

## Ohio LEPC Funding

The following are the guidelines for the State Emergency Response Commission (SERC) grant that is available for the Local Emergency Planning Committees (LEPCs).

The money allocated by the SERC through the grant program to the LEPCs shall be used for implementation and administration of the emergency planning efforts of the LEPC, pursuant to the Ohio Revised Code (ORC) Chapter 3750 of the Emergency Planning and Community Right-to-Know Act, including:

1. Contingency planning for chemical releases;
2. Exercising, evaluating, and distributing plans;
3. Providing training related to chemical emergency preparedness and prevention of chemical accidents;
4. Identifying facilities required to report; monitor regulated facilities, and conduct compliance and enforcement activities to ensure that facilities have submitted required information;
5. Processing the information submitted by the facilities and making it available to the public;
6. Receiving and handling emergency notifications of chemical releases;
7. Operating a local emergency planning committee; and
8. Providing public notice of chemical preparedness activities.

### SERC Funding

The SERC funding program's purpose is for the implementation and administration of the Emergency Planning and Community Right-to-Know Act (EPCRA). ORC Section 3750.14 authorizes the State Emergency Response Commission (SERC) to provide assistance to the LEPCs through funding received from the hazardous chemical fee system. This funding program is supported by fees collected under a state fee program requiring a facility to comply with reporting requirements under EPCRA. These fees are placed in the "Emergency Planning and Community Right to Know Fund." Funds are provided directly to the designated LEPCs each year.

ORC 3750.03(f) states the following:

Moneys received by the committee of a district lying wholly within the boundaries of a county shall be credited to a special emergency planning fund in the treasury of the county. If a district or joint district contains territory within two or more counties, moneys received by the committee shall be credited to a special emergency planning fund in the treasury of the county whose county auditor has been designated by the committee as the fiscal officer of the district. The fund shall be administered by the committee of the district, and moneys credited to

the fund shall be expended only for the purposes of carrying out the powers and duties of the committee under this chapter and rules adopted and orders issued under it. Moneys received by the committee of a joint interstate district shall be credited, administered, and expended in the same manner as in a joint district unless the agreement establishing the joint interstate district provides otherwise.

The following are examples of projects and activities eligible for SERC fee funding.

1. Contingency planning for chemical releases;
  - Purchasing PCs, printers, and software, and monthly service costs for Internet access to support planning for hazardous material releases and responses (e.g. CAMEO, Tier2Submit, GIS).
  - Installation cost of cable or satellite service installed at primary EOC (as identified in county emergency operation plan), and monthly service fee for cable or satellite service
  - Pay for expenses associated with developing, reviewing and updating hazardous material emergency response plans and procedures.
  - Expenses associated with printing, copying and distributing informational materials to LEPC members and other appropriate groups.
2. LEPC Employees
  - Salaries for LEPC employees are limited to an emergency coordinator, information coordinator and clerical staff.
  - Contractual employees hired for contingency plan development.
3. Exercising, evaluating, and distributing plans;
  - Expenses to conduct emergency response drills and exercises associated with the plan;
    1. Salaries and overtime costs of participants in exercises or training activities are **not** allowable expenses.
    2. Costs of fire engines and equipment trucks to participate in exercise are **not** allowable expenses.
    3. Salaries and overtime costs of “back-fill” employees are **not** allowable expenses. (Back-fill employees are those employees who are paid to provide the services of those participating in the exercises and/or training.)
  - Copying and mailing expenses, if applicable, to distribute the plan.
  - Fees for a professional instructor support to design and/or oversee exercises.
  - Expenses to conduct specialized and functional exercises (focusing on a specific issue, such as in-place protection, etc.)
4. Providing training related to chemical emergency preparedness and prevention

of chemical accidents;

- Expenses to participate in appropriate local, state, regional, or federal training courses. Appropriate courses may relate to planning, response, inspections, compliance, personnel, safety, safety audits, etc.
- The salaries and overtime costs associated with back-fill employees are **not** allowable expenses.
- Expense of printing and mailing training material.
- Rental of a facility or equipment needed for training purposes.
- Fee for a special instructor (as required).
- Purchase of training programs and/or materials to be used to support local training.
- Expenses incurred for food and/or beverages provided at LEPC training sessions are allowed provided they satisfy the following three tests:
  - The cost of the food and/or beverages is considered reasonable;
  - The food and/or beverages are provided at a LEPC function;
  - The food and/or beverages provided are not related directly to amusement and/or social events (Any event where alcohol is being served is considered a social event and, therefore, costs associated with that event are not allowable.)

5. Identifying facilities required to report; monitor regulated facilities, and conduct compliance and enforcement activities to ensure that facilities have submitted required information;
  - Print and mail notices to potentially covered facilities.
  - Expenses for contracted clerical personnel to create and maintain a paper file and/or electronic database of reported facilities.
  - Vehicles used for compliance and enforcement activities or mileage reimbursement to another agency for use of vehicle for compliance and enforcement activities. (NOTE - Any purchase of a vehicle or trailer must be pre-approved by the SERC Executive Committee. The Executive Committee will consider the scope of activities conducted by the LEPC, the status of planning and exercise requirements, and the appropriateness of the type of vehicle requested as part of its evaluation of the vehicle purchase request.) The vehicle costs allowed under this provision include vehicle maintenance costs, gas, and insurance.
6. Processing the information submitted by the facilities and making it available to the public;
  - Expenses to set up and maintain a chemical inventory reporting file system and/or information database.
  - Purchase file cabinet and file guides to organize and file information.

7. Receiving and handling emergency notifications of chemical releases;
  - Expenses to set up and maintain an emergency release notification filing system and database.
  - Expenses to purchase, maintain, and use (air time or minutes) a reverse notification system. (The system must be capable of being used for notifications regarding hazardous materials. Plans for use must include activation for warnings involving hazardous material incidents.)
  
8. Operating a local emergency planning committee; and
  - Expenses for contracted services with a resolution by the LEPC.
  - Expenses associated with printing, copying and distributing informational materials to LEPC members and other appropriate groups.
  - Expenses as needed for LEPC Committee meetings and other LEPC activities.
  - Pay for an independent audit of LEPC fund use as needed.
  - Outreach expenses including brochure development and printing.
  - Public outreach related expenses including inexpensive logo items, such as pens and frisbees.
  - Logo apparel is an allowable expense if it is used by the LEPC representative during outreach events as a professional representation. The purchase of logo apparel should be limited to two items per LEPC information and/or emergency coordinator. Additional logo apparel should be purchased on a replacement basis only.
  
9. Providing public notice of chemical preparedness activities.
  - Advertising LEPC meetings and activities in newspapers, radio, TV, etc.

## LEPC EMERGENCY RESPONSE EQUIPMENT

Funds provided under ORC Chapter 3750 are intended primarily to support planning, training, and community right-to-know components of local emergency preparedness for chemical hazards. If a Local Emergency Planning Committee elects to use these funds for hazardous materials response equipment:

1. The SERC requires that the LEPC complete the training of emergency management personnel within its emergency planning district in accordance with the most recent review of the LEPC plan as required by ORC 3750.14(D)(4).
  
2. The SERC recommends that the LEPC has completed the following:
  - a. The LEPC should have completed a hazards analysis for each Extremely Hazardous Substances (EHS) facility and the more common hazardous chemicals present in their community.

- b. The LEPC should have completed a local emergency plan following the guidelines of 40 CFR Part 311 and 29 CFR 1910.120 and ORC 3750.04.
- c. The personnel who will be using the equipment should have the level of training needed for their expected level of involvement with hazardous chemicals as specified in 40 CFR Part 311 and the local emergency plan. Ongoing training to maintain response competency and for use of the purchased equipment should also be considered.
- d. The purchase must be permissible under the SERC Emergency Response Equipment Purchase Policy (see attached policy).

### **Unallowable Expenses**

Expenses not related to LEPC functions pursuant to federal and state laws and regulations are not allowed. Unallowable expenses include, but are not limited to:

- 1. Activities relating solely to homeland security, terrorism, and/or weapons of mass destruction that do not contain a link to hazardous materials and/or the hazardous materials planning component to these identified areas.
- 2. Activities that include/involve solely the issue of biological and/or pathogenic hazards.
- 3. Search and rescue not related to and/or non-hazmat related.
- 4. Emergency response activities and remediation to illegal drug labs. Meth lab training is an allowable expense.
- 5. Functions of other agencies.
- 6. Finance charges, late fees, taxes.
- 7. Television Cable service; exception being cost of cable or satellite installed at primary EOC as identified in county emergency operation plan.
- 8. Medical exams, respirator fit testing and physicals.
- 9. Public outreach expenses for non-LEPC related activity (e.g., brochures for severe weather training, or port-a-potty rental for safety day).
- 10. Reimburse any person for expenditures incurred for emergency response and cleanup of a release of oil, a hazardous substance, or an extremely hazardous substance. For contracted services, there should be no duplication of reimbursement for the costs of representing an LEPC at a spill, and expenses submitted for cost recovery.
- 11. Perform any assessment of damages to natural resources resulting from a release of oil, a hazardous substance, or an extremely hazardous substance.
- 12. Household hazardous waste programs.