

Supporting Statement Part A for Information Collection Request

EPA ICR No. 2660.01, OMB Control No. 2050-NEW

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection:

Survey of State Emergency Response Commissions (SERCs)

1(b) Short Characterization:

Due to concerns raised by two major industrial chemical accidents in the mid-1980s¹, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in October 1986 to encourage emergency planning efforts at the state and local levels and provide the public with information on potential chemical hazards in the community.

EPCRA established State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) and assigned implementation responsibilities to these state and local agencies. EPCRA required SERCs to appoint LEPCs² within a few months after the enactment of EPCRA and to supervise their activities. Most importantly, SERCs are required to ensure that LEPCs develop local emergency response plans for their community, review the plans, and make suggestions to coordinate the plans with neighboring LEPCs. In addition, SERCs are required to collect and manage hazardous chemical information from facilities and to provide access to the public on the presence of hazardous chemicals in the community.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

EPA is continuously assisting state and local agencies in managing information received under EPCRA and developing tools for first responders to use for responding to chemical emergencies. In 1994, 1999, and 2008, EPA's Office of Emergency Management (OEM) conducted three nationwide surveys of the LEPCs. The goal of the surveys were to (1) track the progress of LEPCs by assessing their responsibilities under EPCRA; and (2) probe LEPC practices regarding several important issues, including: communication with local citizens, proactive accident prevention efforts, and the effectiveness of selected OEM products and services.

Results of these surveys indicated that LEPCs, predominantly in urban areas, were more active than those in rural areas. LEPCs in rural areas reported certain challenges in implementing EPCRA, including lack of resources, leadership from local officials, and dedicated membership.

¹ Accidental release of Methyl Isocyanate from Union Carbide facility in Bhopal, India, December 1984 and the release of similar toxic chemical at Institute, West Virginia, August 1985.

² Approximately, 3,500 LEPCs were established within few months after the enactment of EPCRA.

Using this information, EPA developed guidance documents to assist LEPCs in addressing these challenges and meeting their responsibilities under EPCRA. In addition, through these surveys, LEPCs provided valuable best practices which EPA shared with all LEPCs and prompted the publication of a series of guidance entitled “Successful Practices in Title III Implementation.”

Soon after the AWIA amendments went into effect, SERCs expressed concerns about their ability to meet the new requirements, because each provision of EPCRA is managed by a different state agency rather than the SERC organization. Water sector groups and SERCs have requested assistance from EPA to meet the new requirements in AWIA. Similar to the LEPC surveys, EPA believes that a survey of SERCs will provide useful insights in providing Agency assistance.

The data collected in this survey will inform the Agency about SERC current activities, best practices as well as challenges or gaps, so EPA will be better able to assist states that face challenges in meeting their responsibilities under the statute, especially to reenergize LEPCs.

2(b) Practical Utility/Users of the Data

This collection will be used to determine how SERCs are fulfilling the requirements of the law, specifically in sharing key information among all appropriate state organizations and managing LEPCs and their activities. EPA will also use the survey to identify areas where:

- SERCs are having difficulty meeting their requirements and the specific challenges they are facing, and
- EPA can better assist SERCs and LEPCs in implementing EPCRA and its amendments under AWIA.

3. NON-DUPLICATION, CONSULTATION, & OTHER COLLECTION CRITERIA

3(a) Non-duplication

This nature of this data collection is to learn more about the operations and needs of SERCs as they fulfill their requirements as established under EPCRA. While EPA has collected this type of information from LEPCs in the past, the Agency has not engaged in a similar data collection with SERCs. This information is not otherwise reported to the federal government.

3(b) Public Notice Required Prior to ICR submission to OMB

This ICR is being submitted to the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act of 1995 (PRA) and the subsequent rule issued by the OMB on August 29, 1995 (60 FR 44978). In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency has notified the public of the proposed ICR through the *Federal Register* on November 12, 2020 (85 FR 71892); [EPA–HQ–OLEM–2020–0521; FRL–10016-49-OLEM]. The comment period closed on January 13, 2021.

EPA received one “anonymous” public comment during the 60-day comment period.

Comment: “Yesterday’s notice does not provide any information on the questions that will be included in the survey of LEPCs. I would, however, like to suggest that the following questions about LEPCs be included:

- How many counties, parishes or boroughs in the State do not have active LEPCs (active means having an appointed Chair and having conducted a public meeting within the last 12 months)?
- How many active LEPCs have had a public meeting within the last calendar quarter?
- How many facilities within the State are covered by the Chemical Facility Anti-Terrorism Standards (CFATS) program?
- How many of those facilities have had a written emergency response plan prepared by the responsible LEPC?

Additionally, I would like to suggest that this survey be changed from a one-time affair into an annual activity by the EPA.”

EPA’s Response: The survey questions were provided Appendix B in Supporting Statement Part A of the ICR, posted in the docket. EPA also posted the survey questions as a separate file in the docket for this ICR at EPA-HQ-OLEM-2020-0521. In response to the questions suggested by the commenter, the survey questions EPA developed include three of the four questions suggested by the commenter. EPA did not include the question regarding facilities covered by the CFATS program as it is not related to the EPCRA statute or its requirements for SERCs and LEPCs to implement EPCRA. As time and resources allow, EPA may consider commenter’s suggestion on conducting the survey periodically.

3(c) Consultations

To estimate the respondent burden associated with this ICR, EPA contacted a random sample of five SERCs. The selected states (listed below) were given the proposed information collection request and survey questions. The complete list of SERC contacts can be found at:

<https://www.epa.gov/epcra/state-emergency-response-commissions-contacts>

1. Maine
2. Oklahoma
3. Oregon
4. Ohio
5. Colorado

See Appendix A of this document for details on the consultation process.

3(d) Effects of Less Frequent Collection

This effort reflects a one-time collection via a voluntary survey requesting that SERCs respond to EPA’s information request regarding how SERCs implement EPCRA, as well as their best practices, challenges, and gaps in meeting these requirements. This information is critical to the Agency being able to assist SERCs that face challenges in meeting their responsibilities under the statute, especially to assist LEPCs with their responsibilities prescribed in the statute.

Because this is a one-time information collection, the agency is not able to consider potential impacts of less frequent information collection.

3(e) General Guidelines

This ICR adheres to the guidelines for Federal data requestors, as provided at 5 CFR 1320.5.

3(f) Confidentiality

All information submitted to the agency in response to this data collection will be managed in accordance with applicable laws and EPA's regulations governing treatment of confidential business information at 40 CFR Part 2, Subpart B. Any information determined to constitute a trade secret will be protected under 18 U.S.C. § 1905.

3(g) Sensitive Questions

This survey does not contain any sensitive questions.

4. RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Identification of Potentially Affected Facilities/Respondents

The Agency has designated SERCs as respondents for the purposes of the ICR. A SERC is an Emergency Response Commission in any State of the United States, the District of Columbia, and US territories (the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Marianas Islands); a total of 56 SERCs. For the purposes of this ICR, the respondent universe will consist of these 56 SERCs.

4(b) Information Requested

The information requested in the ICR is intended to help accomplish three objectives:

1. Determine how SERCs are fulfilling the requirements of the law, specifically in sharing key information among all appropriate state organizations and managing as well as assisting LEPCs and their activities.
2. Identify areas where SERCs are having difficulty meeting their requirements and the specific challenges they are facing.
3. Identify areas where EPA can better assist SERCs and LEPCs in implementing EPCRA and its amendments under AWIA.

Most of the information requested should already be known by the SERC coordinator, however, respondents may need to gather responses to various questions from other members of the SERC organization or state agencies responsible for managing reports submitted by EPCRA covered facilities.

4(c) Respondent Activities.

The activities a respondent will undertake to fulfill the requirements of the information collection and unit costs for these activities are presented in Table 1 in Section 6. These activities include:

- 1) Read survey instructions;

- 2) Respond to survey questions related to the following topics:
 - a. SERC Organization
 - b. EPCRA Section 302 (Emergency Planning Notification)
 - c. Establishment of Local Emergency Planning Committees (EPCRA Section 301) and EPCRA Section 303 (Emergency Response Plans)
 - d. EPCRA section 304 (Emergency Release Notification)
 - e. EPCRA section 312 (Emergency and Hazardous Chemical Inventory Form, “Tier II” reporting)
 - f. EPCRA Section 313 (Toxics Release Inventory Reporting)
 - g. Public Access to information under EPCRA
 - h. Software Tools for SERCs, LEPCs, and Emergency Responders
 - i. Other EPA resources for SERCs, LEPCs, and Emergency Responders
 - j. Challenges and Successes
- 3) Research various aspects of survey questions if necessary;
- 4) Compile requested information and respond to survey questions; and
- 5) Submit information.

The draft survey questions are provided in Appendix B of this document.

5. AGENCY ACTIVITIES, METHODS, AND INFORMATION MANAGEMENT

5(a) Agency Activities:

The activities that EPA personnel and the contractor will undertake for this information collection and unit costs for these activities are presented in Table 2 in Section 6. These activities include:

- 1) Develop Questionnaire;
- 2) Upload survey questions into a survey instrument (i.e. Qualtrics)
- 3) Publish FR Notice on ICR and develop responses to public comments;
- 4) Review & Analyze Responses to the survey; and
- 5) Tabulate Responses & publish report on the results of the survey

5(b) Collection Methodology and Management

EPA will use Qualtrics to administer the survey. All 56 SERCs will be emailed the link to the survey. In collecting and analyzing the information associated with this ICR, EPA or its contractors will use personal computers, Microsoft Excel© based analysis. EPA or its contractors, will review each submittal for accuracy and completeness to the extent possible. If it is determined that the information submitted is incomplete, EPA or its contractors may follow-up individually with respondents to supplement missing or incomplete data, as available or note the

reason for the incomplete information to ensure transparency of the information collected. The information collected pursuant to this ICR will be maintained electronically on secure EPA servers.

5(c) Small Entity Flexibility

This survey does not impact any small entities.

5(d) Collection Schedule

5(d)(1) Notice of Intent

Once EPA receives OMB approval for the ICR, EPA will send all 56 SERCs a link to the survey via email. One week after the survey link is sent, EPA will follow up individually with SERC coordinators to confirm that they have received the survey link. This will ensure that all potential respondents have been contacted and are able to access the survey, and it will provide an opportunity for SERCs to ask clarifying questions regarding the survey.

EPA will send periodic reminders to the SERCs to ensure the survey is completed on time. EPA expects to send reminders to the SERCs at least weekly. Additionally, EPA will allow up to 14 days after the end of the survey period to receive information.

6. ESTIMATING BURDEN AND COST

6(a) Estimating Respondent Burden

The one-time burden estimate for reporting requirements are presented below in Table 1. These numbers were derived from estimates received during consultation with five SERC coordinators during July-August 2020. Four SERCs provided estimates based on the staff time needed to collect and submit the information required for the survey questions. While the average of the estimate provided by these four SERCs is 3.25 hours, EPA decided to use 4 hours for SERCs to read through the survey instructions, compile data and fill out answers to the survey questions.

6(b) Estimating Respondent Costs

EPA assumes that the SERC coordinator in each state/territory will be responsible for all tasks related to filling out the survey. The labor category of Emergency Management Director from the Bureau of Labor Statistics Occupational Employment Statistics Survey (<https://www.bls.gov/oes/current/oes119161.htm>) is used in this analysis. This rate is loaded using an overhead factor of 110%, consistent with other ICRs. The resulting loaded hourly rate for SERC coordinators is \$71.00 (\$2019).

6(c) Estimating Agency Burden and Cost

As EPA headquarters personnel will be analyzing the survey data, annual federal wage rates are taken from Office of Personnel Management (OPM) 2019 General Schedule (GS) Locality Pay Tables for the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA

(https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf). GS-14 Step 5 is assumed for EPA program staff hours and GS-15 Step 5 is assumed for EPA management staff hours. These agency labor rates include a multiplier of 1.6 to account for overhead and fringe benefit costs. Contractor labor will be involved in the review and analysis of survey responses. For the purposes of this ICR, EPA assumes that contractor rates are equivalent to EPA technical staff labor rates. Management hourly labor rate is \$119.78, and technical staff and contractor hourly labor rate is \$101.82.

6(d) Estimating the Respondent Universe and Total Burden and Costs

The total unit estimated respondent burden hours and costs, presented above in Table 1, are calculated by summing the person-hours column and by summing the cost column. The one-time burden and cost per SERC are estimated to be 4 hours at a cost \$284.00.

The total burden hours and costs are also presented in Table 1. Total burden hours are calculated by multiplying the total number of respondents by the hours per survey, which yields a total burden estimate of 224 hours. Total costs are calculated by multiplying the total number of respondents by the unit cost for each activity, which yields a total cost estimate of \$15,904.

Total Agency burden and cost is calculated in the same manner as the SERC burden and cost. As shown in Table 2, the estimated burden and cost are 292 hours and \$29,785, respectively.

6(e) Bottom Line Burden Hours and Cost Tables

As shown in Table 1, for the purposes of estimating reporting burden, the activities outlined in Section 4(c) are consolidated into two tasks: (1) read survey instructions and compile information and (2) answer survey questions.

Table 1: SERC Burden and Unit Costs (\$2019)

| Activity | SERC Coordinator ¹ \$71.00 | Cost/Task (\$2019) | Response Rate | Total Responses | Total Cost (\$2019) |
|--|--|--------------------|---------------|-----------------|---------------------|
| Read survey instructions and Compile Information | 2 hrs | \$142.00 | 100% | 56 | \$7,952 |
| Answer survey questions | 2 hrs | \$142.00 | 100% | 56 | \$7,952 |
| TOTALS | 4 hrs | \$284.00 | 100% | 56 | \$15,904 |

¹ Respondents for this survey are State Emergency Response Commissions (SERCs). It is assumed that the SERC coordinator in each state/territory will be responsible for all survey completion tasks. Using Bureau of Labor Statistics Occupational Employment Statistics, the Emergency Management Director (11-9161; \$33.81) was considered representative. This rate was then adjusted using a loading factor of 110% to account for overhead and fringe benefit costs.

Table 2. One-Time Burden and Unit Costs for Agency Activities

| | Agency Burden | | Contractor Hourly Wage and Hours | Total Response Hours per Activity | Total Labor Cost per Activity |
|---|--|------------|----------------------------------|-----------------------------------|-------------------------------|
| | (Hourly Wage ¹ and Hours ²) | | | | |
| | Technical | Managerial | | | |
| | \$101.82 | \$119.78 | | | |
| Survey Development Activities | | | | | |
| Publish FR Notice on ICR | 2 | 0.5 | 0 | 2.5 | \$264 |
| Prepare Comment Response | 28 | 0.5 | 0 | 28.5 | \$2,911 |
| Develop Questionnaire | 40 | 1 | 20 | 61 | \$6,229 |
| Code/Send Questionnaire | 1 | 0 | 4 | 5 | \$509 |
| Review & Analyze Responses ³ | 28 | 0 | 112 | 140 | \$14,255 |
| Tabulate Responses & Publish Survey Report | 20 | 1 | 20 | 41 | \$4,193 |
| Respondent Support Activities⁴ | | | | | |
| Answer Respondent Questions pertaining to survey | 14 | 0 | | 14 | \$1,425 |
| Total | | | | 292 | \$29,785 |
| <p>1. Source for EPA labor rates: Office of Personnel Management (OPM) 2019 General Schedule (GS) Locality Pay Tables for the Locality Pay Area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf). For the managerial labor rate, level GS-15, step 5 was used; for the technical labor rate, level GS-14, step 5 was used. All agency labor rates include a multiplier of 1.6 to account for overhead and fringe benefit costs. Contractor labor rates were assumed to be equivalent to EPA technical staff labor rates.</p> <p>2. For survey development activities (except survey mail out and review), 1 hr of management time is assumed.</p> <p>3. This estimate assumes that contractors will perform approximately 80% of the analysis of survey responses, with EPA technical staff performing approximately 20%. The maximum number of surveys that EPA will receive is 56 based on survey participation from all respondents (50 states, the District of Columbia, and 5 territories). EPA estimates that EPA will spend .5 hrs per survey and the contractor will spend 2 hours per survey.</p> <p>4. The Agency assumes that the average respondent (56 respondents) will have one question. A response to each question is estimated to require 0.25 technical hours, on average.</p> | | | | | |

6(f) Reasons for Change in Burden

This is a New ICR, so there is no change in burden.

6(g) Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; search data sources; complete and review the collection of

information; and transmit or otherwise disclose the information. This ICR does not include any requirements that would cause the respondents to incur either capital or start-up costs. An agency may not conduct or sponsor, and a person is not required or requested to respond to, a collection of information request unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR part 15.

Appendix A: Summary of SERC Consultations

To estimate the burden of this ICR, EPA randomly selected five SERCs listed in section 3(c) of this document. The draft survey questions were forwarded and requested to provide an estimate for the number of hours to read through the survey, collect any data from other members of the organization and answer questions in the survey. The draft survey questions are provided in Appendix B of this document.

Although EPA stated that they do not need to complete the survey, one of the five SERC members provided answers to the survey and stated that it took approximately 3 to 4 hours to coordinate answers between others and for management approval. Two SERCs that we contacted stated that it took them 1 to 2 hours to read thru the questions and can provide answers to the survey questions. Other two SERCs commented that the survey is too long, however it would take 3 to 6 hours to collect data from various members of the organization and answer questions in the survey.

These SERCs also provided suggestions to revise certain questions in the survey. These suggestions are incorporated into the draft survey questions in Appendix B of this document.

Appendix B

Draft Questions for the Survey of the State Emergency Response Commissions

Purpose

The U.S. Environmental Protection Agency (“EPA” or “Agency”) is conducting this survey of the State Emergency Response Commissions (SERCs) in each State and territory of the United States. The purpose of this survey is to gather information on the implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA), including best practices, challenges and gaps. After the survey is completed, EPA will publish the results and determine options on how to assist SERC organizations to meet their EPCRA responsibilities.

Survey Background

EPCRA established SERCs and Local Emergency Planning Committees (LEPCs) and assigned implementation responsibilities to these state and local organizations. SERCs have primary responsibility to ensure that each emergency planning district has a comprehensive emergency response plan to protect the community and mitigate the devastating effects of chemical accidents similar to those in West Texas³ and Bhopal, India.⁴

Tribal Emergency Response Commissions (TERCs) have the same responsibilities as SERCs, and Tribal Emergency Planning Committees (TEPCs) have the same responsibilities as LEPCs. If a Tribe does not have the resources to implement EPCRA, it may sign a Memorandum of Understanding (MOU) with their state to implement EPCRA in the tribal region. This survey includes questions to identify how tribes meet EPCRA responsibilities including whether:

- tribes that have an agreement with their SERC to implement the program;
- TERCs have joined any LEPCs; and
- any TERCs are members of their SERC organization.

In October 2018, the release notification and hazardous chemical reporting provisions of EPCRA were amended under America’s Water Infrastructure Act (AWIA; PL 115-270). These amendments assigned additional requirements to SERCs: (1) provide prompt notification of any reportable release under EPCRA section 304 to the State Drinking Water primacy agency or the community water systems whose source water is affected, and (2) provide access to Tier II information (i.e., hazardous chemical inventory data) to the community water systems upon request.

Questions in this survey are intended to gather information on SERC’s current practices related to implementing EPCRA as well as the amendments enacted by AWIA. EPA is eager to learn best practices from states with successful EPCRA programs that we can share with states currently facing challenges in implementing the program. This survey will also identify the challenges experienced by other states. EPA will use this information to better assist states to implement their EPCRA programs.

³ An ammonium nitrate explosion killed 15 first responders at the West Fertilizer Company, West Texas, April 2013.

⁴ EPCRA was enacted on October 17, 1986 in response to concerns raised by the major industrial accident that occurred in 1984 in Bhopal, India, which killed more than 3,000 people and left thousands more disabled.

Survey questions are organized by major EPCRA provisions. Requirements under each provision are identified in each section, with questions related to the following:

1. SERC Organization
2. EPCRA Section 302 (Emergency Planning Notification)
3. Establishment of Local Emergency Planning Committees (EPCRA Section 301) and EPCRA Section 303 (Emergency Response Plans)
4. EPCRA section 304 (Emergency Release Notification)
5. EPCRA section 312 (Emergency and Hazardous Chemical Inventory Form, "Tier II" reporting)
6. EPCRA Section 313 (Toxics Release Inventory Reporting)
7. Public Access to information under EPCRA
8. Software Tools for SERCs, LEPCs, and Emergency Responders
9. Other EPA resources for SERCs, LEPCs, and Emergency Responders
10. Challenges and Successes

I. Questions related to SERC Organization

In this initial section, the questions focus on how the SERC in your state is organized.

EPCRA section 301 requires the establishment of SERCs, local emergency planning districts and LEPCs. Additionally, EPCRA section 301 specifies certain responsibilities for SERCs, including:

- ***supervising and coordinating the activities of the LEPCs,***
- ***establishing procedures for receiving and processing requests from the public for information available under EPCRA, and***
- ***designating an official to serve as the coordinator with the responsibility of providing information collected under EPCRA to the public and other state and local government officials.***

EPCRA section 321 allows states to develop and/or implement their own State right-to-know program provided that it is more stringent than the Federal EPCRA program (Ex: additional chemicals, lower reporting thresholds, etc.).

1. List all entities (e.g. name of the State agency or department, private industry or other non-government representatives, etc.) that make up your SERC organization.

2. Please provide the name(s) of the State agency or department, or other non-government representative(s) that manages the following:

- SERC chair _____
- Supervision of LEPCs and their activities (ex: conducting exercises; attend meetings with community; assist in explaining potential risks to the community)

- Review of emergency response plans _____
- Receipt of Emergency Release Notifications (Initial Telephone Notification)

- Receipt of Emergency Release Notifications (Follow-up Written Reports)

- Receipt of Hazardous Chemical Inventories (Tier II or State equivalent)

- Receipt and processing of public request for EPCRA information

3. How was your SERC formed?

- By State Law
- By Governor's Executive Order
- By Governor's memo/letter
- Other: _____

4. Does your SERC have by-laws that establish how it should implement EPCRA?

- Yes
- No

5. If your SERC has by-laws, what do they include? Check all that apply. If possible, please attach a copy of your by-laws with this survey.

- Delegation of responsibility and authority to all SERC members,
- Identification of who should manage information received from facilities (e.g. Tier II reports; release notification and follow-up written reports, etc.),
- Description of how to assist LEPCs with their responsibilities under EPCRA,
- Other, please provide a brief description.

6. On average, how many meetings does your SERC hold annually?
Number of meetings: _____
7. How do you communicate with your LEPCs? Check all that apply.
- Personalized emails
 - Group emails
 - Phone calls
 - In-person meetings. Please specify frequency: _____
 - Conferences. Please specify frequency and the date of your most recent conference:

 - Other, please specify: _____
8. If there are any Tribes in your state, have any established Tribal Emergency Response Commissions (TERCs) that implement EPCRA?
- Yes (how many?): _____
 - There are no tribes in my state
 - There are tribes in my state, but none have established TERCs
 - Don't know
9. Are there any Memoranda of Understanding between the Tribe(s) and the State requesting that the State implement EPCRA for the Tribe(s)? If the answer is "Yes", please attach a copy of the MOU(s).
- Yes
 - No
10. Are any Tribal Representatives part of any LEPC in your State?
- Yes
 - No
 - Don't know
11. What sources of funding are available to your SERC organization to implement the EPCRA program? Check all that apply.
- State appropriated funds
 - Federal grants. If yes, please list types: _____
 - Tier II filing fees
 - Other (please specify): _____
12. What is your SERC annual operating budget? Please select a range and/or provide an exact amount.
- \$0 - \$50K
 - \$51K - \$100K
 - \$101K - \$250K
 - \$250K - \$500K

- \$500K - \$1M
- Over \$1M
- Don't know

If you would like to include any details about your budget, please add here:

13. How many full-time equivalents (FTEs) are associated with the SERC (please take into account FTEs from all entities that are part of the SERC organization, listed in question #1)?

- Less than or equal to 1.0 FTE
- Greater than 1.0 FTE, but less than or equal to 2.0 FTE
- Greater than 2.0 FTE, but less than or equal to 5.0 FTE
- Greater than 5.0 FTE, but less than or equal to 10.0 FTE
- Greater than 10.0 FTE

If you would like to include any details about your FTEs, please add here:

14. What are your SERC's priorities? Please rank in order of most important as '1', and if not a priority, please mark as 'N/A'.

- ___ Assist LEPCs in developing and/or exercising response plans
- ___ Manage and analyze tier II data
- ___ Assist LEPCs with facility inspections
- ___ Assist LEPCs with communicating risk to public
- ___ Assist facilities in complying with EPCRA
- ___ Other (please specify): _____

15. Does your SERC have priorities that it is not addressing due to lack of funding? If so, please check all activities that apply.

- Assist LEPCs in developing and/or exercising response plans
- Analyze tier II data
- Assist LEPCs with facility inspections
- Assist LEPCs with communicating risk to public
- Other (please specify): _____

II. Questions related to EPCRA Section 302 (Emergency Planning Notification)

In this section, the questions focus on emergency planning notifications under EPCRA.

As required by EPCRA section 302, EPA published the list of extremely hazardous substances (EHSs) and a threshold planning quantity (TPQ) for each substance as well as emergency planning notification regulations. (The list of EHSs, their TPQs and the regulations are codified at [40 CFR part 355](#).) Facilities that have any EHS present on-site at or above its TPQ are required to provide notification to the SERC and the LEPC within 60 days of acquiring the substance.

EPCRA section 302 also authorizes SERCs and governors to designate additional facilities subject to emergency planning notification requirements after public notice and opportunity for comment. Accordingly, substances that are not EHSs may become subject to the emergency planning requirements at specific facilities ([40 CFR 355.10](#) & [355.11](#)).

16. Does your state have more stringent emergency planning notification requirements than the Federal EPCRA program?

- No, our State follows the Federal EPCRA section 302 program
- Yes, our State has more stringent emergency planning notification requirements

If the answer to Q#16 is "No, our State follows Federal EPCRA section 302 program" go to Q#19

17. How is your emergency planning notification program different from the federal program under EPCRA Section 302? Check all that apply.

- The State program covers additional chemicals (please send list of additional chemicals or link to the program's list of chemicals)
- The State program has lower thresholds (please send list of thresholds or link to the program's list of chemical thresholds)
- Other, please specify: _____

18. How many facilities in your state reported having EHSs on-site that are regulated only under your State program (i.e. not-regulated under Federal EPCRA requirements)?

Please provide a number of facilities: _____

19. How many facilities in your state reported having EHSs on-site for both the State (if applicable) and Federal programs? (Note: As of reporting year 2014, facilities were required to indicate whether they are subject to EPCRA section 302 on their Tier II form.)

Please provide a number of facilities: _____

20. Did your State designate additional facilities subject to emergency planning notification requirements?

- Yes
- No

If the answer to Q#20 is "No" go to Q#22.

21. If so, what type of facilities? Please specify the industry sector, and if possible, also provide NAICS codes (North American Industry Classification System - <https://www.census.gov/eos/www/naics/>).

22. Have you (the SERC) or your State taken any enforcement actions under EPCRA 326(a)(2) against any facilities for failing to provide emergency planning notification under EPCRA section 302?

- Yes. Please provide number of enforcement actions in CYs 2018 and 2019: _____
- Yes, but the most recent enforcement action was prior to CY2018.-
- No

III. Questions related to Establishment of Local Emergency Planning Committees (EPCRA Section 301) and EPCRA Section 303 (Emergency Response Plans)

In this section of the survey, the questions relate to LEPCs in your state and the local emergency response plans.

EPCRA section 301 requires, at a minimum, that each LEPC shall include representatives from each of the following groups or organizations: elected State and local officials, law enforcement, civil defense, fire department, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of the emergency planning notification requirement. While not every facility in a planning district may be subject to the emergency planning notification requirement (i.e. facilities that handle EHSs at or above their TPQs), facilities that handle other chemicals may also pose a threat to the community and first responders, as was the case in the West Texas Fertilizer incident (see CSB Report: <https://www.csb.gov/west-fertilizer-explosion-and-fire/>). To prevent such incidents, SERCs are encouraged to help LEPCs reach out to facility owners and operators to encourage them to become part of the LEPC organization. SERCs and LEPCs may request facility owners and operators to assist in developing emergency response plans. EPA understands that some state right-to-know programs require facilities to prepare an emergency plan and share it with their LEPC.

EPCRA section 303(a) requires each LEPC to develop an emergency response plan for its local emergency planning district and submit that plan to the SERC for review. LEPCs are required to review the plan at least annually or more frequently as changes occur in their community and update the plan if necessary.

Section 303(e) requires the SERC to review those plans and make recommendations to the LEPC regarding revisions that may be necessary to ensure coordination of the plan with the emergency response plans of other local emergency planning districts.

Section 303(d) allows LEPCs and TEPCs to request the owner or operator of facilities subject to emergency planning notification to provide any information for developing and implementing the emergency plan. Facilities are required to provide such information promptly upon request. LEPCs and TEPCs may specify a time frame for this information (see regulations at 40 CFR 355.20).

Section 303(d) also requires facilities to provide a name of a representative to be the facility emergency coordinator as well as provide any changes relevant to emergency planning to their LEPC and TEPC. Any changes relevant to emergency planning should be provided within 30 days after changes have occurred. (see table in 40 CFR 355.20)

23. How many LEPCs are in your State?

Please provide the number of LEPCs: _____

24. How you would best describe the LEPCs in your state? Please provide an estimated percentage or number of local planning districts in each category (use your best judgement in making a determination on rural vs. suburban vs. urban):

- Predominantly or entirely rural _____
- Mixed Rural/Suburban _____
- Predominantly or entirely Suburban _____
- Mixed Suburban/Urban _____
- Predominantly or entirely Urban _____

25. How many LEPCs are **active** in your State? (i.e., conduct at least one or more of the following activities: have an emergency response plan and review/update annually, meet on a regular basis, conduct exercises to ensure that their plan can be activated during chemical emergencies, accompany fire department personnel for conducting inspections of Tier II facilities, participated in local preparedness planning, conducting public education, providing information on [local hazards and facilities to community members and first responders](#), and providing Tier II information on request, etc.)

Please provide an estimated number of active LEPCs: _____

26. How would you best describe the **active** LEPCs in your State? Please provide an estimated percentage or number of local planning districts in each category:

- Predominantly or entirely rural _____
- Mixed Rural/Suburban _____
- Predominantly or entirely Suburban _____
- Mixed Suburban/Urban _____
- Predominantly or entirely Urban _____

27. How many LEPCs in your state have emergency response plans in place for their planning districts/communities? (Emergency response plans can be free-standing plans or part of an all-hazards plan)

- Free-standing plans (# of LEPCs): _____
- Part of an all-hazards plan (# of LEPCs): _____
- Other. Please specify (and include # of LEPCs): _____

28. How many LEPCs have reviewed and/or updated their emergency response plans within the past 12 months?

Please provide a number: _____

OR

- Don't know - my LEPCs don't send updated response plans to the SERC

29. Of those emergency response plans reviewed and/or updated by the LEPC in the past 12 months, how many have been reviewed by you, the SERC?

Please provide a number: _____

If any plans are not reviewed by the SERC, please provide an explanation:

30. For those LEPCs that do not have up-to-date emergency response plans, what do you believe are the main contributing factor(s)? Please rank in order of most prevalent factor (1) to least prevalent (5). If factors are not applicable, use 'N/A'.

- ___ Lack of leadership (i.e. lack of support from local officials)
- ___ Lack of motivation (i.e. other higher priorities, small number of facilities, low level of risk)
- ___ Staffing/participation shortfall
- ___ Lack of understanding of the requirement under the statute to review the plans annually
- ___ Lack of funding
- ___ Other: _____
- ___ Don't know

31. How many LEPCs in your State have conducted exercises in the past 12 months to ensure that their emergency plan can be activated during an emergency?

Please provide a number or percentage of LEPCs: _____ (if number/percentage is not known, please include an explanation)

32. What types of exercises are regularly conducted by your LEPCs? Check all that apply.

- Full-scale
- Table-top
- Actual response
- Notification exercise
- Other (please specify): _____

33. What type of resources do you offer LEPCs? Please check all that apply and include details.

- Funding, please specify the average annual amount: _____
- Technical assistance [ex: manage facility and chemical information in Computer Aided Management of Emergency Operations (CAMEO)]
- Community risk communication
- Guidance documents
- Training (provide type and frequency of training(s)): _____
- Response equipment (provide cost estimate for equipment provided annually):

- Outreach to facilities
- Onsite facility inspections
- Other, please specify: _____

34. Have you (the SERC) or your State taken any enforcement actions under EPCRA 326(a)(2) against any facilities for not providing info under 303(d)?

- Yes. Please provide number of enforcement actions in CYs 2018 and 2019: _____
- Yes, but the most recent enforcement action was prior to CY2018.-
- No

35. What resources could EPA provide to assist you and your LEPCs?

IV. Questions related to EPCRA section 304 (Emergency Release Notification)

In this section, questions are about emergency release notifications.

EPCRA section 304 requires facilities to notify the SERC as well as the LEPC of any area likely to be affected by a release of any CERCLA Hazardous Substance or EHS. (The reportable quantities (RQs) for CERCLA Hazardous Substances and EHSs are listed in 40 CFR [302.4](#) and [355 Appendices A and B](#) respectively.) Within 30 days of the initial notification, facilities are also required to submit a written report to the SERC and the LEPC. Transportation-related releases can be conveyed via a notification to a 911 operator or a local operator. Written follow-up reports are not required for transportation-related releases.

The America's Water Infrastructure Act (AWIA) amended EPCRA section 304 to require SERCs to notify the State Drinking Water Primacy Agency of any releases and provide them with the information

received under EPCRA section 304(b) and (c). For states without a primacy agency, SERCs are required to notify any community water system whose source waters are affected by a release.

36. If your State has its own right-to-know program, does it require release notification of substances in addition to the CERCLA Hazardous Substances and EPCRA EHSs?
- Yes (please provide a list of additional substances or a link to the list in the regulations):

 - No

37. What type of notification system is in place for fixed facilities to notify the SERC/State about releases? Check all that apply.
- State Hotline (e.g. State Warning Point)
 - 911
 - SERC office
 - Other, please specify: _____

38. In calendar year 2019, how many releases of CERCLA Hazardous Substances and/or EPCRA EHSs were reported to the SERC, State Agency, or designated call center or hotline?
- Please provide a number: _____

39. What percent of those releases reported in 2019, did the SERC receive follow-up written reports within 30 days?
- Please provide percentage or exact number of facilities: _____
- Please provide information on any SERC processes to follow up with facilities which have not submitted written release reports:
- _____
- _____

40. Do you have a system that tracks facilities that reported releases and submitted written follow up reports?
- Yes
 - No

If the answer to Q#40 is "No" go to Q#42

41. If you have a system, please describe. Check all that apply
- Spreadsheet
 - Custom application (please describe): _____
 - Other (please describe): _____

42. To ensure compliance with [AWIA requirements](#) (which went into effect on October 23, 2018), do you have a system and/or process in place to notify the State Drinking Water Primacy Agency or the community water system about releases?

- Yes, please describe the system and/or process: _____
- No

43. How does your State ensure that the State Drinking Water Primacy Agency or community water system receives notification of **transportation-related** releases? (Note: *Although section 2018(a) of AWIA does not specify how transportation related releases should be forwarded to the state drinking water primacy agency or community water systems, EPA encourages SERCs to coordinate with 911 operators or any other established system that receives release notification to notify the state drinking water primacy agency (or community water systems) that may be affected by the release.*) Please include any challenges and/or issues with implementing the AWIA amendments.

44. How can EPA assist you in implementing the AWIA requirements?

V. Questions related to EPCRA section 312 (Emergency and Hazardous Chemical Inventory Form, “Tier II” reporting)

In this section, questions are about managing Emergency and Hazardous Chemical Inventory Forms, or “Tier II data.”

EPCRA section 312 requires facilities that handle OSHA hazardous chemicals at or above the reporting thresholds specified in the regulations at [40 CFR part 370](#), to submit a Tier II form to their SERC, LEPC and the fire department. EPCRA section 312 also allows states to implement a more stringent right-to-know program than the Federal program.

EPA published guidance in a July 13, 2010 Federal Register notice providing flexibility to states regarding various EPCRA section 312 reporting options, including joint access to Tier II information. To reduce burden, facilities may submit their Tier II information directly to SERCs who then would share the information with LEPCs and fire departments, provided that these entities receive the information by the annual March 1st statutory deadline.

On October 23, 2018, AWIA amended EPCRA section 312, requiring SERCs and LEPCs to provide Tier II information to community water systems upon request.

45. Does your State have more stringent requirements for hazardous chemical inventory (Tier II) reporting than the Federal EPCRA program?

- No, our State follows the Federal EPCRA Section 312 program
- Yes, our State has more stringent state requirements

If the answer to Q#45 is "No, our State follows the Federal EPCRA Section 312 program", go to Q#47.

46. How is your Tier II program different from the Federal EPCRA section 312 program? Check all that apply.

- Our program covers additional chemicals (please provide list of additional chemicals or link to the list of chemicals in the state regulations)
- Our program has lower reporting thresholds (please provide list of thresholds or link to the thresholds in the state regulations)
- Our program requires electronic reporting
- Other, please specify: _____

47. How many facilities in your state submitted a Tier II form in reporting year 2019 (please include all facilities that reported for both state-specific and federal requirements)?

Please provide a number: _____

48. What software does your state currently use for Tier II reporting? Check all that apply.

- TIER II MANAGER® online reporting system
- ePlan
- State-developed online reporting tool
- Tier2 Submit
- No software
- Other, please specify: _____

If answer to #48 has check for "Tier2 Submit", then skip to #51.

49. Has your state ever used *Tier2 Submit* software?

- Yes. Please list the last reporting year *Tier2 Submit* was used: _____
- No

50. What are the main reasons that your state does not use *Tier2 Submit*? Check all that apply.

- Does not meet needs for state-specific requirements
- We have always used other software, and we do not want to switch
- Other software has additional functionality that we use. Please specify the functions missing from *Tier2 Submit*: _____
- Don't know
- Other (please specify): _____

51. Do you accept hard copy of the Tier II form from facilities unable to submit electronically?

- Yes
- No

52. What is the cost for managing Tier II data both in funding and FTE on an annual basis (if you don't know, please include an explanation)?

Please provide annual funding: _____

Please provide number of FTEs: _____

53. Does your state provide one-stop filing for Tier II forms? (i.e., the state collects the Tier II forms from facilities and provides access to the LEPCs and the fire departments, rather than facilities submitting Tier II forms to all three entities (SERC, LEPCs and the fire departments))

Yes

No

Other, please specify: _____

54. Does your State charge a fee for facilities filing a Tier II form (i.e. Federal Tier II form or the State equivalent)?

Yes. Please provide the fee charged and/or fee structure: _____

No

55. Briefly explain your process for providing access to Tier II information to the community water systems as required by AWIA amendments.

56. For Reporting Year 2019, how many facilities in your state reported any of the following: sand, gravel and/or rock salt on Tier II forms? (EPA is considering a supplemental proposal to address reporting thresholds for rock salt, sand, gravel and other chemicals that may pose minimal risk. The proposed rule was published on June 8, 1998. This supplemental proposed rule, if finalized, may minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under Sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act.)

Please provide exact number: _____

57. Do any Tribes in your State collect Tier II information?

Yes

No

If answer to Q57 is 'No', skip to Q59

58. Does the Tribe share Tier II data with the State?

Yes

No

59. What type of outreach do you conduct to inform facilities of their annual reporting obligation under EPCRA section 312? Check all that apply.

- Webinars
- Mass emails
- Phone calls
- Conferences
- Trade Associations
- Direct mailings
- Other, please specify: _____
- None

60. Do you have any processes in place to identify and contact **facilities that have not previously reported** a hazardous chemical inventory (Tier II), but may be subject to those requirements (e.g., entities that are not aware of their reporting responsibilities)? If yes, please provide details.

- Yes. Please describe the process and provide the number of facilities identified in CY2019: _____
- No

61. Does your State have a process for identifying and contacting potential Tier II non-filers **that previously complied with reporting requirements**?

- Yes. Please describe the process and provide the number of facilities identified in CY2019 : _____
- No

62. Does your State have an EPCRA enforcement program that addresses non-filers, or do you refer non-filers to the EPA?

- Has own enforcement program
- Refer non-filers to EPA

63. Have you (the SERC) or your State taken any enforcement actions under EPCRA 326(a)(2) against any facilities for not submitting Tier II forms?

- Yes. Please provide number of enforcement actions in CYs 2018 and 2019: _____
- Yes, but the most recent enforcement action was prior to CY2018.-
- No

64. What are your challenges and/or issues with managing the Tier 2 program? And how can EPA assist in addressing those issues?

VI. Questions related to EPCRA Section 313 (Toxics Release Inventory Reporting)

The following questions are about Toxics Release Inventory Reporting.

Under section 313 of EPCRA and section 6607 of the Pollution Prevention Act (PPA), certain facilities are required to file annual reports to EPA, states, and Indian Country officials on their releases, transfers, and other waste management practices for certain toxic chemicals if they are manufactured, processed, or otherwise used above certain threshold amounts. This information is included in a publicly available database known as the Toxics Release Inventory (TRI).

65. How do you use the TRI data? Check all that apply.

- Identify potential Tier II non-filers
- Assist LEPCs to identify additional facilities subject to emergency planning requirements
- Identify releases not reported to SERC and/or LEPC
- Other. Please specify: _____
- Do not use TRI data

If answer to Q64 is "Do not use TRI data", then go to Q66

66. What are the most common ways that you access the TRI data? Check all that apply.

- TRI website
- TRI National Analysis
- Envirofacts
- TRI Explorer
- MyRTK
- Risk Screening Environmental Indicators (RSEI)
- TRI Pollution Prevention (P2) Tool
- Enforcement and Compliance History Online (ECHO)
- Other, please specify: _____

67. In what ways can EPA improve the utility of TRI data?

VII. Questions related to Public Access to information under EPCRA

This section includes questions on public access to information.

Section 301 of EPCRA states that SERCs shall establish procedures for receiving and processing requests from the public for information as required under EPCRA section 324. These procedures may also include designating an official to serve as an information coordinator. In addition, EPCRA section 312(e) specifies certain procedures for providing access to Tier II information to the public, other State and local officials.

68. What procedures does your SERC organization follow for processing public requests for information? Check all that apply.

- None
- Reading room access for the public to view EPCRA information
- Provide the data electronically

- Postal mail information
- Other, please specify

69. Is there a fee for processing requests for the public, such as a photocopying charge?

- Yes. Please provide the amount charged: _____
- No

70. How much funding and FTEs are allocated to this task?

Please provide amount of annual funding: _____

Please provide number of FTE: _____

71. How many requests for information from the public did the SERC receive in 2019?

Please provide a number or estimate: _____

VIII. Questions related to Software Tools for SERCs, LEPCs, and Emergency Responders

72. Do you (as the SERC) or the LEPCs, emergency planners, and emergency responders in your area use software to help collect and manage chemical data and/or prepare for a chemical emergency response?

- Yes. Please list the software used and briefly explain how it is used: _____
- No
- Don't know

73. With which of the following programs in the CAMEO (Computer Aided Management of Emergency Operations) suite (developed by EPA and NOAA) are your LEPCs and emergency responders familiar? Check all that apply.

- ALOHA hazard model
- CAMEO Chemicals hazardous chemical database
- CAMEO data management tool for chemicals stored or transported in local communities
- MARPLOT mapping tool
- Not applicable. The CAMEO suite is not well known in my area.
- Don't know

If answer to #72 is "Not applicable. The CAMEO suite is not well known in my area." checked, then skip to #78.

74. How many of your LEPCs use any of the programs in the CAMEO suite?

Please provide a number or percentage (or answer 'don't know'): _____

75. What percentage of your fire or emergency response departments use any of the programs in the CAMEO suite?

Please provide an estimated percentage (or answer 'don't know'): _____

76. Of the LEPCs and emergency responders in your area that use the CAMEO suite, do they use the system for emergency planning, response, or both?

- Planning
- Response
- Both
- Don't know

77. What tasks are those LEPCs and emergency responders using the CAMEO suite programs for?

Check all that apply.

- Looking up hazardous chemical datasheets
- Assessing potential chemical reactions
- Modeling and hazard analysis
- Mapping geospatial data
- Managing data about local chemical facilities
- Tracking local chemical transportation routes
- Responding to chemical spills
- Assisting with LEPC pre-planning activities
- Participating in drills and training activities
- Planning for all hazards (beyond just chemical incidents)
- Other, please specify: _____
- Don't know

78. What functions do those LEPCs and emergency responders like about the CAMEO suite?

Please provide functions: _____

79. For the LEPCs and emergency responders in your State that do not use the CAMEO suite programs, what do you think are their main reasons for not using it? Check all that apply.

- They do not use any planning and/or response programs
- They use other planning and/or response applications
- They must use state-provided software
- They are not familiar with the CAMEO suite programs
- The CAMEO suite programs do not meet their needs. Please describe what needs the CAMEO suite does not meet: _____
- Other, please specify: _____
- Not applicable. The CAMEO suite is used extensively in my area.
- Don't know

80. In what ways can EPA/NOAA improve the CAMEO suite programs?

IX. Questions related to other EPA resources for SERCs, LEPCs, and Emergency Responders

81. What EPA resources does your SERC use? Please check all that apply.

- [EPCRA \(non-313\) Online Training for States, Tribes, Local Emergency Planning Committees, Local Planners and Responders](#)
- [SERC-TERC Monthly Newsletter](#)
- [EPCRA Qs and As](#)
- [EPCRA, RMP & Oil Information Center](#) (i.e. "the Call Center")
- [EPA EPCRA Regional Contacts](#)
- [AWIA implementation documents](#)
- Other materials on EPA's [EPCRA webpage](#). Please specify: _____
- Other. Please specify: _____
- None of the above.

NOTE: All these questions should be triggered from the checkboxes selected in Q80.

If Q80 is checked for "EPCRA (non-313) Online Training...", ask Q81

82. Do you recommend the "[EPCRA \(non-313\) Online Training for States, Tribes, Local Emergency Planning Committees, Local Planners and Responders](#)" to your LEPCs?

- Yes. What do you find helpful about the training? _____
- No. Why not? Please provide feedback: _____

If Q80 is checked for "SERC-TERC Monthly Newsletter", ask Q82

83. Do you find the information in the SERC-TERC monthly newsletter helpful?

- Yes. What do you find helpful about the newsletter? _____
- No. What types of information should be included in the monthly newsletter?

84. Are there any issues that you feel EPA should address through the Qs and As, factsheets, or guidance?

- Yes. Please describe the issue(s): _____
- No.

85. How can EPA better assist SERCs and LEPCs with implementing EPCRA? Check all that apply.

- Host conferences for SERCs and LEPCs
- Provide more training materials. What types of training? _____
- Provide additional guidance materials for SERCs or LEPCs. Please describe additional guidance requested: _____
- Provide collaboration tools/platforms for SERCs and LEPCs to share information

Other: _____

X. Challenges and Successes

Finally, please tell us about your challenges and successes.

86. What are the best practices used and resources provided in your state to implement EPCRA?

Check all that apply.

- Regular meetings to discuss challenges and best practices
- Ensure that every planning district has an emergency response plan
- Sufficient resources (i.e., funding, manpower) to assist LEPCs
- Sufficient resources for your own operations
- Provide training
- Assist LEPCs in communicating risk to the community
- Hosting/Sponsoring tabletop exercises
- Other, please specify: _____

87. What are your State's challenges in implementing EPCRA? Please rank in order of most challenging as a '1', and if not a challenge please mark as 'N/A'.

- ___ Lack of funding
- ___ Lack of coordination with LEPCs
- ___ Lack of technical assistance from EPA
- ___ Lack of staffing at LEPCs
- ___ Lack of leadership or motivation at LEPCs
- ___ Lack of leadership from state and local political officials
- ___ Lack of training for LEPCs
- ___ Other, please specify: _____

88. In addition to information provided in Q#84, please share other practices that make your EPCRA program successful.

89. If you or any of your LEPCs are currently experiencing any challenges in implementing EPCRA and its requirements, what would it take to address those challenges?

90. If there is anything else you would like to share, please include here:

Appendix C

Screen shot of the Survey in Qualtrics

Survey of the State Emergency Response Commissions

Purpose

The U.S. Environmental Protection Agency ("EPA" or "Agency") is conducting this survey of the State Emergency Response Commissions (SERCs) in each State and territory of the United States. The purpose of this survey is to gather information on the implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA), including best practices, challenges and gaps. After the survey is completed, EPA will publish the results and determine options on how to assist SERC organizations to meet their EPCRA responsibilities.

Survey Background

EPCRA established SERCs and Local Emergency Planning Committees (LEPCs) and assigned implementation responsibilities to these state and local organizations. SERCs have primary responsibility to ensure that each emergency planning district has a comprehensive emergency response plan to protect the community and mitigate the devastating effects of chemical accidents similar to those in West Texas and Bhopal, India. Tribal Emergency Response Commissions (TERCs) have the same responsibilities as SERCs, and Tribal Emergency Planning Committees (TEPCs) have the same responsibilities as LEPCs. If a Tribe does not have the resources to implement EPCRA, it may sign a Memorandum of Understanding (MOU) with their state to implement EPCRA in the tribal region. This survey includes questions to identify how tribes meet EPCRA responsibilities including whether:

- tribes that have an agreement with their SERC to implement the program;
- TERCs have joined any LEPCs; and
- any TERCs are members of their SERC organization.

In October 2018, the release notification and hazardous chemical reporting provisions of EPCRA were amended under America's Water Infrastructure Act (AWIA; Public Law 115-270). These amendments assigned additional requirements to SERCs: (1) provide prompt notification of any reportable release under EPCRA section 304 to the State Drinking Water primacy agency or the community water systems whose source water is affected, and (2) provide access to Tier II information (i.e., hazardous chemical inventory data) to the community water systems upon request.

Questions in this survey are intended to gather information on SERC's current practices related to implementing EPCRA as well as the amendments enacted by AWIA. EPA is eager to learn best practices from states with successful EPCRA programs that we can share with states currently facing challenges in implementing the program. This survey will also identify the challenges experienced by other states. EPA will use this information to better assist states to implement their EPCRA programs.

Survey questions are organized by major EPCRA provisions. Requirements under each provision are identified in each section, with questions related to the following:

1. SERC Organization
2. EPCRA Section 302 (Emergency Planning Notification)
3. Establishment of Local Emergency Planning Committees (EPCRA Section 301) and EPCRA Section 303 (Emergency Response Plans)
4. EPCRA section 304 (Emergency Release Notification)
5. EPCRA section 312 (Emergency and Hazardous Chemical Inventory Form, "Tier II" reporting)
6. EPCRA Section 313 (Toxics Release Inventory Reporting)
7. Public Access to information under EPCRA
8. Software Tools for SERCs, LEPCs, and Emergency Responders
9. Other EPA resources for SERCs, LEPCs, and Emergency Responders
10. Challenges and Successes

¹An ammonium nitrate explosion killed 12 first responders at the West Fertilizer Company, West Texas, April 2013.

² EPCRA was enacted on October 17, 1986 in response to concerns raised by the major industrial accident that occurred in 1984 in Bhopal, India, which killed more than 3,000 people and left thousands more disabled.

0% Survey Completion 100%

[Next](#)

If you have questions about this survey, please contact...
OR OMB information here?

See sample questions below.

5. If your SERC has by-laws, what do they include? *Check all that apply.*

Delegation of responsibility and authority to all SERC members,

Identification of who should manage information received from facilities (e.g. Tier II reports; release notification and follow-up written reports, etc.),

Description of how to assist LEPCs with their responsibilities under EPCRA,

Other, please provide a brief description.

13. How many full-time equivalents (FTEs) are associated with the SERC (please take into account FTEs from all entities that are part of the SERC organization, listed in question #1)?

Less than or equal to 1.0 FTE

Greater than 1.0 FTE, but less than or equal to 2.0 FTE

Greater than 2.0 FTE, but less than or equal to 5.0 FTE

Greater than 5.0 FTE, but less than or equal to 10.0 FTE

Greater than 10.0 FTE