commission members shall serve without compensation, and no member shall receive a per diem or reimbursement of personal expenses from public funds.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

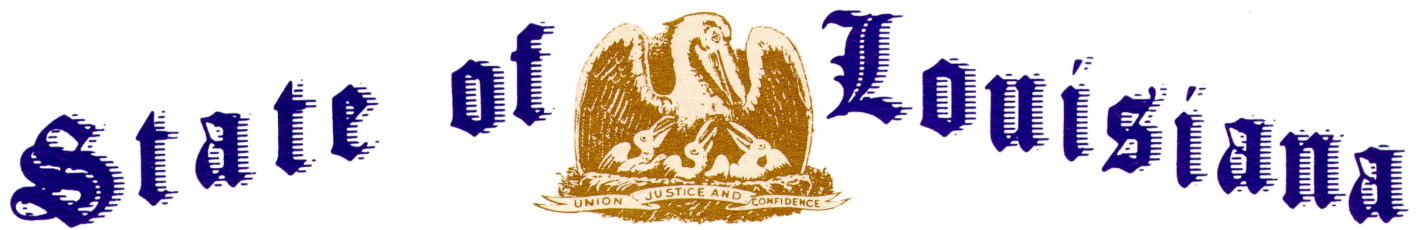
IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 20th day of August, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

ATTACHMENT 5

2008 Executive Order



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 2008 -72

LOUISIANA EMERGENCY RESPONSE COMMISSION

- WHEREAS,** the ability to protect the citizens of the state of Louisiana depends, in part, upon the adequacy of local community emergency response plans;
- WHEREAS,** the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. §11001-11050, requires the states to establish and maintain an emergency response commission which has technical expertise in the field of emergency response to notify and protect the public in the event of a release of an extremely hazardous substance into the environment; and
- WHEREAS,** through the enactment of R.S. 30:2364, the Louisiana Legislature created the Emergency Response Commission within the Department of Public Safety and Corrections to (1) establish emergency planning districts; (2) appoint local emergency planning committees; (3) supervise and coordinate the activities of local emergency planning committees; (4) provide the Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances; (5) designate, as necessary, facilities subject to hazardous material reporting procedures; (6) recommend a standardized inventory form for gathering required information and develop reporting procedures which reduce duplication of reporting; (7) recommend, as necessary, additional substances which should be defined as hazardous materials; (8) act as the central advisory body for coordinating state and federal Right-to-Know activities with regard to hazardous substances; (9) establish procedures for recalling and processing public requests for information; and (10) review local emergency planning committee emergency response plans and recommend revisions as necessary.
- NOW THEREFORE, I, BOBBY JINDAL,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:
- SECTION 1:** The Louisiana Emergency Response Commission (hereafter “Commission”) is reestablished and continued; it shall be composed of nineteen (19) members appointed by and serving at the pleasure of the governor, selected as follows:
- A. The deputy secretary of the Department of Public Safety, or the deputy secretary’s designee;
 - B. The secretary of the Department of Environmental Quality, or the secretary’s designee;
 - C. The secretary of the Department of Agriculture and Forestry, or the secretary’s designee;
 - D. The director of the Governor’s Office of Homeland Security and Emergency Preparedness, or the director’s designee;
 - E. A representative of the Right-To-Know Unit, Department of Public Safety, Office of State Police;
 - F. A representative of the Louisiana Emergency Preparedness Association;
 - G. A member of the Louisiana State University Firearm Training Program;
 - H. A representative of environmental interests;
 - I. A representative of the chemical industry nominated by the Louisiana Chemical Association; and
 - J. Ten (10) at-large members.

- SECTION 2:** The governor shall select the chair of the Commission from its membership. All other officers, if any, shall be elected by members of the Commission from its membership.
- SECTION 3:** The Commission shall have authority to receive grants, donations, or gifts of money, equipment, supplies, or services from any public or private source to enable it to fulfill the duties and responsibilities specified in Title 30 of the Louisiana Revised Statutes of 1950, as amended.
- SECTION 4:** The Commission shall meet quarterly and at the call of the chair.
- SECTION 5:**
- A. Commission members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Commission.
 - B. Commission members who are employees or elected public officials of the state of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.
 - C. Commission members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate
- SECTION 6:** All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Commission in implementing the provisions of this Order.
- SECTION 7:** This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



**ATTEST BY
THE GOVERNOR**

/S/ Jay Dardenne
SECRETARY OF STATE

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 22nd day of August, 2008.

/S/ Bobby Jindal
GOVERNOR OF LOUISIANA

ATTACHMENT 6

LERC Bylaws

LOUISIANA EMERGENCY RESPONSE COMMISSION BYLAWS

ARTICLE I

NAME

This organization shall be known as the Louisiana Emergency Response Commission, hereinafter referred to as the "Commission."

ARTICLE II

PURPOSES

The duties, activities, and membership of the Commission are those set forth in R.S. 30:2364 (Hazardous Material Information Development, Preparedness, and Response Act) and in Executive Orders No. MJF 96-48, MJF 96-67, and MJF 97-14 issued by the governor on October 17, 1996, November 8, 1996, and March 3, 1997. These documents authorized the Commission to implement the requirements of SARA Title III, the "Emergency Planning and Community Right-to-Know Act of 1996," enacted by the U.S. Congress (hereinafter referred to as the Act). The Commission, functioning under the supervision and authority of the Deputy Secretary, Department of Public Safety and Corrections, Public Safety Services, is designated as the State Emergency Response Commission, as defined in the Act. It shall perform all of the duties required of it under the Act and R.S. 30:2364, including, but not limited to the following:

- (1) Establishing emergency planning districts.
- (2) Appointing local emergency planning committees.
- (3) Supervising and coordinating the activities of the local emergency planning committees.
- (4) Providing the administrator of the Federal Environmental Protection Agency with information concerning notification received on certain releases of hazardous materials and substances.
- (5) Designating, as necessary, additional facilities to be covered under this Chapter.
- (6) Recommending a standardized inventory form to be used in gathering the required information under this Chapter and providing for alternative reporting procedures to reduce duplication of reporting.

- (7) Recommending, as necessary, additional substances which should be defined as hazardous materials based on location, toxicology, known short and long term effects, and other characteristics.
- (8) Acting as the centralized advisory body for coordinating the state and federal activities concerning community "Right-to-Know" legislation with regard to hazardous materials and substances.
- (9) Establishing procedures for receiving and processing requests from the public for information.
- (10) Reviewing local emergency planning committee (LEPC) emergency response plans and making recommendations to the LEPC on revisions of the plan that may be necessary to ensure the coordination of such plan with emergency response plans of other emergency planning districts.

ARTICLE III

MEMBERSHIP

Section 1. Members. The Louisiana Emergency Response Commission shall consist of the following members:

1. The Deputy Secretary of the Department of Public Safety, or the Deputy Secretary's designee;
2. The Secretary of the Department of Environmental Quality, or the Secretary's designee;
3. The Director of the Governor's Office of Homeland Security and Emergency Preparedness, or the Director's designee;
4. A representative of the Right-to-Know Unit, Department of Public Safety, Office of State Police;
5. A representative of the Louisiana Emergency Preparedness Association;
6. The Director of the Louisiana State University Fire and Emergency Training Institute or the Director's designee;
7. A representative of environmental interests;
8. A representative of the chemical industry nominated by the Louisiana Chemical Association;
9. Ten at-large members; and

10. The Secretary of the Department of Agriculture and Forestry or the Secretary's designee.

Section 2. Number of members. The Commission shall consist of no more than 19 members appointed by and serving at the pleasure of the governor.

Section 3. Vacancies. Vacancies on the Commission shall be filled by appointment of the governor.

Section 4. Compensation. Members of the Commission shall serve without compensation.

ARTICLE IV

OFFICERS

Section 1. Named. The officers of the Commission shall consist of a chairperson and vice-chairperson.

Section 2. Appointment of officers. The governor shall appoint the Commission's chairperson. The Commission may elect the Commission's vice-chairperson and other such officers as it deems necessary.

ARTICLE V

DUTIES OF THE OFFICERS

Section 1. Duties of the chairperson. The chairperson shall recommend an agenda for each meeting, preside at all meetings of the Commission, sign all minutes and other records of documents connected with the work of the Commission requiring such signature and be responsible for implementing policies adopted by the Commission.

Section 2. Duties of the vice chairperson. In the absence of the chairperson or in the event of his or her inability or refusal to act, the vice-chairperson shall perform the duties of the chairperson, and when so acting shall have all the powers of the chairperson. The vice-chairperson may exercise other duties as from time to time may be assigned to the vice-chairperson by the chairperson or the Commission.

ARTICLE VI

COMMITTEES

Section 1. Standing committees. The following committees shall be standing committees of the Commission:

1. LEPC Service Committee

2. Training Committee
3. Public Information Committee
4. Emergency Plans Review Committee
5. Long Range Planning Committee
6. Emergency Notification Committee

Section 2. Committee chairperson and membership. Committee chairpersons will be appointed by the LERC chairperson, except that the LERC chairperson will be chairperson of the Long Range Planning Committee. Committee membership of each committee will be selected by each committee chairperson for their respective committees and approved by the Commission, except that the membership of the Long Range Planning Committee will be composed of chairpersons from the other standing committees, and the vice-chairperson of the Commission. Non-commission members may be appointed to the LEPC Service, Training, Public Information, and Emergency Plans Review Committees. The chairperson and vice-chairperson are ex officio members of each committee.

Section 3. Special committees. When deemed necessary to carry out Commission work, the Commission chairperson may appoint a special committee with specific duties. Once the duties of a special committee have been carried out, that committee will cease to exist.

Section 4. Committee reports. Each standing committee, or active special committee, will prepare and deliver a report of that committee's activities during each regular Commission meeting.

ARTICLE VII

MEETINGS

Section 1. Regular meeting. The Commission shall meet in Baton Rouge at least quarterly for regular meetings. Meetings can be held outside of Baton Rouge at the request of the Commission.

Section 2. Special meetings. The chairperson may call special meetings when deemed necessary to carry out duties of the Commission. Upon written request of at least five Commission members, the chairperson shall call as soon as possible (not to exceed five days) a special meeting. An attempt to notify all Commission members shall be made at least 24 hours in advance of the calling of any special meeting.

Section 3. Quorum. A quorum shall consist of a majority of Commission members. A quorum shall be required to transact business.

Section 4. Rules of Order. Deliberations of all Commission meetings and its committees shall be governed by Robert's Rules of Order, Newly Revised.

Section 5. Notice of meetings. Notice of the time, place and agenda items to be considered at each meeting shall be given to all members at least one week prior to each regular meeting. Matters not appearing on the agenda may be considered upon a favorable vote by a majority of members present. Notice of special meetings and intended agenda items shall be given to all Commission members in writing or by phone at least one day prior to a special meeting. Notice to the public of all Commission meetings shall be made in accordance with the Louisiana Open Meetings Law.

Section 6. Public participation. Any person who is not a member of the Commission and wishes to have an item placed on the Commission's regular or special meeting agenda shall advise the chairperson two weeks prior to the meeting. The person shall supply the chairperson with his or her name, address, group represented and the subject to be addressed. The chairperson may grant, refuse or act upon this request at the chairperson's discretion. The latter may include, but is not limited to, directing the item to a LERC committee.

Any written statements which are to be submitted as part of that presentation shall be submitted at least five days prior to a regular meeting and at least one day prior to a special meeting.

The chairperson or the chairperson's designee may recognize an audience member at a meeting and subsequently may allow that person to address the Commission where participation of such person, in the judgment of the chairperson or designee, would enhance understanding of the matter under consideration for either the Commission or audience members.

No person shall speak more than once on the same subject unless granted permission by the chairperson or designee.

No presentation shall exceed 10 minutes unless permitted by a majority vote of commissioners present.

ARTICLE VIII

VOTING

Section 1. One vote each. Each Commission member, including the chairperson, shall be entitled to one vote. The chairperson will only vote in the event of a tie.

Section 2. Proxy votes. A member may not vote by proxy.

Section 3. Abstentions. Members may register their abstention on any vote, which shall be reflected in the minutes.

Section 4. Determination of actions. All final actions, Commission positions or policy recommendations shall require a favorable vote of a majority of those Commission members present at a duly called meeting.

Section 5. Roll call votes. At the discretion of any member, including the chairperson, of the Commission, any Commission action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.

ARTICLE IX

REPORTS AND RECOMMENDATIONS

Section 1. Resolutions. All resolutions submitted for consideration by the Commission shall first be referred to an appropriate committee for review, consideration and its recommendation.

Section 2. Annual report. The chairperson of the Commission shall be responsible for preparation of a report describing its activities for the prior year. Upon approval by the Commission, the annual report shall be submitted no later than April 1st of each year by the chairperson to the Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services, the chief executive officer of each of the agencies designated as members of the Commission, the Senate Committee on Environmental Quality, the House Committee on the Environment, and the governor. Then it will be made available to other state and local government officials. The annual report shall be made available to the public upon request.

Section 3. Review of draft reports. A draft of the proposed annual report shall be circulated to all members of the Commission at least seven days prior to consideration by the full Commission at a regular scheduled meeting.

Section 4. Issuance of reports. No report shall be released in the name of the Commission unless it has been adopted by a favorable vote of a majority of the Commission's members.

Section 5. Legislative recommendations. The Commission may make recommendations to the Secretary of the Department of Public Safety, concerning legislation which bears upon duties and responsibilities of the Commission.

ARTICLE X

AMENDMENTS

These bylaws may be amended or replaced upon the favorable vote of a majority of the members of the Commission at any regular meeting of the Commission provided that proposed changes have been circulated to all members twenty-eight days prior to any action.

ARTICLE XI

RATIFICATION PROVISION

These bylaws were duly adopted initially by a majority of the members of the Commission this 14th day of May, 1991. They were amended by a majority vote of the Commission this 16th day of December, 1992. They were further amended by a majority vote of the Commission the 27th day of April, 1993, the 6th day of April, 1994, the 27th day of September, 1995, the 18th day of February, 1998, and the 10th day of March, 2009.

ATTACHMENT 7

LERC Hazardous Material Planning Review Criteria

NRT1-A	CRITERIA FOR HAZMAT PLANNING	
Ref. No.		
2.0	PROMULGATION STATEMENT	
2.1	A document signed by the chairperson of the LEPC, promulgating the plan for the parish.	
2.4	Mutual aid agreements between the affected facilities and local jurisdictions for emergency response and notification of responsibilities.	
3.0	LEGAL AUTHORITY AND RESPONSIBILITY FOR RESPONSE	
3.1	Describe, reference, or include legal authorities of the jurisdictions whose HAZMAT emergency response roles are described in Annex H, including authorities of the local emergency planning committee and the local jurisdictions within the parish.	
4.0	TABLE OF CONTENTS	
5.0	ABBREVIATIONS AND DEFINITIONS	
5.1	Explain all abbreviations and define all essential terms included in the Annex text.	
6.0	PLANNING FACTORS	
6.1	List scenarios that might develop from any accident at the affected facilities or along any transportation routes.	
6.2	Identify facilities that possess extremely hazardous substances and the transportation routes along which such substances may move within the parish.	
6.3	Identify and describe other facilities that may contribute additional risks by virtue of their proximity to the above mentioned facilities.	
6.4	Identify and describe facilities that are subject to additional risks due to their proximity to facilities with extremely hazardous substances, such as health care facilities.	
6.5	Include methods for determining that a release of an extremely hazardous substance has occurred and the area of population to be affected.	
6.6	Include the major findings from the hazard analysis, (date of analysis should be provided) which should consist of worse case scenarios of fixed facilities, transportation incidents, and any other potentially dangerous situation that may occur as a result of a hazardous material release.	
7.0	CONCEPT OF OPERATIONS	
7.1	Designate a local emergency manager (coordinator) and facility emergency managers, who shall make determinations necessary to implement HAZMAT Emergency plans.	
7.9	Describe conditions under which the local government will coordinate the response with other parishes and the means or sequence of activities to be followed by parishes in interacting with other parishes.	
8.0	INSTRUCTIONS FOR ANNEX USE	
8.2	Contain a list of organizations and titles of persons receiving the Annex or amendments and the date that the Annex was transmitted.	

9.0	RECORD OF AMENDMENTS
9.1	Contain a section that describes methods for maintaining and revising the Annex and recording all changes in the Annex.
10.0	EMERGENCY NOTIFICATION PROCEDURES
10.1	Include methods for providing reliable, effective, and timely notification by a facility, a transporter, or other regulated agencies to local, state, and federal emergency personnel, that a release has occurred.
11.0	INITIAL NOTIFICATION OF RESPONSE AGENCIES
11.1/11.2	Describe methods or means to be used by facility emergency managers within the parish to give notification of any release to local emergency managers of any potentially affected parishes and SERCs, in compliance with Section 304 of Title III.
	Describe methods by which the local emergency managers and local response organizations will be notified of releases from transportation accidents.
12.0	DIRECTION AND CONTROL
12.1	Include methods and procedures to be followed by facility owners and operators and local emergency personnel to respond to a release of extremely hazardous substances.
12.8/12.9/12.10	List the levels of response codes, conditions for each, and indicate responsible organizations at each level.
14.0	WARNING SYSTEMS AND EMERGENCY PUBLIC NOTIFICATION
14.1	Identify responsible officials in the parish and describe the methods by which they will notify the public of a release of hazardous materials.
16.0	RESOURCE MANAGEMENT
16.1	Include a description of emergency equipment at each facility, in the community, subject to the requirements of this subtitle and identify, by title persons responsible for such equipment and facilities.
16.9	Describe emergency response capabilities and the expertise in the private sector that might be available to assist local responders, facility managers, and transportation companies during emergencies.
17.0	HEALTH AND MEDICAL
17.1	Include methods and procedures to be followed by medical personnel to respond to a release of hazardous substances.
17.6	Describe the procedures for conducting health assessments upon which to base protective action decisions.
19.0	PERSONAL PROTECTION OF CITIZENS
19.1	Describe methods for determining the areas likely to be affected by a release.
20.0	PERSONAL PROTECTIVE MEASURES/ EVACUATION PROCEDURES
20.1	Describe evacuation plans, including those for precautionary evacuations and alternative traffic routes.
20.4	Describe the role of the affected facilities in the evacuation decision making process.

20.12	Describe procedures for providing security for the evacuation of evacuees and affected areas.
26.0	TECHNIQUES FOR SPILL CONTAINMENT AND CLEANUP
26.1	Explain the allocation of responsibilities among local authorities, affected facilities, and responsible parties for these activities.
29.0	TRAINING
29.1	List of training programs and current schedules for training of local emergency response and medical personnel.
29.3	Describe training requirements for all major categories of hazardous materials emergency response personnel, including the types of courses and the number of hours.

ATTACHMENT 8

Louisiana LEPCs

State of Louisiana Local Emergency Planning Committees

Updated as of January, 2011

Mr. Terry Romero, Chair
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Mr. Paul Oncale, Chair
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Web Site: none

Sgt. Kenneth D. Noble, Chair
Vernon Parish Emergency Planning Committee
c/o Vernon Parish Sheriff's Office
P. O. Box 649
Leesville, LA 71446
Phone: 337-238-1311 or 337-238-7255
Fax: 337-238-4987 or 337-238-4580
Email: knoblevpso@bellsouth.net
Web Site: none

Mr. Thomas Thiebaud, Chair
Washington Parish Emergency Planning Committee
c/o Washington Parish Office of Homeland Security and Emergency Preparedness
803 Pearl Street
Franklinton, LA 70438
Phone: 985-732-5200 or 985-839-0434
Fax: 985-732-5830
Email: tthiebaud@wpgov.org
Web Site: <http://www.wpgov.org>

Mr. John Stanley, Chair
Webster Parish Emergency Planning Committee
c/o Webster Parish Office of Homeland Security and Emergency Preparedness
128 Stanley Road
Shongaloo, LA 71072
Phone: 318-846-2454
Fax: 318-846-2446
Email: websterohsep@wildblue.net
Web Site: none

Mr. Deano Moran, Chair
West Baton Rouge Parish Emergency Planning Committee
c/o West Baton Rouge Parish Office of Homeland Security and Emergency Preparedness
P. O. Box 757
Port Allen, LA 70767
Phone: 225-346-1577 or 225-346-1584
Fax: 225-346-0284
Email: deano.moran@wbr council.org
Web Site: <http://wbr council.org>

Ms. Peggy Robinson, Chair
West Carroll Parish Emergency Planning Committee
c/o West Carroll Parish Office of Homeland Security and Emergency Preparedness
P. O. Drawer 630
Oak Grove, LA 71263
Phone: 318-428-8020
Fax: 318-428-8025
Email: wcpoep@bellsouth.net
Web Site: none

Chief Tommy C. Boyett, Chair
West Feliciana Parish Emergency Planning Committee
c/o West Feliciana Parish Office of Homeland Security and Emergency Preparedness
P. O. Box 1190
St. Francisville, LA 70775
Phone: 225-635-4312
Fax: 225-635-4328
Email: tboyett@bellsouth.net
Web Site: none

Mr. Cranford Jordan, Chair
Winn Parish Emergency Planning Committee
c/o Winn Parish Fire District # 3
P. O. Box 70
Winnfield, LA 71483
Phone: 318-628-1230
Fax: 318-628-2223
Email: winnparishfd3@hotmail.com
Web Site: none

ATTACHMENT 9

Fixed Site and Transportation Release and Incident Reporting Criteria

FIXED SITE RELEASE AND INCIDENT REPORTING CRITERIA

(Summary of Section 10111 of the Right-to-Know Rules)

In an effort to develop a more effective and efficient notification process a Uniform Hazardous Materials Reporting Form has been distributed to all industries, LEPCs, and state agencies. This Uniform Hazardous Materials Reporting Form is the product of numerous contacts with both local government and industries. Its purpose is to identify required components of a legal notification and develop a common format. This form is the statewide standard for initial immediate notifications meeting all SARA, Title III and State Police Right-to-Know Law requirements for notification of chemical releases and emergency situations. The department encourages you to use this form in your release notification process. All information collected and processed to develop statistical data will originate from this form.

FIXED SITE FACILITY INCIDENTS

Louisiana's Right-to-Know Law R.S. 30:2361-2380, also known as the Hazardous Material Information Development, Preparedness, and Response Act, provides definitions of both "release" and "reportable release." "**Release**" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous material or substance. However, the term release as used in this Paragraph shall not include federal or state permitted releases. "**Reportable release**" means a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the reportable quantity when that reportable quantity, as defined pursuant to rules promulgated by the deputy secretary, could be reasonably expected to escape beyond the site of the facility. A reportable release as defined herein shall be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one-time discharge, with in any continuous twenty-four hour period.

Briefly stated, the Act requires that any release of a regulated hazardous material must be reported immediately if it meets one or more of the following criteria:

- 1) causes any injury requiring hospitalization or any fatality; or
- 2) results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility; or
- 3) exceeds the reportable quantity during any continuous 24 hour period when that reportable quantity * could reasonably be expected to escape beyond the site of the facility.

In addition to the above criteria defining reportable releases, the 1999 Regular Session of the Louisiana Legislature added the following:

- 4) Any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility; or
- 5) Any incident where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department.

* Reportable quantities are specified in the section of the Right-to-Know Rules dealing with release reporting for the following categories of hazardous materials:

- 1) any material and its RQ appearing on the most current list of Extremely Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 355, Appendix A);
- 2) any material and its RQ appearing on the most current list of CERCLA Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 302, Table 302.4);
- 3) any material and its RQ appearing on the most current list of Hazardous Substances and Reportable Quantities as established by the Department of Transportation, Research and Special Programs Administration (49 CFR Part 172, Appendix to 172.101);
- 4) any material on which maintenance of an MSDS is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Paragraphs 1, 2 or 3 above, must be reported if the material released exceeds the RQ of 5000 pounds hereby established by the Louisiana Department of Public Safety and Corrections, except that all compressed or refrigerated flammable gases and all flammable liquids (as defined in 49 CFR 173.120) will have a 100 pound RQ, and all other liquids requiring maintenance of an MSDS will have a 1000 pound RQ.

All releases and incidents as defined above must be reported immediately to:

- 1) Local Emergency Planning Committee (with jurisdiction over a facility); and then to
- 2) Emergency Response Commission via the Office of State Police, Transportation and Environmental Safety Section, using the Hazardous Materials Hotline phone number **225/925-6595** or toll free **1-877/925-6595**.

Facilities must also make follow-up written reports for all legally reportable releases and incidents within five business days after the release or incident occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Right-to-Know Unit, P.O. Box 66168, Baton Rouge, LA 70896-6168. The format for this report should be as outlined in Subsection G of Section 10111 of the Right-to-Know rules and in Title III of the Superfund Amendments and Reauthorization Act (SARA). Any additional information not given in the initial telephone notification should also be included.

Any emergency or release notification made to the Hazardous Materials Hotline must be received no later than one hour after the occurrence, depending on the exigency of the

circumstances. This is a guideline which places the burden of immediate notification on the responsible party ensuring that timely notification to Local and State government occurs. The purpose of this immediate notification is to ensure the public safety.

The Uniform Hazardous Materials Reporting Form should be used by all those involved in emergency and release notifications. The success of this uniform process is dependent on its application on a statewide basis at all levels of the notification process.

TRANSPORTATION RELEASE AND INCIDENT REPORTING CRITERIA

RS 32:1510. REPORTING OF INCIDENTS, ACCIDENTS, AND CLEANUPS

A. Each person involved in an incident, accident, or the cleanup of an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to this Chapter shall report immediately by telephone to the department if that incident, accident, or cleanup of an incident or accident involves:

- (1) A fatality due to fire, explosion, or exposure to any hazardous material.
- (2) The hospitalization of any person due to fire, explosion, or exposure to any hazardous material.
- (3)(a) A continuing danger to life, health, or property at the place of the incident or accident under any of the following circumstances:
 - (i) The incident or accident results in the release of a hazardous material, as defined in Title 49 of the Code of Federal Regulations.
 - (ii) As a result of the incident or accident, a bulk package of a regulated hazardous material as defined in Title 49 of the Code of Federal Regulations, comes to rest at an angle forty-five degrees or more from the upright position.
 - (iii) It is deemed necessary to transfer a hazardous material, as defined in Title 49 of the Code of Federal Regulations, from one bulk package to another bulk package on a public highway or within 500 feet of an inhabited building.
- (b) Vehicles suffering mechanical failures completely unrelated to the transportation container or the material contained therein, shall not be required to notify under this Paragraph.
- (4) An estimated property damage of more than ten thousand dollars.

• • • •

E. (1) Notwithstanding any other provision of law to the contrary, the provisions of this Section shall not apply to any incidents, accidents, or cleanup of incidents or accidents that occur within a facility that is subject to the release reporting requirements of R.S. 30:2373(B) and is engaged in activities defined or classified under one or more of the following subsectors, industry groups, or industries of the 1997 North American Industry Classification System (NAICS):

- (a) 211 (oil and gas extraction)
- (b) 22111 (electric power generation)
- (c) 3221 (pulp, paper, and paperboard mills)
- (d) 324 (petroleum and coal products manufacturing)
- (e) 325 (chemical manufacturing)
- (f) 326 (plastics and rubber products manufacturing)
- (g) 331 (primary metal manufacturing)
- (h) 4953 (refuse systems)
- (i) 4212 (local trucking without storage)
- (j) 4789 (trucking without storage)

(2) Notwithstanding the provisions of Paragraph 1 of this Subsection, this Section shall apply to any carrier involved in any incident, accident, or cleanup of an

incident or accident which occurs outside the perimeter of any facility exempted from this Section pursuant to Paragraph 1 of this Subsection.

Any emergency or release notification made to the Hazardous Materials Hotline must be received no later than one hour after the occurrence, depending on the exigency of the circumstances. This is a guideline which places the burden of immediate notification on the responsible party ensuring that timely notification to Local and State government occurs. The purpose of this immediate notification is to ensure the public safety.

ATTACHMENT 10

Uniform Hazardous Materials Reporting Form

Uniform Hazardous Materials Reporting Form

		Incident # _____	Date / Time _____	
Courtesy Call () Reportable () Parish _____		Notified _____ / _____		
Caller's Name _____		Occurred _____ / _____		
Caller's Employer _____		Secured _____ / _____		
Caller's Phone # _____				
Incident Location _____	City _____	Range _____	Township _____	Section _____
Company _____	Name _____	Address _____	City _____	
Chemical Involved _____	ID _____	EHS () Solid _____	Qty. _____	RQ _____
Hazard Class _____			Liquid _____	Gas _____
Did material go offsite? Yes _____ No _____	Release to: Land _____	Water _____	Air _____	
Any off-site protective action? Yes _____ No _____	Road Closure _____	Shelter _____	Evacuation _____	
Wind Direction _____			Fire: Y () N ()	
Wind Speed _____			Injuries: Y () N ()	
Temperature _____			Fatalities: Y () N ()	
Precipitation: None _____ Rain _____ Other _____				

Details:

UNIFORM HAZARDOUS MATERIALS REPORTING FORM

The following is a detailed explanation of the content and format of the Uniform Hazardous Materials Reporting Form.

- 1) Incident Number.....Issued by the State Police
- 2) Courtesy vs. Reportable.....Determined by State Police
- 3) Parish.....Parish of occurrence
- 4) Caller's Name.....Name of person making report
- 5) Caller's Phone No.....Callback number which will be answered by caller
- 6) Date & Time Notified.....Date & time of notification as recorded by State Police
- 7) Date & Time Occurred.....Date & time of occurrence as provided by the reporting facility
- 8) Date & Time Secured.....Date & time release ends or is terminated
- 9) Incident Location.....Specific location of the release- street address, latitude & longitude, or range, township & section should be provided
- 10) Company.....Facility owner/operator or transportation company responsible for the release
- 11) Company Address.....Mailing address of reporting facility or transporter
- 12) Chemical(s) Released.....Complete chemical name - no abbreviations, trade names or industry slang terminology will be accepted
- 13) Quantity Released.....Total quantity of the release is to be provided or an estimate of the amount release is to be made. Initial estimates can be revised via an update notification

- 14) RQ - Reportable Quantity.....Designated reportable quantity in Federal and State Regulations
- 15) Hazard Classification.....Designation of the chemical hazards of the material, for example the DOT or NFPA hazard classification
- 16) ID Number.....Transportation only - obtained from the DOT shipping documents
- 17) EHS - Extremely Hazardous Substance.....Designation by USEPA
- 18) Solid - Liquid - Gas.....Physical state of the chemical at the time of release
- 19) Did the material go offsite?.....Question which must be answered by the caller, whether the material escaped beyond the facility
Gaseous and vapor releases are reportable as escaping offsite
- 20) Released to: Land - Water - Air.....Medium to which the release occurred
- 21) Any off-site protective action?.....Question which must be answered by the caller, recommendation must be provided
- 22) Road Closure - Shelter - Evacuation.....Examples of off-site protective actions
- 23) Wind Direction.....Explanation of direction "to" or "from" must be provided
- 24) Wind Speed.....Self-explanatory
- 25) Temperature.....Self-explanatory
- 26) Precipitation.....Self-explanatory
- 27) Fire - Injuries - Fatalities.....Occurred as a result of the release
- 28) Details.....Any additional information which is communicated in the notification

ATTACHMENT 11

Emergency Response Phone List

LEPC Emergency Release Notification Information

Updated as of February 07, 2011

	Parish	Day Contact		Night Contact	
		Agency	Phone	Agency	Phone
1	Acadia	911 Dispatch	337-788-8772	911 Dispatch	337-788-8772
2	Allen	Oakdale Fire Dept	318-335-1155	Oakdale Fire Dept	318-335-2820
3	Ascension	Office of Emergency Preparedness	225-621-8360	Sheriff's Office	225-621-8300
4	Assumption	Sheriff's Office	985-369-2912	Sheriff's Office	985-369-2912
5	Avoyelles	Sheriff's Office	318-253-4000	Sheriff's Office	318-253-4000
6	Beauregard	Sheriff's Office	337-463-3281	Sheriff's Office	337-463-3281
7	Bienville	Sheriff's Office	318-263-2215	Sheriff's Office	318-263-2302
8	Bossier	Fire Department	318-741-8711	LEPC	318-425-5351
9	Caddo	Shreveport Fire Dept	318-675-2137	Office of Homeland Security & Emergency Preparedness	318-425-5351
10	Calcasieu	Office of Homeland Security & Emergency Preparedness	337-439-9911	911 Dispatch	337-439-9911
11	Caldwell	Sheriff's Office	318-649-2345	Sheriff's Office	318-649-2345
12	Cameron	Office of Emergency Preparedness	337-775-5111	Sheriff's Office	337-775-5111
13	Catahoula	Office of Emergency Preparedness	318-729-7401	Office of Emergency Preparedness	318-729-7401
14	Claiborne	Sheriff's Office	318-927-2011	Sheriff's Office	318-927-2011
15	Concordia	Police Jury	318-336-7151	Sheriff's Office	318-757-3162
16	De Soto	Sheriff's Office	318-872-3956	Sheriff's Office	318-872-3956
17	E Baton Rouge	FD Communications	225-389-2050	FD Communications	225-389-2050
18	E Carroll	Sheriff's Office	318-559-2800	Sheriff's Office	318-559-2800
19	E Feliciana	Sheriff's Office	225-683-5459	Sheriff's Office	225-683-5459
20	Evangeline	Sheriff's Office	337-363-3345	911 Dispatch	337-363-3345
21	Franklin	Office of Homeland Security & Emergency Preparedness	318-435-6247	Sheriff's Office	318-435-4505
22	Grant	Office of Homeland Security & Emergency Preparedness	318-627-3041	Sheriff's Office	318-627-3261
23	Iberia	Sheriff's Office	337-369-3711	Sheriff's Office	337-369-3711
24	Iberville	911 Dispatch	225-687-5140	Sheriff's Office	225-687-5140
25	Jackson	Sheriff's Office	318-259-9021	Sheriff's Office	318-259-9021
26	Jefferson	Office of Homeland Security & Emergency Preparedness	504-736-6211	Office of Homeland Security & Emergency Preparedness	504-736-6211
27	Jeff Davis	Jennings Fire Dept	337-821-5508	Sheriff's Office	337-821-2100
28	Lafayette	Office of Homeland Security & Emergency Preparedness	337-291-5075	Office of Homeland Security & Emergency Preparedness	337-291-5075
29	Lafourche	Office of Homeland Security & Emergency Preparedness	985-446-8427	Parish Government	985-446-8427
30	La Salle	Sheriff's Office	318-992-2151	Sheriff's Office	318-992-2151
31	Lincoln	Sheriff's Office	318-251-5111	Sheriff's Office	318-251-5111
32	Livingston	Office of Emergency Preparedness	225-686-3066	Sheriff's Office	225-686-2241
33	Madison	Office of Homeland Security & Emergency Preparedness	318-574-6911	Sheriff's Office	318-341-1697
34	Morehouse	Sheriff's Office	318-874-3907	Sheriff's Office	318-281-4141
35	Natchitoches	Sheriff's Office	318-352-6432	Sheriff's Office	318-352-6432
36	Orleans	911 Dispatch	504-671-3939	911 Dispatch	504-671-3939
37	Ouachita	Fire Department	318-343-1122	Fire Department	318-343-1122
38	Plaquemines	911 Dispatch	504-394-3541	Belle Chasse Fire Dept	504-394-3541
39	Pointe Coupee	Sheriff's Office	225-694-3737	Sheriff's Office	225-694-3737
40	Rapides	Office of Homeland Security & Emergency Preparedness	318-445-1418	911 Dispatch	318-445-1418
41	Red River	Sheriff's Office	318-932-5753	Sheriff's Office	318-932-4221
42	Richland	Sheriff's Office	318-728-2071	Sheriff's Office	318-728-2071

	Parish	Day Contact		Night Contact	
		Agency	Phone	Agency	Phone
43	Sabine	EOC	318-256-2675	Sheriff's Office	318-256-9241
44	St Bernard	Fire Department	504-278-4275	Fire Dispatch	504-279-1200
45	St Charles	Emergency Ops	985-783-5050	Emergency Ops	985-783-5050
46	St Helena	Sheriff's Office	225-222-4413	Sheriff's Office	225-222-4413
47	St James	Sheriff's Office	225-562-2200	Emergency Operator	225-562-2364
48	St John	Office of Homeland Security & Emergency Preparedness	985-652-2222	911 Dispatch	985-652-6338
49	St Landry	Office of Homeland Security & Emergency Preparedness	337-948-7177	911 Dispatch	337-948-9088
50	St Martin	Sheriff's Office	337-394-2800	Sheriff's Office	337-394-2800
51	St Mary	Sheriff's Office	337-828-1960	Sheriff's Office	337-828-1960
52	St Tammany	Emergency Ops	985-898-2359	Emergency Ops	985-898-2338
53	Tangipahoa	911 Dispatch	985-748-8977	911 Dispatch	985-748-8959
54	Tensas	Sheriff's Office	318-766-3961	Sheriff's Office	318-766-3961
55	Terrebonne	Houma Police Dept	985-879-3568	Office of Emergency Preparedness	985-580-0911
56	Union	Sheriff's Office	318-368-3124	Sheriff's Office	318-368-3124
57	Vermilion	OHSEP	337-898-4308	911 Communications	337-898-4364
58	Vernon	Sheriff's Office	337-238-1311	Sheriff's Office	337-238-1311
59	Washington	Office of Homeland Security & Emergency Preparedness	985-732-5200	Fire Department	985-732-5200
60	Webster	Sheriff's Office	318-377-1515	Sheriff's Office	318-377-1515
61	W B Rouge	Sheriff's Office	225-346-1577	Sheriff's Office	225-490-8599
62	W Carroll	Office of Homeland Security & Emergency Preparedness	318-428-8020	Sheriff's Office	318-428-2331
63	W Feliciana	Fire District # 1	225-635-4312	911 Dispatch	225-784-3136
64	Winn	Fire District # 3	318-628-1230	Sheriff's Office	318-628-4611

ATTACHMENT 12

Right-to-Know Unit State Repository Agreement
and
List of Parishes Signing the Agreement

STATE OF LOUISIANA
PARISH OF _____

OFFICE OF STATE POLICE
STATE REPOSITORY AGREEMENT
The Louisiana State Police, Right-To-Know Unit

and

Enter into the following Legal Agreement:

The Local Emergency Planning Committee (L.E.P.C.) for the Parish of
_____ hereby designates the Louisiana State Police Right-To-Know
Unit as its repository to store and record all information on Tier Two Inventory Reporting
submitted by regulated facilities. The _____ L.E.P.C. further agrees to
forward to the Right-To-Know Unit all public information requests concerning such records.

As a result of this agreement, the State Police Right-To-Know Unit will provide a one
time grant to the _____ L.E.P.C. the amount of two thousand
(\$2,000.00) dollars for the purchase of computer equipment and Internet Access in order to
access the L.S.P. Right-To-Know Tier Two database.

LEPC CHAIRPERSON

LSP APPROVAL

DATE

Right-to-Know and LEPC State Repository Agreements Signed

ACADIA	NATCHITOCHES
ALLEN	ORLEANS
ASCENSION	OUACHITA
ASSUMPTION	PLAQUEMINES
BIENVILLE	POINTE COUPEE
BOSSIER	ST. BERNARD
CADDO	ST. CHARLES
CAMERON	ST. HELENA
CATAHOULA	ST. JAMES
CLAIBORNE	ST. JOHN
EAST BATON ROUGE	ST. LANDRY
EAST CARROLL	ST. MARTIN
EAST FELICIANA	ST. TAMMANY
EVANGELINE	TANGIPAHOA
GRANT	TENSAS
IBERIA	TERREBONNE
IBERVILLE	VERMILION
JEFFERSON DAVIS	WASHINGTON
LAFAYETTE	WEBSTER
LAFOURCHE	WEST FELICIANA
LASALLE	WEST BATON ROUGE
LIVINGSTON	WEST CARROLL
MOREHOUSE	WINN

The Local Emergency Planning Committees on the above list have officially designated the State Police Right-to-Know Unit as the repository of their Tier Two filings by signing the State Repository Agreement. This designation allows the LEPC to accept reports filed into the state database as having been filed with them since they have electronic internet access to the information. Therefore, reporting facilities in the listed parishes are no longer required to send paper submittals of their Tier Two chemical inventory data to the LEPC.