



Developing the Tribal Emergency Planning Framework

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January 23, 2025





Agenda

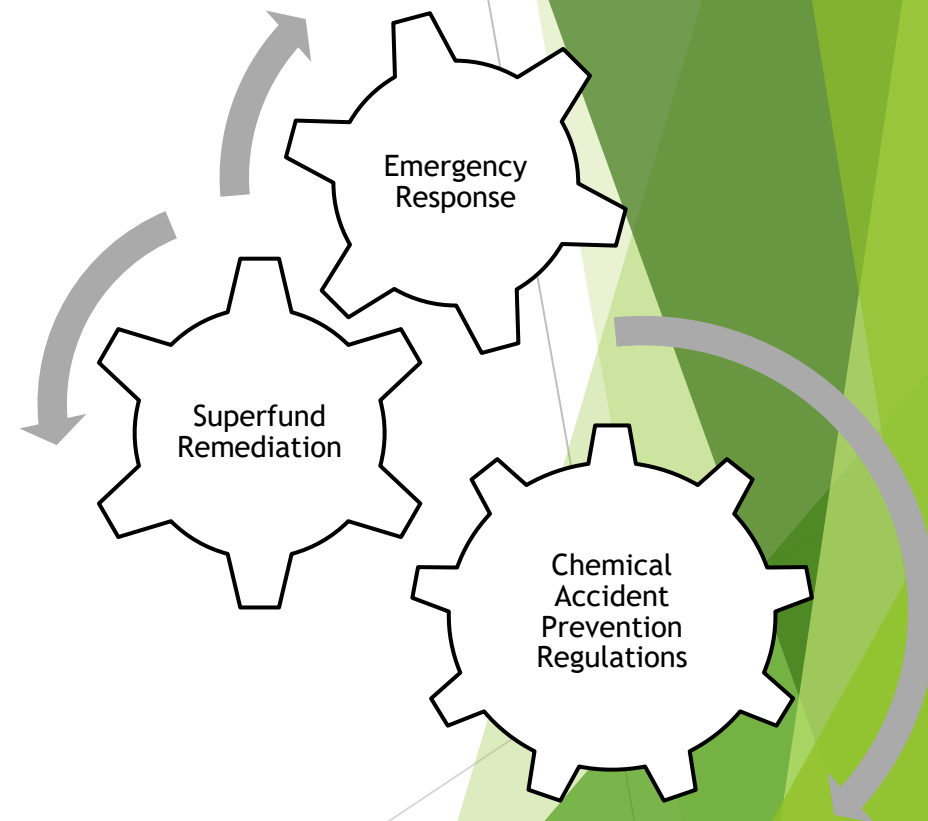
- ❑ Statute and Regulatory Foundations
- ❑ National Emergency Planning Framework
- ❑ State and Local Framework
- ❑ Tribal Framework
- ❑ Questions

Statue and Regulatory Foundations

Superfund and EPCRA

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which is commonly known as Superfund, was established in 1980.

The Emergency Planning and Community Right-to-Know Act (EPCRA) was authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA Title III) in 1986.



The Major EPCRA Provisions

Emergency Planning

- EPCRA Sections 301-303

Emergency Release Notifications

- EPCRA Section 304, CERCLA Section 103,

Hazardous Chemical Inventory Reporting

- EPCRA Sections 311-312

Toxics Release Inventory

- EPCRA Section 313

Trade Secrets

- EPCRA Section 322



EPCRA Emergency Planning Provisions

Section 301 [42 USC 11001]

Establishment of State Commissions, planning districts, and local committees

Section 302 [42 USC 11002]

Substances and facilities covered and notification

Section 303 [42 USC 11003]

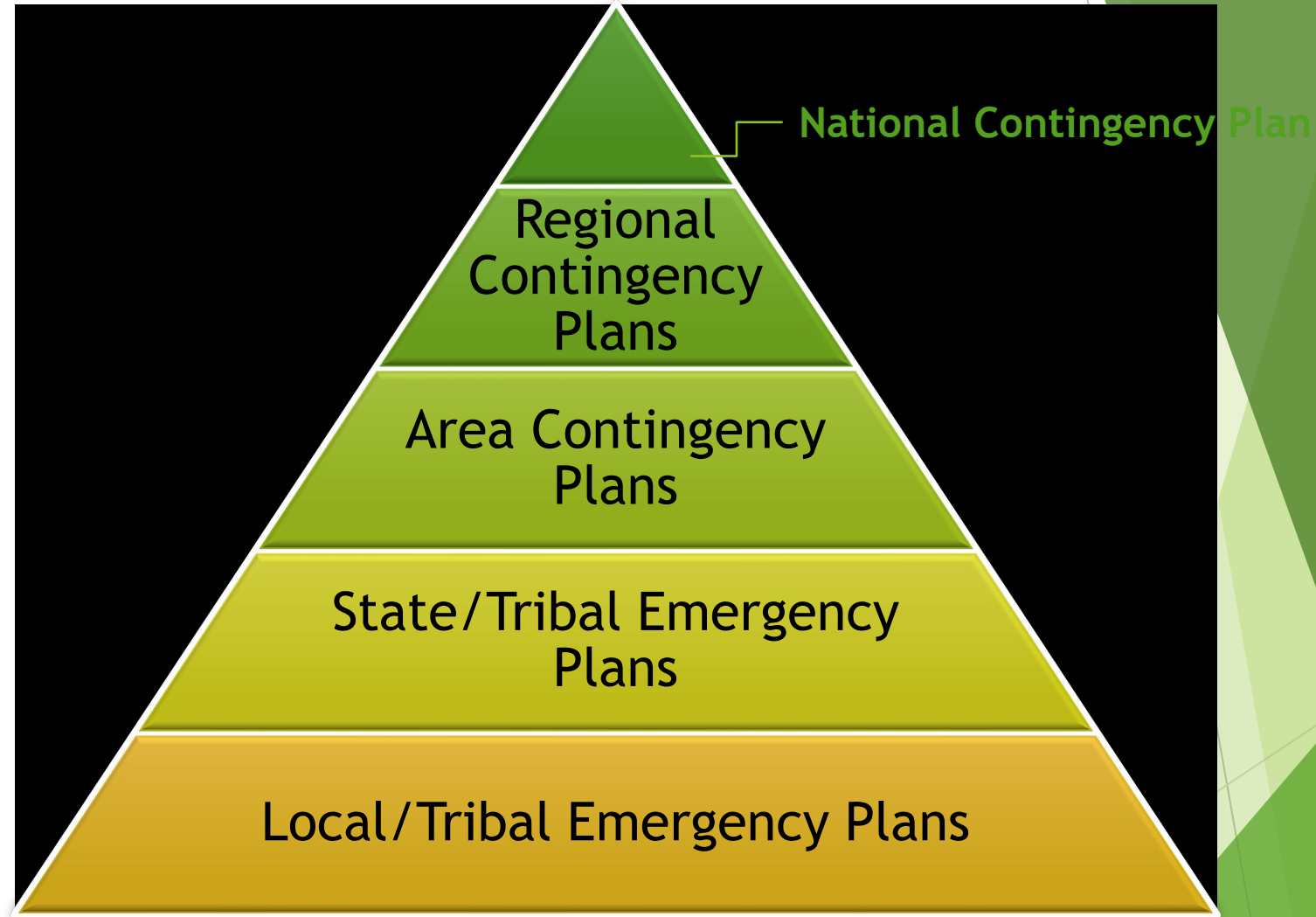
Comprehensive emergency response plans



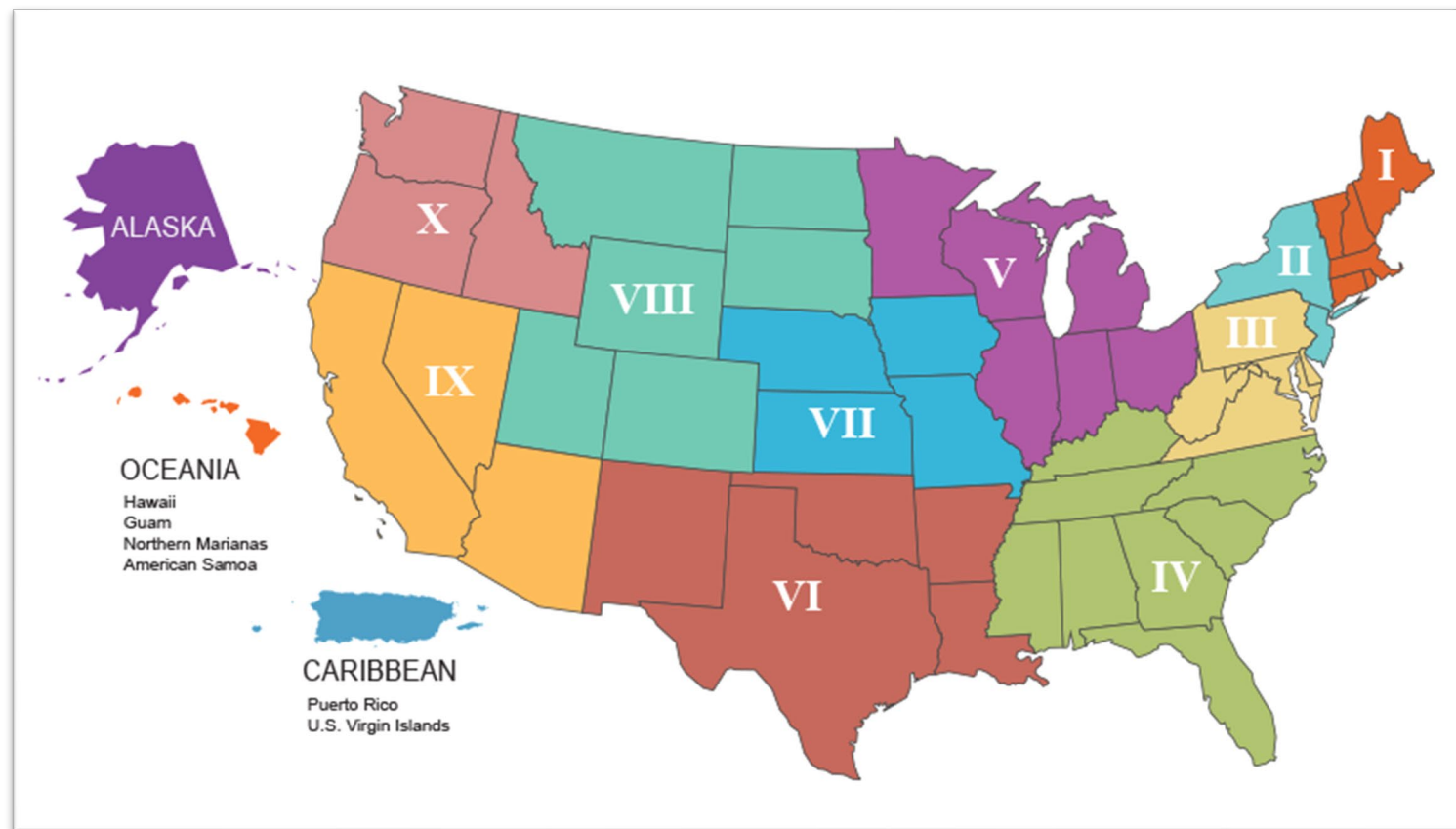
National Emergency Planning Framework

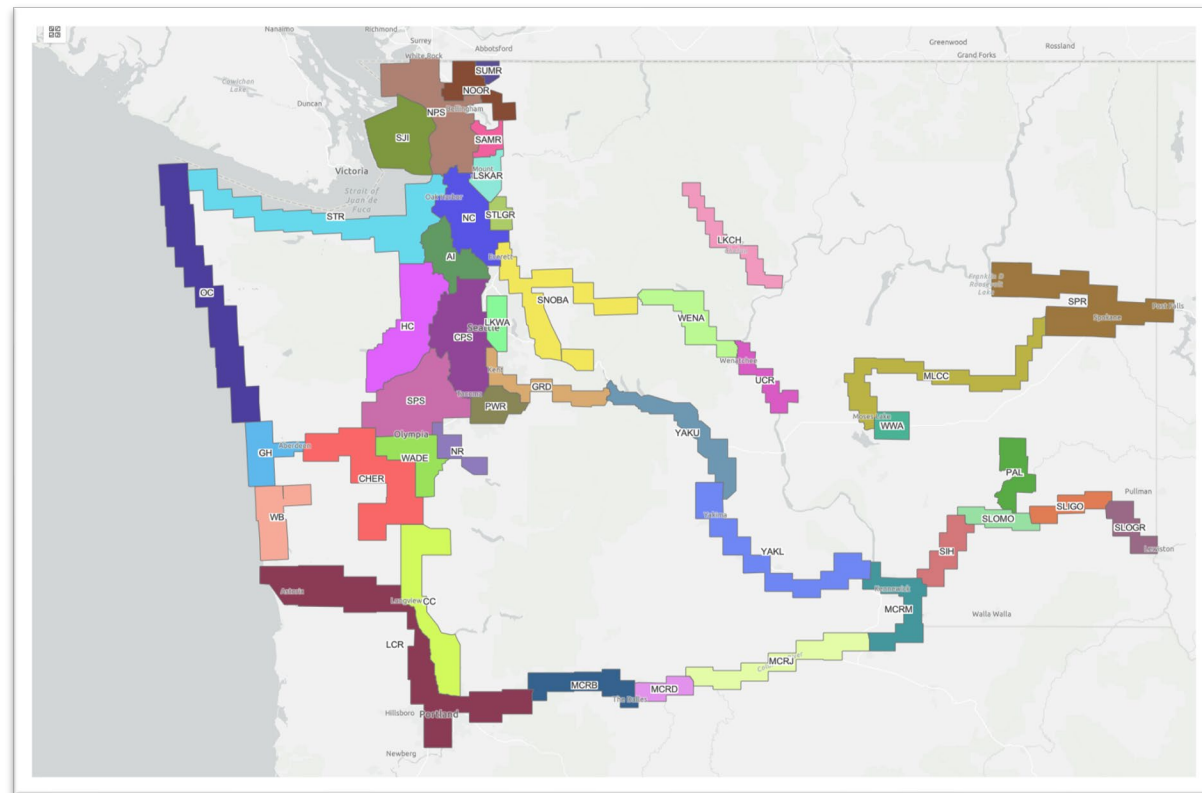
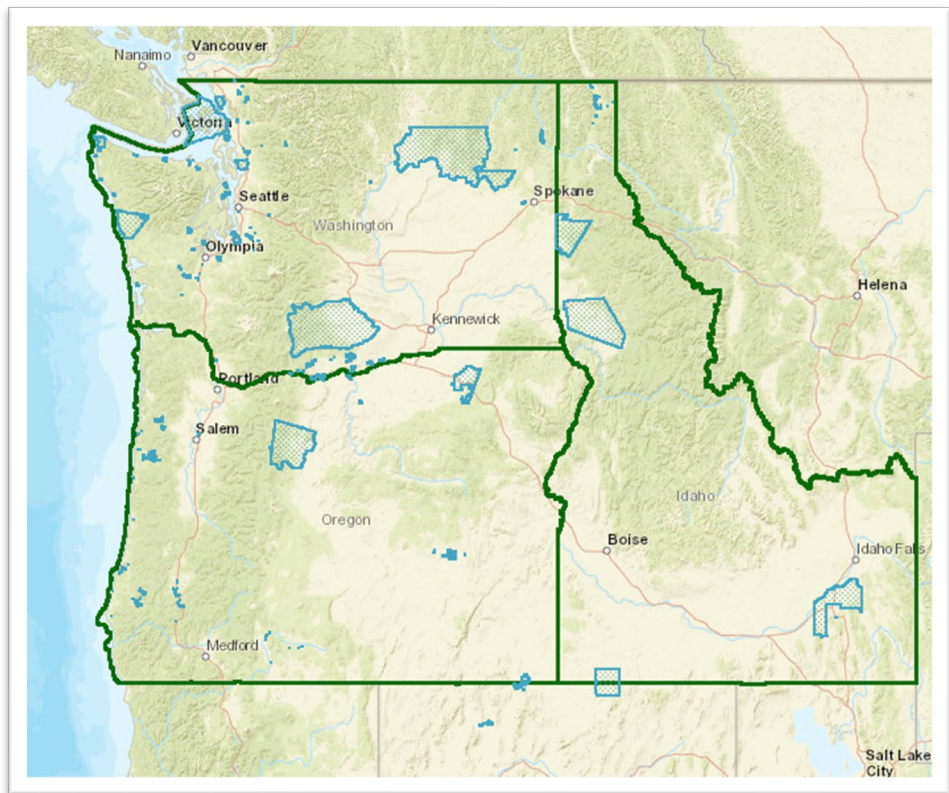
EPCRA Mission Statement

Encourage, support, and participate in chemical emergency planning efforts at the state, tribe, and local levels to ensure a robust National Response System as outlined in the National Contingency Plan, and so that communities have the information and tools necessary to protect themselves from chemical hazards.

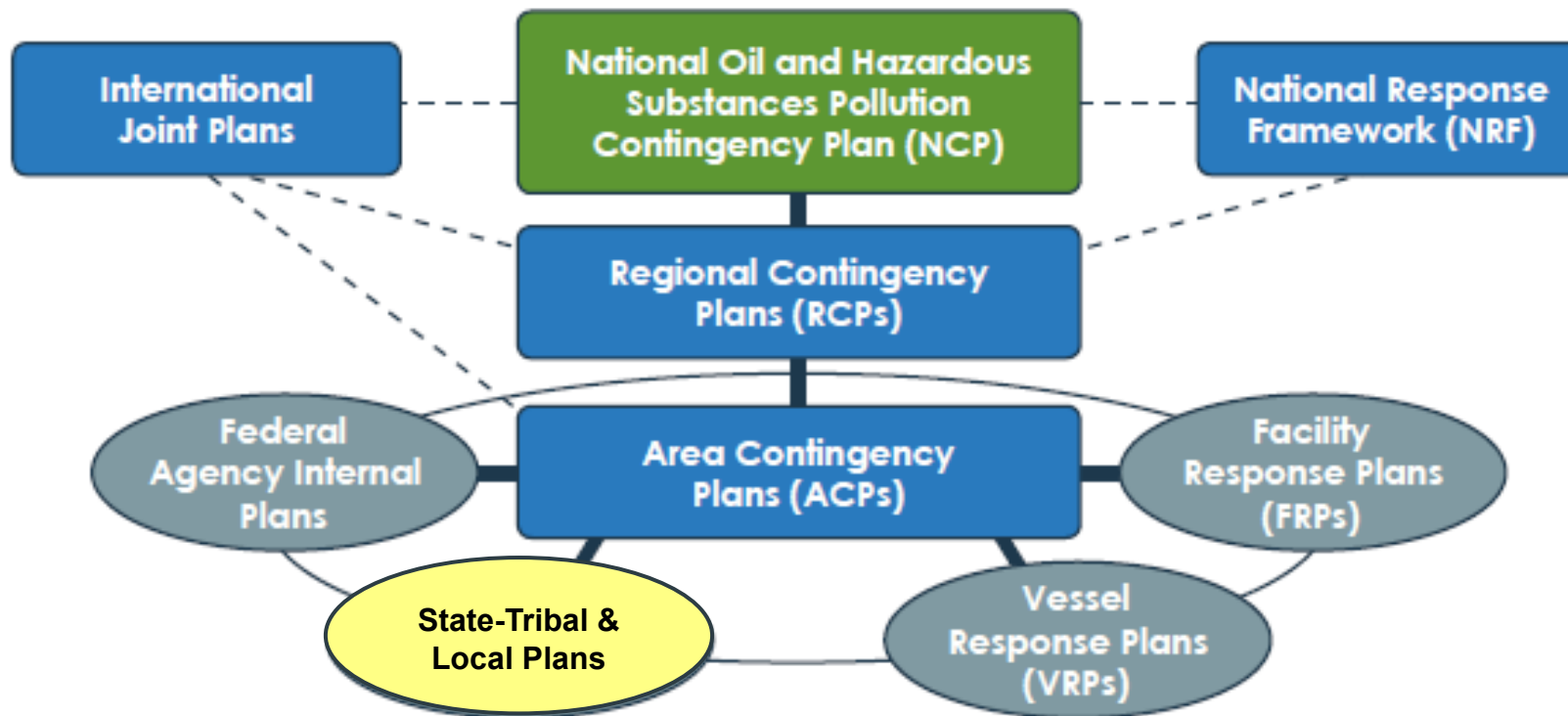


13 Regional Response Teams & Plans





Area Contingency Plans & Sub-Area and Geographic Response Plans



- Plans integrated with the ACP
- - Points of coordination with the NRS
- Plans of the National Response System (NRS)

Relationship of Emergency Response Plans

State and Local Emergency Planning Planning Framework

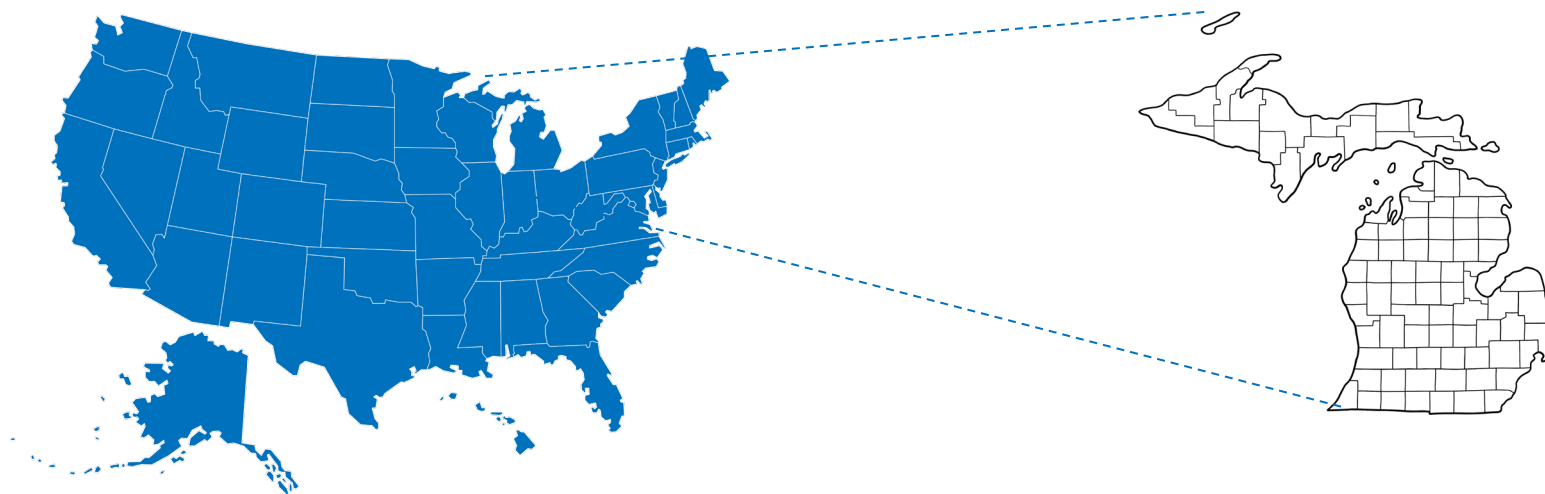


EPCRA Delegated Functions

SERC Delegations	LEPC Delegations
Appoint, supervise, & coordinate LEPCs	---
Designate additional facilities	---
Establish “Right-to-Know” procedures	---
Receive notice of EPCRA-EHS planning requirement	---
Receive and request chemical inventory forms from facilities	Receive and request chemical inventory forms & SDSs from facilities
Provide chemical inventory forms to requestors	Provide chemical inventory forms & SDSs to requestors
Reviews local emergency response plans	Prepares local emergency response plans, for EPCRA EHS facilities and other facilities of concern to the community
Provide resources	Request Resources
---	Request RRT review and comment on emergency response plan
---	Publish public notice regarding emergency response plans and chemical inventories received from facilities.
Notify state drinking water agencies of releases	---
Identify adverse health effects for trade secret chemicals	---



EPCRA 301 - State Emergency Response Commission Boundaries



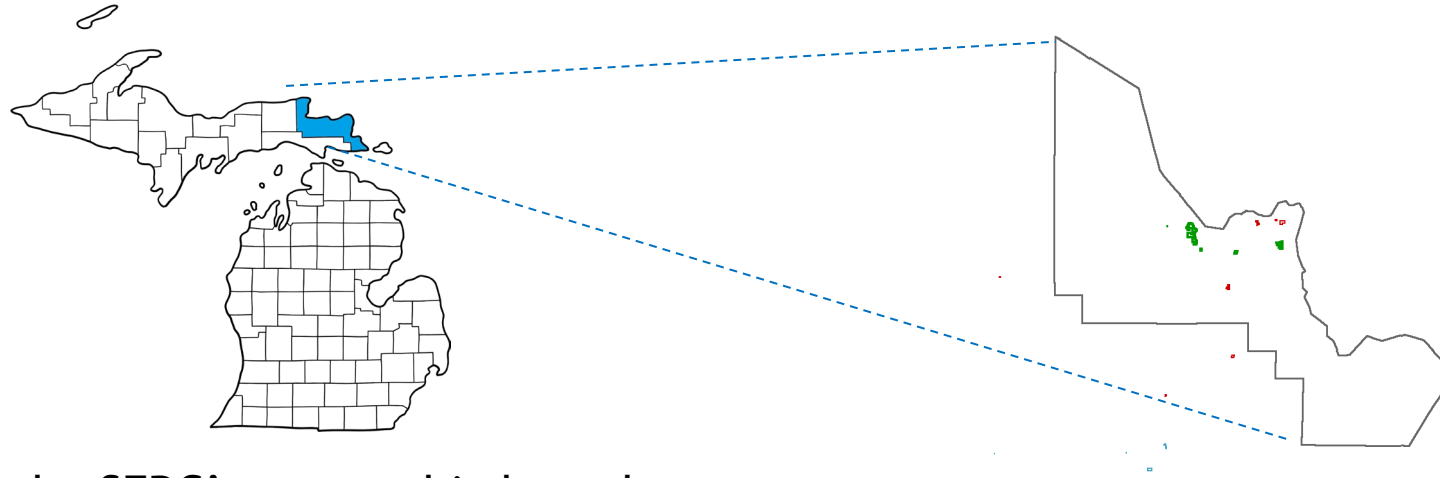
Within the CERCLA Statute the term “state” includes the 50 states, the District of Columbia, the 5 inhabited territories, and the tribes that wish to be treated the same as states.

The 50 states, the District of Columbia, and the 5 inhabited territories are contained within geographic boundaries.

This geographic boundary is the boundary of a State Emergency Response Commission (SERC).



EPCRA 301 - Local Emergency Planning Committee Boundaries



Within the SERC's geographic boundary, there are administrative subdivisions known as counties (or parishes).

This is the geographical boundaries for the Chippewa County Local Emergency Planning Committee (LEPC).

In most states, these counties are the geographical boundaries for the Local Emergency Planning Committee (LEPC).

The red, green, and blue lines within and around Chippewa County, Michigan are boundaries of Tribal Lands.

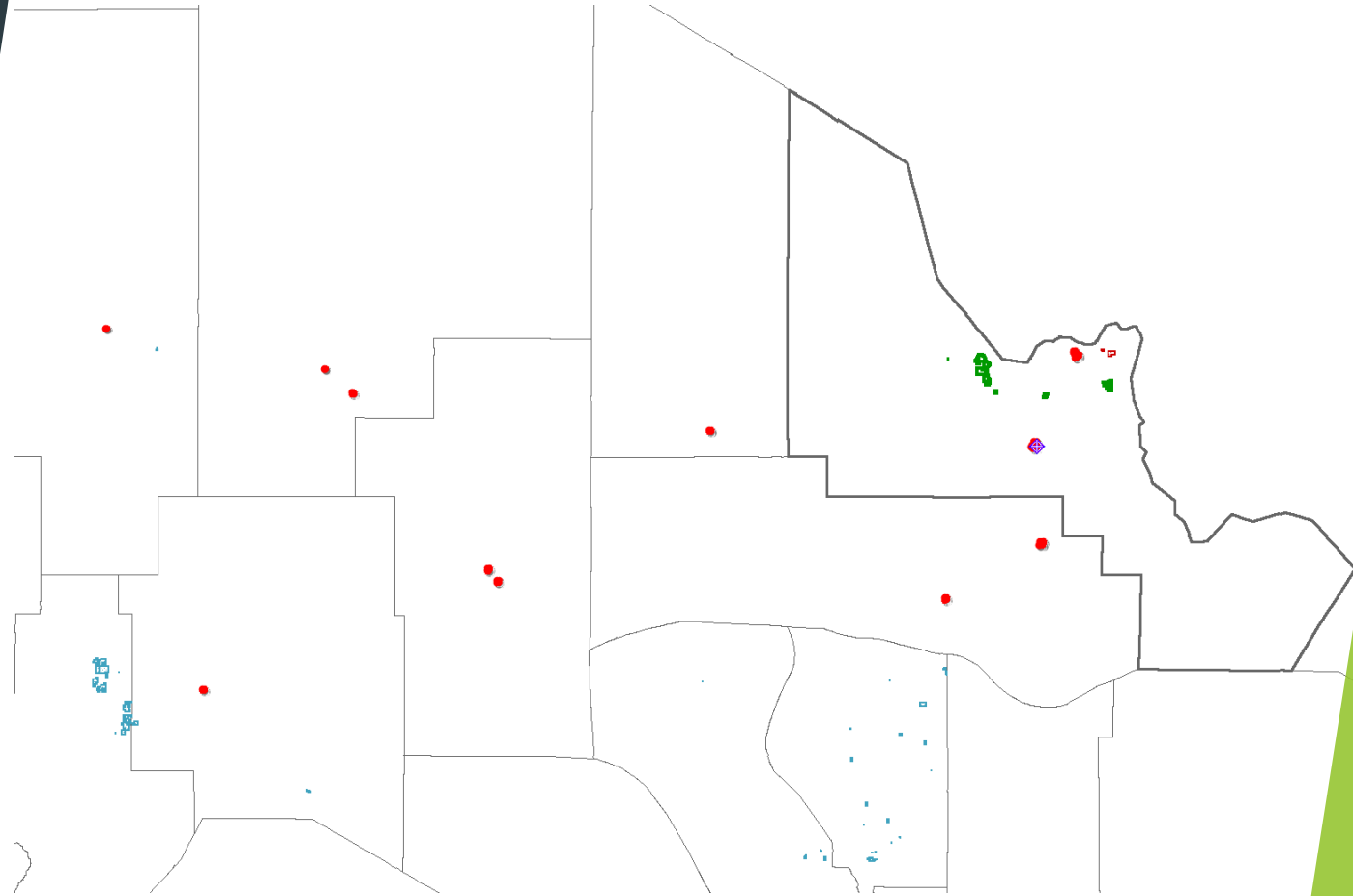
EPCRA 301 - Tribal Lands and LEPC Boundaries

Red Boundaries = Sault Ste. Marie Tribe of Chippewa Indians

Green Boundaries = Bay Mills Indian Community

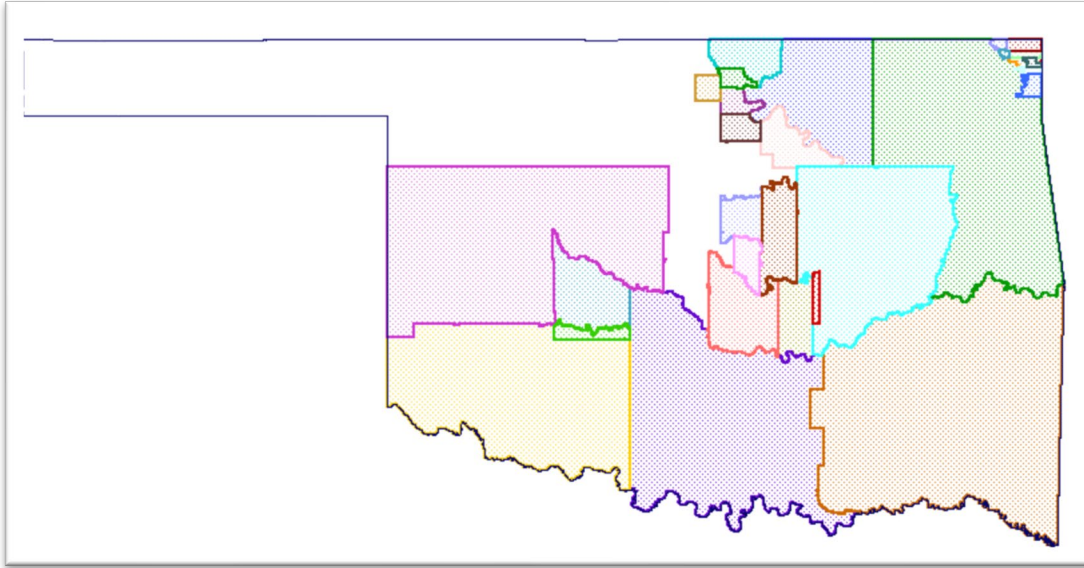
Blue Boundaries =

- Little Traverse Bay Bands of Odawa Indians
- Hannahville Indian Community
- L'Anse Indian Reservation, Keweenaw Bay Indian Community

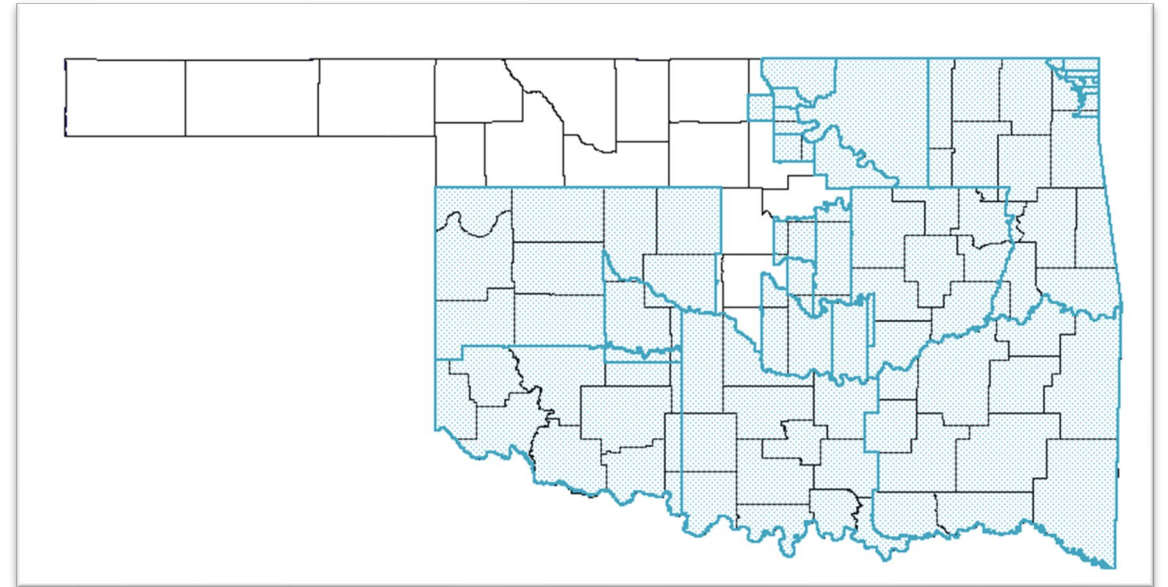




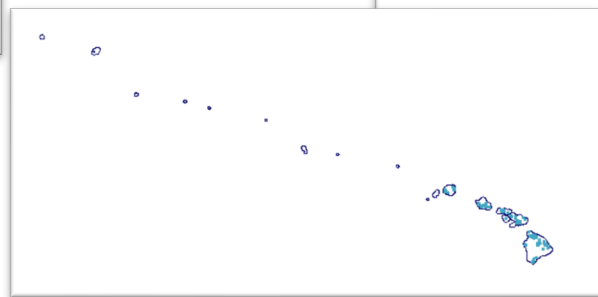
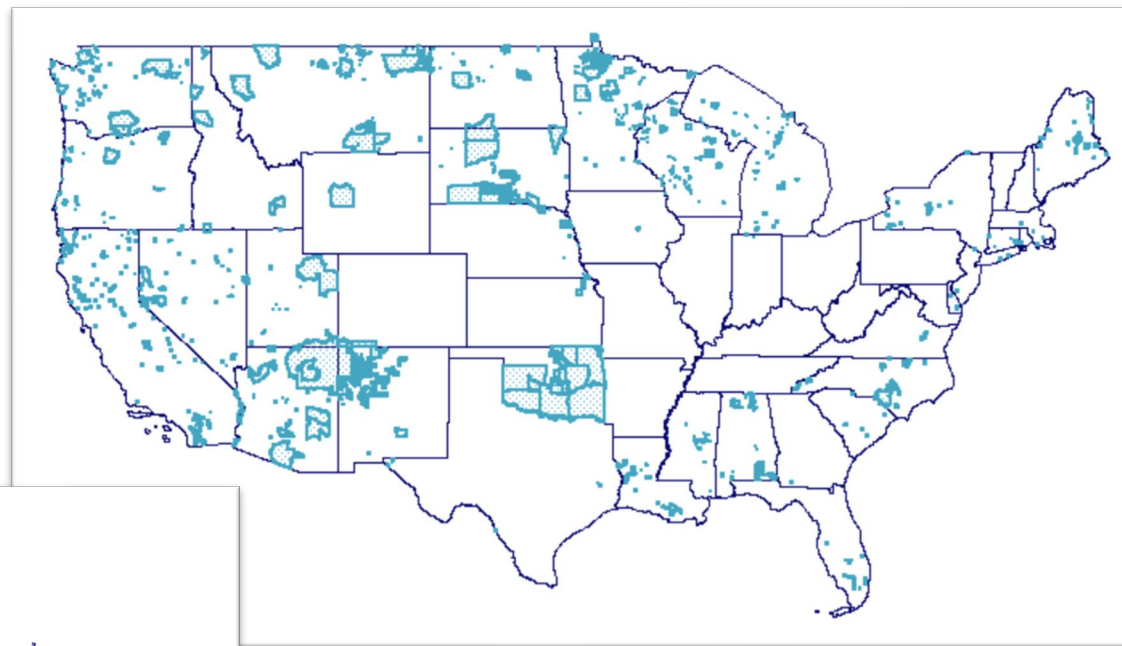
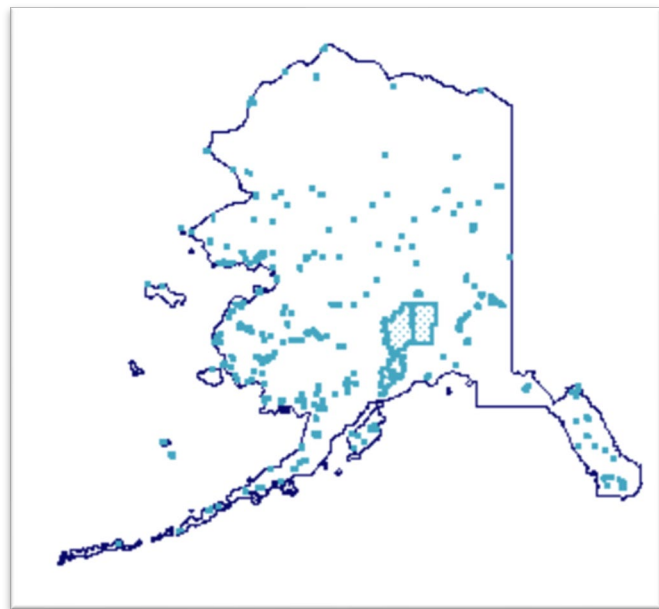
Oklahoma Tribal Boundaries



Oklahoma Tribal Boundaries



EPCRA 301 State and Tribal Boundaries



EPCRA 301 State and Tribal Boundaries

Tribal Emergency Planning Framework



Why do you need a plan?

Benefits of planning: form relationships before an incident, reduce response times, limit damages, less stress during incident, etc.

Be prepared for All-Hazards: hazardous material spills, pipeline and transportation accidents, oil spills, earthquakes, fires, floods, and other weather-related disasters.

Have a plan that details: tribal responsibilities, agreements and relationships with other planning and response bodies, policies and best practices, your community's priorities during response, medical capabilities, rescue plans, evacuation plans, isolation areas, notification procedures for community and partners, critical contacts, hazards in/near/through your community, post-incident recovery, etc.

Why should your planning be active?

(b) *Indian tribe involvement during response.* To be afforded substantially the same treatment as states under section 104 of CERCLA, the governing body of the Indian tribe must:

(1) Be federally recognized; and

(2) Have a tribal governing body that is currently performing governmental functions to promote the health, safety, and welfare of the affected population or to protect the environment within a defined geographic area; and

(3) Have jurisdiction over a site at which Fund-financed response, including pre-remedial activities, is contemplated.

40 CFR 300.515(b)





Where are your chemical hazards?

Environmental Protection Agency

- CAA 112r Risk Management Program [40 CFR 68]
- CWA Hazardous Substances Facility Response Plans (FRP) [40 CFR 118]
- EPCRA 302 [40 CFR Part 355]
- EPCRA 311-312 [40 CFR 370]
- EPCRA 313 [40 CFR 372]
- Oil Spill Prevention, Control, and Countermeasure (SPCC) & FRP [40 CFR 112]
- Resource Conservation and Recovery Act (RCRA) [40 CFR 239-282]

Department of Transportation

- www.transportation.gov/emergency

What is EPCRA 311-312? [40 CFR 370]



Any: 
Hazard Communication Standard Substance
29 CFR 1900.1200

Present: at any one-time during the preceding calendar year at or above the reporting threshold

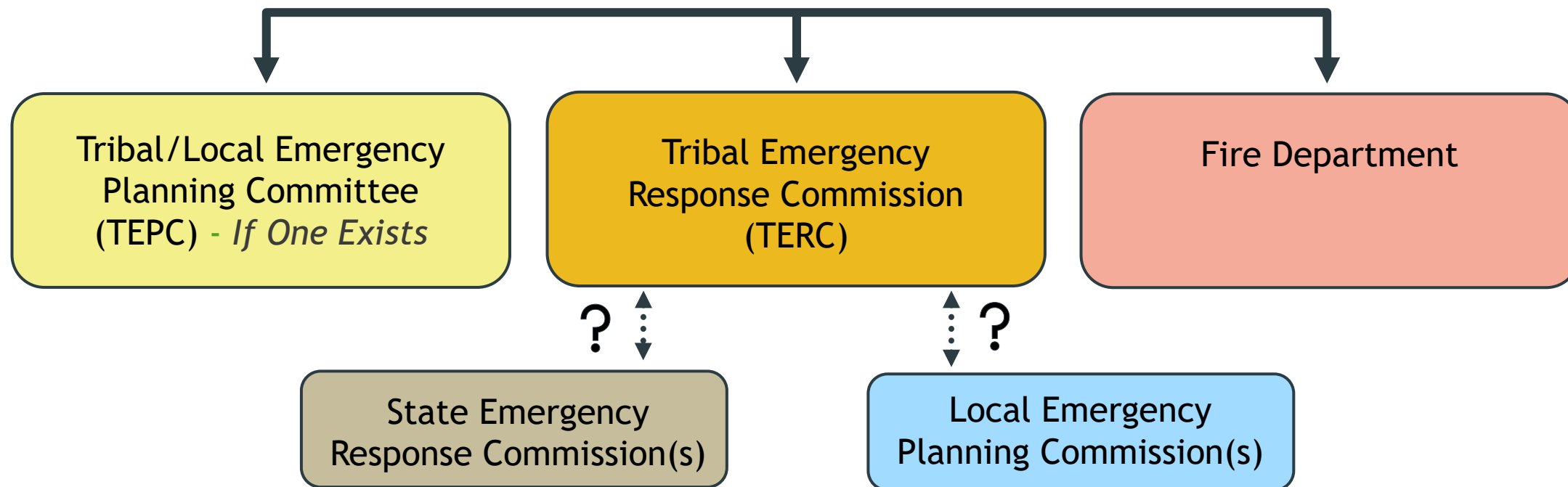
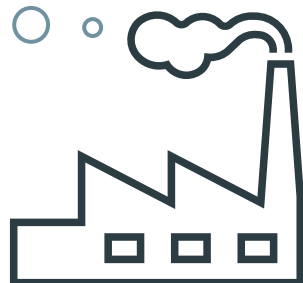
Thresholds:	500-pounds or TPQ	EPCRA EHSs
	75,000-gallons	Gasoline at retail gas station*
	100,000-gallons	Diesel at retail gas station*
	10,000-pounds	All other hazardous chemicals

Except: certain FDA regulated substances; solids without exposure risks; personal products; laboratory, hospital, and medical facility chemicals; chemicals used in routine agriculture operations by farmers; and fertilizers held for sale by a retailer to the ultimate customer. [40 CFR 130.13]



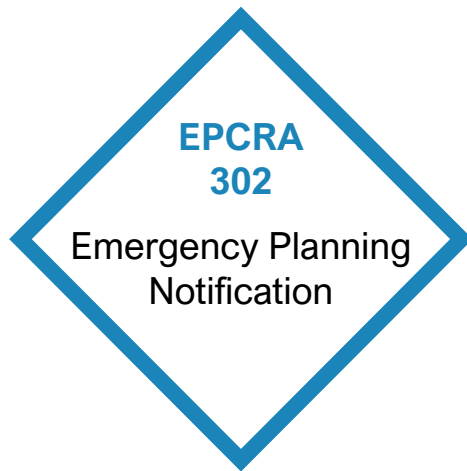
March 1st annual reports are due for previous calendar year

EPCRA Tier II Reports from facilities





What is EPCRA 302? [40 CFR 355]



Any: EPCRA Extremely Hazardous Substance (EPCRA-EHS)
[40 CFR 355, Appendices]

Present: at any one-time at or above the reporting threshold

Thresholds: Threshold Planning Quantities (TPQs) listed at
40 CFR 355, Appendices

Except: No Exceptions

Use: Required to be included in LEPC
Comprehensive Emergency Response Plans



What is the CAA 112r Risk Management Program?

[40 CFR 68]

- ▶ Stationary sources with more than the threshold quantity of a regulated substance in a process.
- ▶ Regulated substances (Toxics & Flammables) and their threshold quantities are listed at 40 CFR 68.130.
- ▶ Process means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.
- ▶ Places responsibility of planning and preparedness on the facility.
- ▶ Requires coordination with local emergency planning and response organizations





What is a TERC?

An emergency planning commission designated by the Chief executive Officer of the Tribe. Consists of the emergency response organizations that are Tribe sponsored or appointed. Contain persons with emergency response expertise. Appoints, supervises, and coordinates emergency planning districts. [42 USC 11001]

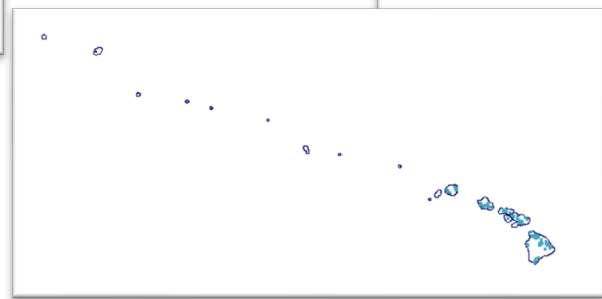
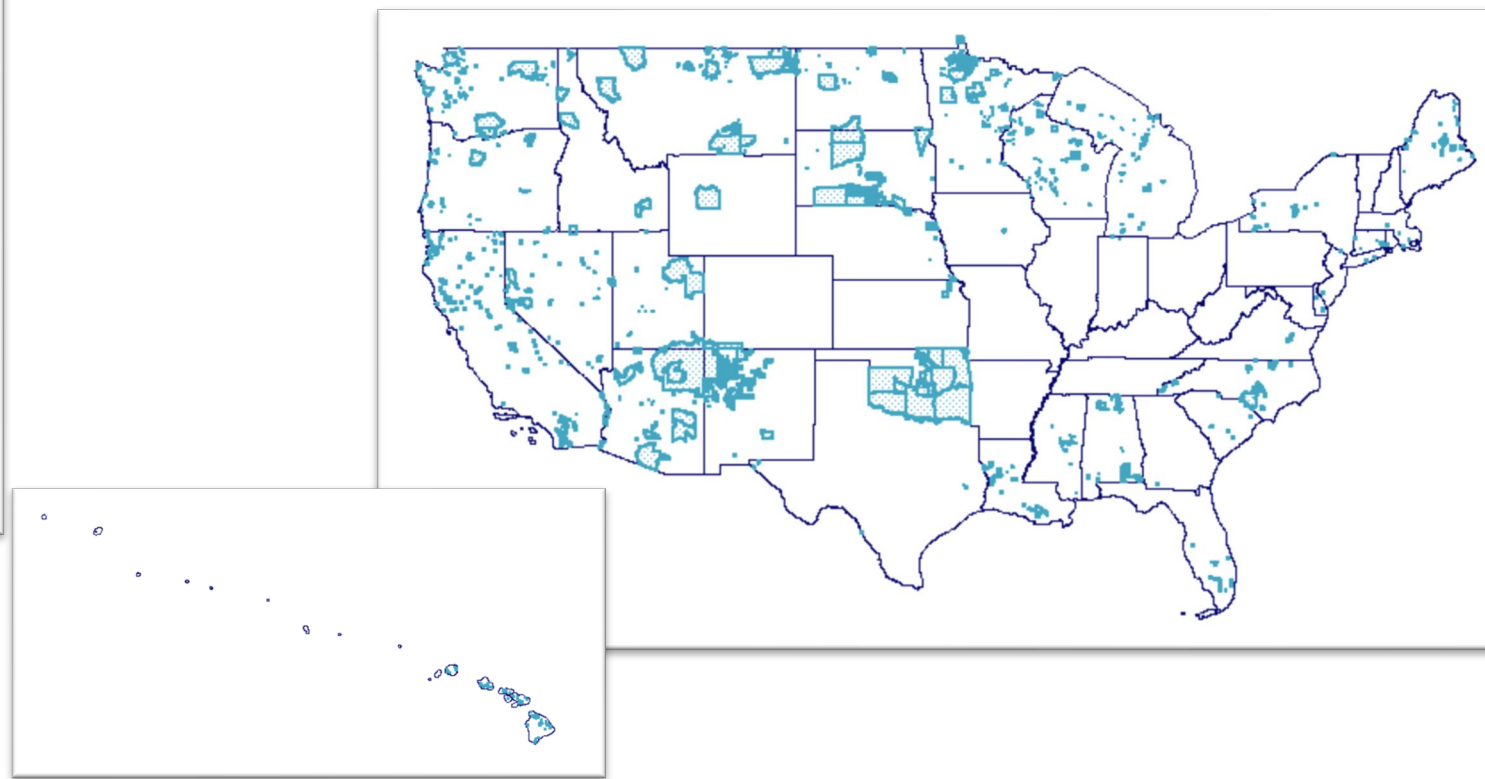
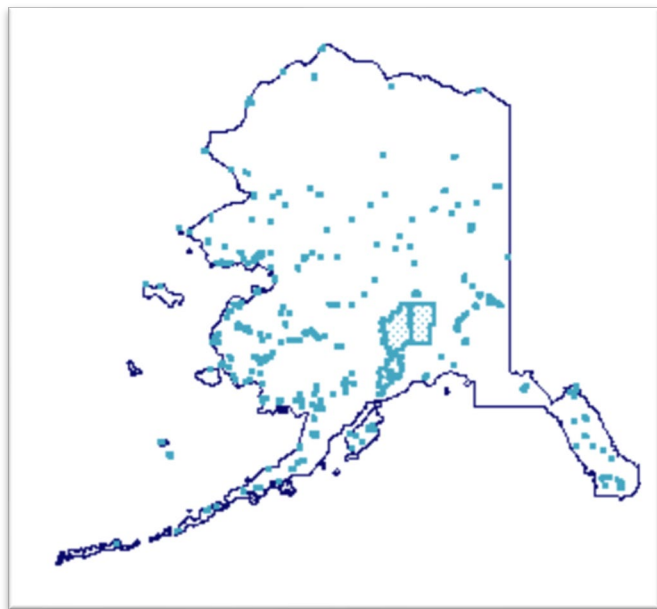
Perform governmental functions to promote the health, safety, and welfare of the affected population or to protect the environment within a defined geographic area which it has jurisdiction.
40 CFR 300.515(b)

Establishes cooperative agreements with states, counties, tribes, and other planning and response bodies to achieve its goals.



Emergency Planning Membership

- ▶ Tribal Officials
- ▶ Transportation
- ▶ Law Enforcement
- ▶ Fire Fighters
- ▶ Hospitals
- ▶ Health Services
- ▶ First Aid
- ▶ Animal Welfare
- ▶ Ambulance Services
- ▶ Environmental
- ▶ Civil Defense
- ▶ Community Groups
- ▶ Religious Organizations
- ▶ Chemical & Oil Facilities
- ▶ Schools
- ▶ Elderly Care

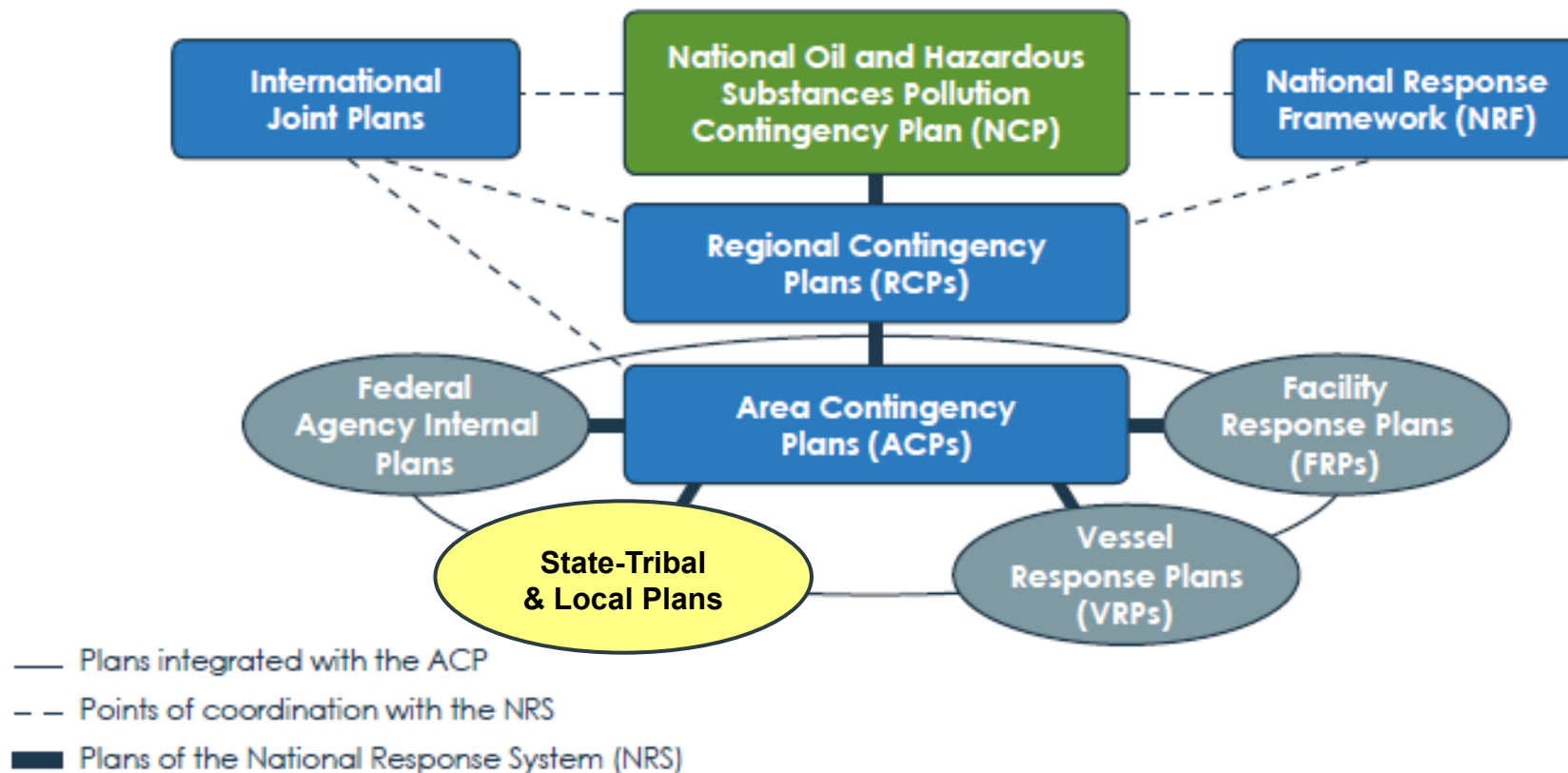


Relationships: TERCs, SERCs, and LEPCs

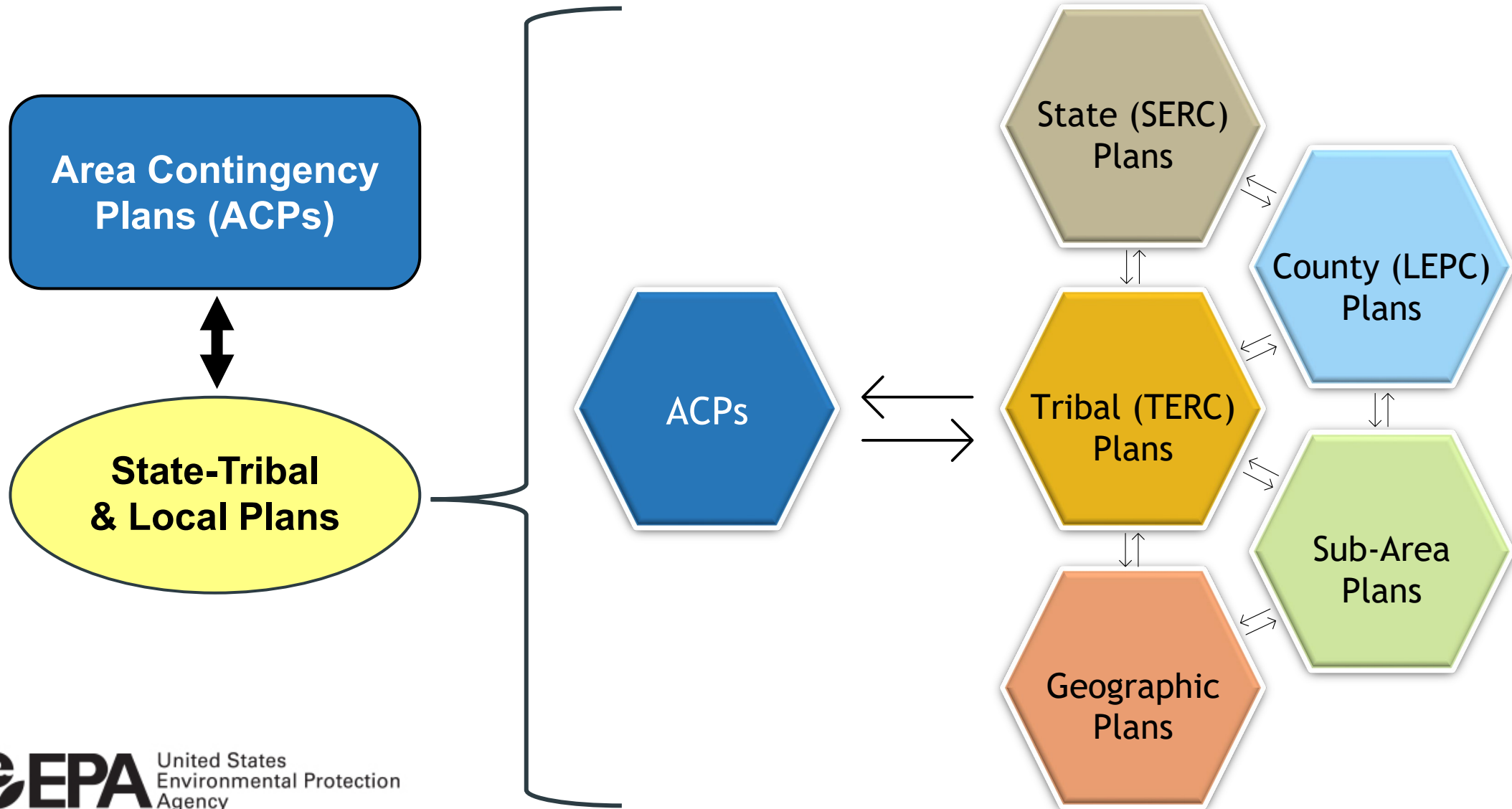
TERC Capacity Scale

- ▶ TERC with Tribal Emergency Planning Committees (TEPC)
- ▶ TERC that conducts TEPC functions (i.e. develops local emergency response plans)
- ▶ TERC formed by Tribal partnerships, TEPCs could be developed for geographical areas or individual tribal lands
- ▶ TERC operating in coordination with one or more SERC
- ▶ TERC operating in coordination with one or more LEPC
- ▶ TERC that hasn't legally formed and participates as an interest group in SERC, LEPC, and/or RRT

Tribes and the National Response System



Tribal Involvement in the National Plan



NASTTPO
National Association of
SARA TITLE III
PROGRAM OFFICIALS

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Implementation of a Tribal EPCRA Program

Chuck Kmet

Emergency Manager

Salt River Pima–Maricopa Indian Community



Salt River Pima-Maricopa Indian Community
Emergency Management

Presentation Overview

- Emergency Management Mission & Overview
- EPCRA History
- SRPMIC TERC History
- EPCRA Concepts
- TERC Concepts



Salt River Pima-Maricopa Indian Community
Emergency Management

Mission of Emergency Management

Coordinate all stakeholders to prepare, mitigate, respond, and recover from a natural, man made, or technological event that impacts the quality of life of the Community members, visitors, businesses, and employees in the SRPMIC.



Salt River Pima-Maricopa Indian Community
Emergency Management

Overview of EM Program

- Creation
- Report to Fire Chief
- Plan for large incidents/disasters
- Provide administrative support to TERC
- Coordinate with SRPMIC internal/external partners during an emergency
- Train SRPMIC employees on ICS
- Educate Community Members
- Work with Tribal Enterprises to ensure resiliency



Salt River Pima-Maricopa Indian Community
Emergency Management

EPCRA History

- Emergency Planning & Community Right-to-Know Act of 1986
- Triggered by 1984 disaster in Bhopal, India and then similar incident in Institute, West Virginia
- Raised concerns about local preparedness for chemical emergencies and availability of information on hazardous chemicals in local communities
- Amended in 1990 to include Tribal Nations as Sovereign
- Key Components:
 - Emergency Planning
 - Emergency Notification
 - Hazardous Chemical Inventory Reporting
 - Toxic Release Inventory



Salt River Pima-Maricopa Indian Community
Emergency Management

SRPMIC TERC History

- Established in concept in 2007
 - Initially to educate on Emergency Planning and Coordination
- Role/Responsibilities
 - Emergency Planning – All-Hazards
 - Emergency Release Notification
 - Hazardous Chemical Storage Inventory
 - Toxic Chemical Release Inventory
- Membership listed as:
 - TERC Chairperson appointed by Council
 - President
 - Vice-President
 - Council Member
 - Community Member (SR and Lehi)
 - Enterprise Representative
 - Emergency Manager
 - Director of all Departments



Salt River Pima-Maricopa Indian Community
Emergency Management

EPCRA Concepts

- Four Major Provisions
 - Emergency Planning Notification & Emergency Response Plans
 - Emergency Release Notification
 - Hazardous Chemical Inventory Reporting
 - Toxic Chemical Release Inventory
- Each State Required to have a State Emergency Response Commission (SERC)
- SERC Role/Responsibilities
 - Designating Local Emergency Planning Committees (LEPC)
 - Supervise & Coordinate LEPC
 - Establish Procedures for collecting & disseminating information
- LEPC Role/Responsibilities
 - Comprised of various local officials (police, fire, EM, public health, transportation and environmental as well as Chemical facility representatives, Community groups & media
 - Develop local emergency response plans
 - Provide public with information about chemicals present in their community



Salt River Pima-Maricopa Indian Community
Emergency Management

SRPMIC TERC Concepts

- Four Major Provisions
- Tribal Emergency Readiness Commission
- Minimum Membership:
 - President
 - Vice-President
 - One each - Council Member for SR District & Lehi District
 - SRPD Representative
 - SRFD Representative
 - Emergency Management Representative
 - Health/Public Health Representative
 - EPNR Representative
 - Transportation Representative
 - EPCRA Facility Representative
 - Community Relations Office Representative
 - One each – Community Member for SR District & Lehi District
 - Youth Council Representative



Salt River Pima-Maricopa Indian Community
Emergency Management

SRPMIC TERC Concepts (con't)

- Others that could be approved to be voted into Membership:
 - All SRPMIC Departments
 - All Tribal Enterprises
 - Neighboring Public Safety agencies of Scottsdale & Mesa
- Establish by Council Resolution
- Roles/Responsibilities
 - Carries out provisions of EPCRA
 - Makes Recommendations to Tribal Council
 - Rule-making Authority that pertain to EPCRA provisions
 - Hold Open Community Meetings
- Overarching Goal of our TERC is to bolster & maintain the Readiness of the Community through Collaboration, Communication, Coordination & Cooperation
- Tier II Reporting continues under the direction of SRFD Prevention Division



SRPMIC TERC Concepts (con't)

- Emergency Management will always provide administrative support but does mean always “run the show”
- Continue All-Hazards Approach
- Educate Community on what TERC is AND what it is not
- Periodic Updates on Tribal Initiatives
- How we are meeting the requirements of EPCRA
 - Emergency Planning – SRPMIC Emergency Operations Plan
 - Emergency Notification – SRPMIC Ready
 - Hazard Chemical Inventory Reporting – Tier II handled through FD
 - Toxic Release Inventory – Designated POC but no facilities on Tribal land



Salt River Pima-Maricopa Indian Community
Emergency Management

Questions?

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Salt River Pima-Maricopa Indian Community
Emergency Management