



Regional Review Committee Orientation Manual

February 2022





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State Fire
Marshal

Homeland Security and Emergency Management

445 Minnesota Street • Suite 223 • Saint Paul, Minnesota 55101-6223

Phone: 651-201-7400 • Fax: 651-296-0459

<https://hsem.dps.mn.gov>

Greetings:

On behalf of the Minnesota Department of Public Safety Division of Homeland Security and Emergency Management, I am pleased to welcome you as a member of a Regional Review Committee (RRC). Thank you for your commitment to furthering the safety of Minnesota's residents and the state's first responder personnel.

You are one of a nine-member district RRC. Each member brings a diverse background as a representative of one of the following sectors: facilities regulated under the federal act; emergency response organizations; or the public, including community groups, the media or elected officials.

The primary purpose of the six statewide RRCs is to ensure that county emergency operations plans include the Superfund Amendments and Re-Authorization Act (SARA) Title III-related information required by state and federal laws. Specifically, RRCs are charged with the task of determining whether county emergency operations plans (EOPs) adequately address the SARA Title III plan content items included in Minnesota's Local Emergency Operations Plan Crosswalk, the *MNWALK*.

This orientation packet has been prepared to introduce you to the history, goals and functions of the RRC. Please also review the enclosed Standard Guidance Document, which should help you and other Committee members conduct your reviews in a consistent manner.

The recently updated Guidance Document has sample language for county and municipal emergency management personnel and includes examples of how to incorporate the required SARA Title III information. These materials should make it easier for RRCs to arrive at a decision as to whether an EOP adequately addresses the required SARA Title III planning information.

Should you have questions about your role or responsibilities as an RRC member, please contact the HSEM regional program coordinator (RPC) assigned to your district. A list of RPCs is included in the orientation packet.

Again, thank you for your service and WELCOME ABOARD.

Sincere regards,

Joe Kelly
Director

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DOCUMENT HISTORY

Revision Date	Description of Changes
March 2011	Update
February 2012	Update
January 2013	Update
August 2017	Update
February 2022	Update

THE (U.S.) EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: IMPLEMENTATION IN MINNESOTA

On October 17, 1986, the federal "Superfund Amendments and Reauthorization Act (SARA)," was enacted into law. This statute, commonly referred to as Title III, or the "Emergency Planning and Community Right-to-Know Act" (EPCRA), is intended to help communities deal safely and effectively with the numerous hazardous chemicals used in our society. EPCRA was incorporated into Minnesota law via passage of the "Minnesota Emergency Planning and Community Right-to-Know Act" (Minnesota Statutes [M.S.], Chapter 299K).

In Minnesota, the responsibility for monitoring compliance with EPCRA, as well as carrying out several of its requirements, has been assigned to the Department of Public Safety Division of Homeland Security and Emergency Management (HSEM).

EPCRA requires that every state carry out the following responsibilities:

- Facilitate the Title III emergency planning process at the local government level;
- Provide information about particular chemicals (or facilities) necessary for the planning activities of political subdivisions; and
- Establish procedures for receiving and processing public requests for information collected under Title III.

Under Section 301 of Title III, states are required to designate emergency planning districts, and to appoint members to a "Local Emergency Planning Committee" (LEPC) for each planning district. Initially, seven emergency planning districts were designated for the entire State of Minnesota, and appointed members to an LEPC for each district. However, when M.S., Chapter 299K was enacted in July 1989, the LEPCs were re-designated as Regional Review Committees (RRCs).

Interested applicants should complete a ***Regional Review Committee Service Application*** and submit it via e-mail, U.S. mail, fax or in person.

Minnesota Department of Public Safety
Homeland Security and Emergency Management
Attn: RRC Application
445 Minnesota Street, Suite 223
Saint Paul, MN 55101-6223

E-mail: dps.hsem@state.mn.us

Fax: 651-296-0459

Phone: 651-201-7400

Applications will remain on file for one year and may be considered in the event of a committee vacancy.

Contact Information:

Questions may be directed to Joe Neuberger, HSEM Operations branch director, at 651.201.7408 or joe.neuberger@state.mn.us.

CURRENT RRC MEMBERSHIP^[DJ(1)]

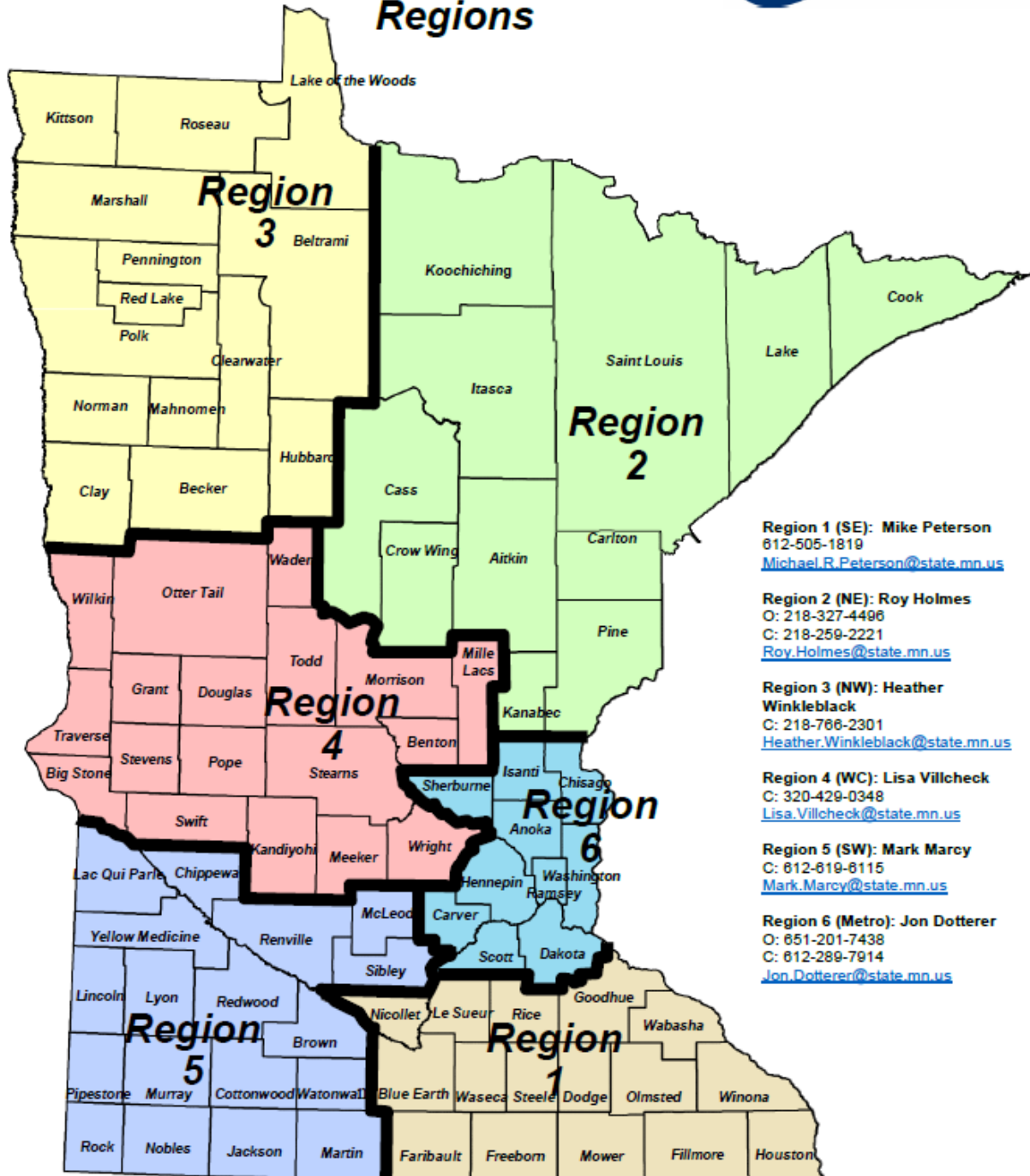
The primary duty of an RRC is to review the emergency operations plans (EOPs) of the political jurisdictions in its district, in accord with the state's four-year planning/exercising cycle. At a minimum, RRCs review EOPs to determine if they adequately address the required SARA Title III planning elements, as identified in Minnesota's Local Emergency Operations Plan Crosswalk (the MNWALK). When reviewing EOPs, RRCs note deficiencies and offer suggestions regarding plan improvements. Since their inception, RRCs have reviewed the EOPs of all 87 counties, 46 cities and the University of Minnesota. Most of these plans have been reviewed multiple times. To facilitate the review process, members often meet with the applicable emergency management directors in their counties.

For a list of the current membership of RRCs, please go to the EPCRA website at <http://dps.mn.gov/divisions/hsem/epcra> or contact your regional program coordinator.

HSEM Regional Map



Minnesota Division of Homeland Security and Emergency Management Regions



Region 1 (SE): Mike Peterson
 612-505-1819
Michael.R.Peterson@state.mn.us

Region 2 (NE): Roy Holmes
 O: 218-327-4496
 C: 218-259-2221
Roy.Holmes@state.mn.us

Region 3 (NW): Heather Winkleblack
 C: 218-766-2301
Heather.Winkleblack@state.mn.us

Region 4 (WC): Lisa Villcheck
 C: 320-429-0348
Lisa.Villcheck@state.mn.us

Region 5 (SW): Mark Marcy
 C: 612-619-8115
Mark.Marcy@state.mn.us

Region 6 (Metro): Jon Dotterer
 O: 651-201-7438
 C: 612-289-7914
Jon.Dotterer@state.mn.us

Minnesota Duty Officer: 1-800-422-0798 or 651-649-5451

REGIONAL REVIEW COMMITTEE

EXPENSE REIMBURSEMENT POLICY AND RATES

Reimbursement of RRC member expenses is based on [Minnesota Statutes, section 15.0575](#), subdivision 3. The most recent reimbursement rates and policies are summarized below.

Effective January 1, 2022, the mileage reimbursement rate is \$.55 cents per mile. Other principal reimbursement rates ----board compensation (\$55/day) and meals (a maximum of \$9 for breakfast, \$11 for lunch and \$16 for dinner). NOTE: Only actual meal expenses may be claimed.

We need your assistance to ensure that expense reimbursement checks are issued promptly. Expense reports must be filled out as completely and accurately as possible, *and* be accompanied by the necessary receipt(s). Please remember the following:

1. Complete expense reports legibly in *pen*, not pencil. Please print.
2. State and local government employees serving on the RRC are normally *not* eligible to receive board compensation.
3. Parking and lodging expense reimbursement requires a *receipt*, except when the parking space is metered.
4. Meal reimbursement:
 - BREAKFAST expense is reimbursable "...if the employee leaves home *before 6:00 a.m.* or is away from home overnight."
 - LUNCH expense is reimbursable "...if the employee is in travel status *more than 35 miles away* from his/her normal office or is away from home overnight."
 - DINNER expense is reimbursable "...if the employee cannot return home until *after 7:00 p.m.* or is away from home overnight."

Because of the foregoing meal reimbursement criteria, DEPARTURE and ARRIVAL TIMES must be entered in the Time column for both the outbound and return portions of each trip.

5. RRC members' completed expense reports must be submitted to the District HSEM regional program coordinator.
6. If reimbursable expenses have been incurred, completed expense reports should be submitted *at least once each quarter* (1/1-3/31, 4/1-6/30, 7/1-9/30, 10/1-12/31) of the state fiscal year.

If you have questions or would like a copy of an expense report, please contact your regional program coordinator.

SARA TITLE III AND ITS RELATIONSHIP TO THE MNWALK AND REGIONAL REVIEW COMMITTEES

In reviewing county and city emergency plans it is helpful to understand the history and purpose of SARA Title III and the MNWALK emergency plan process.

Briefly, it goes back to December 3, 1984, in Bhopal, India, when in the middle of the night a toxic cloud of methyl isocyanate (MIC) gas escaped from a Union Carbide plant and swept through a nearby community, killing approximately 3,800 men, women and children, and causing serious injury to another 11,000 persons. It was the worst chemical factory disaster in history, and it provoked worldwide outrage and reaction.

In the United States, it was realized that there were many chemical and other related industrial facilities all over the country, and a concern developed that similar incidents could happen in America. By 1986, Congress developed a set of comprehensive national regulations intended to prevent a Bhopal-type incident. These regulations were called the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA subsequently became Title III of a major piece of environmental legislation known as the Superfund Amendments and Reauthorization Act of 1986. EPCRA soon became known as SARA Title III, and in Minnesota an enabling order incorporating the provisions of SARA Title III into state law was created.

The primary purpose of SARA Title III is to require facilities that have especially hazardous or toxic substances to publicly identify themselves and develop detection systems and emergency response plans for an accidental release, and also to require communities where such facilities are located to have a hazardous material emergency response plans, as well. Each state, including Minnesota, is required to have a state emergency response commission to oversee implementation and enforcement of the SARA Title III requirements. Each commission is allowed to appoint local committees to assist. In Minnesota, seven Regional Review Committees were formed to assist by reviewing city and county emergency response plans to assure they meet SARA Title III requirements.

Nationally, the idea was to create a series of requirements that, together, would form the foundation of an approvable hazardous materials emergency response plan for counties and municipalities where facilities with hazardous materials are located. In Minnesota, those federal requirements eventually became incorporated into the Minnesota All-Hazard emergency response planning system now administered by the MN Division of Homeland Security and Emergency Management (HSEM). They are identified by an asterisk (*) in the Minnesota Plan Crosswalk (MNWALK) and periodically reviewed by a Regional Review Committee under guidance of HSEM, which administers many other SARA Title III requirements not mentioned here.

Taken together, the SARA Title III items in the MNWALK still form the basis of an approvable hazardous materials emergency plan for every county and municipalities in Minnesota. In other words, those communities that meet SARA Title III requirements have, in fact, a good hazardous materials response plan. That is the purpose of the SARA title III requirements and the reason why the state and federal governments consider them to be important.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

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

EPCRA has four major provisions:

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

Emergency Planning (Sections 301-303)

Emergency Response Plans contain information that community officials can use at the time of a chemical incident. Community emergency response plans for chemical accidents were developed under section 303. The plans must:

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

Planning activities of Local Emergency Planning Committees (LEPCs), functioning as Regional Review Committees (RRCs) in Minnesota, and facilities initially focused on, but were not limited to, the 355 extremely hazardous substances (EHSs) listed by the Environmental Protection Agency (EPA). The list includes the threshold planning quantities (TPQ) (minimum storage limits) for each substance. Any facility that has any of the listed chemicals at or above its TPQ must notify the State Emergency Response Commission (SERC) and LEPC within 60 days after they receive shipment or produce the substance on site. Since Minnesota does not have a SERC nor LEPC’s, these notifications are made to the Minnesota EPCRA Program. The Minnesota EPCRA Program is part of HSEM.

Emergency Release Notification Requirements (Section 304)

Facilities must immediately notify the SERC and LEPC(/RRC) if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity (RQ) set in the regulations. This requirement covers the emergency notification requirements under CERCLA Section 103 (a) (40 CFR 302.4).

For facilities located in Minnesota, this notification is made to the local 911, Minnesota Duty Officer (1-800-422-0798, 651-649-5451) and National Response Center (1-800-424-8802). The Minnesota Duty Officer is part of the Minnesota Department of Public Safety Bureau of Criminal Apprehension. The National Response Center is part of the U.S. Coast Guard. Initial notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification should include:

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

An Emergency Release Follow-up Report (Attached) must be submitted to the Minnesota EPCRA Program within thirty days of the release.

Hazardous Chemical Storage Reporting Requirements (Sections 311/312)

Under occupational Safety and Health Administration (OSHA) regulations, employers must maintain a safety data sheet (SDS) for any hazardous chemicals stored or used in the work place.

Section 311 requires facilities that have SDSs for chemicals held above certain quantities to submit either copies of their SDSs or a list of chemicals to the SERC, LEPC and the local fire department. In Minnesota, submittals are made to the Minnesota EPCRA Program and local fire department only.

The Minnesota EPCRA Program does not accept SDSs but instead requires the chemical list to be reported on the Tier II Emergency and Hazardous Chemical Inventory (attached). This report is due within 90 days of a facility reaching threshold.

These hazard categories are:

Physical hazards

Flammable (gases, aerosols, liquids, or solids)
Gas under pressure
Explosive
Self-heating
Pyrophoric (liquid or solid)
Pyrophoric gas
Oxidizer (liquid, solid or gas)
Organic peroxide
Self-reactive
In contact with water emits flammable gas
Corrosive to metal
Combustible dust
Hazard Not Otherwise Classified (HNOC)

Health hazards

Carcinogenicity
Acute toxicity (any route of exposure)
Reproductive toxicity
Skin corrosion or irritation
Respiratory or skin sensitization
Serious eye damage or eye irritation
Specific target organ toxicity (single or repeated exposure)
Aspiration hazard
Germ cell mutagenicity
Simple asphyxiant
Hazard Not Otherwise Classified (HNOC)

Facilities covered under section 311 must, under section 312, submit annually a Tier II Emergency and Hazardous Chemical Inventory Form (attached) to the SERC, LEPC, /RRC and local fire department. In Minnesota, submittals are made to the Minnesota EPCRA Program and local fire department only. Minnesota uses Tier II Manager on-line reporting software.

Tier II forms provide the following information for each substance;

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

Toxic Chemical Release Inventory (Section 313)

EPCRA Section 313, commonly referred to as the Toxics Release Inventory or TRI, requires certain facilities to complete a Toxic Chemical Release Inventory Form (EPA Form R) (attachment 5) annually for specified chemicals. The form must be submitted to EPA and the Minnesota EPCRA Program annually by July 1, covering releases and other waste management activities of toxic chemicals that occurred during the preceding calendar year. Minnesota is among several states that allow facilities to submit on-line reports to both EPA and the Minnesota EPCRA Program. One purpose of this reporting requirement is to inform the public and government officials about releases and other waste management of toxic chemicals. The following information is required on the form:

- The name, location and type of business;
- Whether the chemical is manufactured (including importation), processed, or otherwise used and the general categories of the use of the chemical;

- An estimate (in ranges) of the maximum amounts of the toxic chemical present at the facility at any time during the preceding year;
- Quantity of the chemical entering the air, land, and water annually;
- Off-site locations to which the facility transfers toxic chemicals in waste for recycling, energy recovery, treatment or disposal;
- Waste treatment/disposal methods and efficiency of methods for each waste stream.

In addition, the Pollution Prevention Act of 1990 requires collection of information on source reduction, recycling, and treatment. EPA maintains a national TRI database, available at www.epa.gov/tri/. The Minnesota EPCRA Program maintains a state TRI database, available at <https://dps.mn.gov/divisions/hsem/epcra>.

Summary of EPCRA reporting requirements for facilities located in Minnesota:

Section 302 One-time notification to Minnesota EPCRA Program within 60 days of reaching a storage threshold

Section 304 If a release above a reportable quantity occurs, facilities must contact 911, the Minnesota Duty Officer and the National Response Center. An Emergency Release Follow-up Report must be submitted to the Minnesota EPCRA Program within thirty days of the release.

Section 311 One time submission with updates only for new chemicals or information to the Minnesota EPCRA Program and local fire department within three months.

Section 312 Annually by March 1 to the Minnesota EPCRA Program and local fire department.

Section 313 Annually by July 1 to EPA and the Minnesota EPCRA Program.

TIER TWO EMERGENCY AND HAZARDOUS CHEMICAL REPORT FORM

Minnesota EPCRA program has moved to online reporting. Facilities report their inventories via the online system. Should you wish to see the on line system, work with your RPC or the HSEM EPCRA program coordinator for a demonstration.



Tier II Emergency and Hazardous Chemical Inventory

Mail this report to the Minnesota EPCRA Program
445 Minnesota St., Suite 223, St. Paul, MN 55101

Use this printed form when the Tier II Manager (<http://minnesota.idsimaps.com>) is not available.
Required fields are marked with an asterisk (*).

Location & Nature of Business

Physical Location

Facility/ Site Name*		Facility ID	Latitude*
Street 1*		Street 2	Longitude*
City*	Zip Code*	County*	
Fire Department*	Other Fire Departments Responding To This Site		

Facility Identification Information

NAICS*	Nature of Business*	<input type="radio"/> Unmanned* <input type="radio"/> Manned*
Max Occupants At One Time*	Dun & Bradstreet Number	No. of Full Time Employees
SIC Code	Client System ID (ERC ID)	

Facility Contact Details

Facility Contact

Facility Contact	Phone*	24 Hour Phone
Email*	Fax	Website

Parent Company

Parent Company Name	Dun & Bradstreet Number	Street Address
Country	City	State Zip Code
Phone	Email	

Owner/Operator Details

Name*		EIN	
Street 1*		Street 2	
Country	City	State	Zip Code
Owner/Operator Phone	24 Hour Phone	Owner/Operator Email	

PS-EPCRA 932 (11/2013)

FOR PRINT ONLY

Facility Mailing/Billing Contacts

Mailing Address

Same as Physical Address Same as Owner/Operator Address

Company Name*		Attention*	
Street 1*		Street 2	
Country	City	State	Zip Code
Phone			

Billing Address

Same as Mailing Address Same as Physical Address Same as Owner/Operator Address

Company Name*		Attention*	
Street 1*		Street 2	
Country	City	State	Zip Code
Phone			

Reporting Ranges

Weight Range in Pounds

Range Code	From	To
01	0	99
02	100	499
03	500	999
04	1,000	4,999
05	5,000	9,999
06	10,000	24,999
07	25,000	49,999
08	50,000	74,999
09	75,000	99,999
10	100,000	499,999
11	500,000	999,999
12	1,000,000	9,999,999
13	10,000,000	Greater than 10,000,000

For more information go to <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting> or call the Minnesota EPCRA Program at (651) 201-7416

Storage Codes¹

Code	Container Type	Code	Storage Conditions
A	Above ground tank		Pressure
B	Below ground tank	1	Ambient Pressure
C	Tank inside building	2	Greater Than Ambient Pressure
D	Steel drum	3	Less Than Ambient Pressure
E	Plastic or non-metal drum		Temperature
F	Can	4	Ambient Temperature
G	Carboy	5	Greater Than Ambient Temp.
H	Silo	6	Less Than Ambient Temperature, Not Cryogenic
I	Fiber drum	7	Cryogenic Conditions
J	Bag		
K	Box		
L	Cylinder		
M	Glass bottles or jugs		
N	Plastic bottles or jugs		
O	Tote bin		
P	Tank wagon		
Q	Rail car		
R	Other		

¹ Storage Codes are listed as a Container Type (letter), Pressure and Temperature (numbers). For example, B14 is a below ground tank at ambient pressure and ambient temperature.

SAMPLE TIER TWO ONLINE SUBMISSION REPORT

Tier 2 Online Submission Report E-Plan - University of Texas at Dallas

Facility Name	GRANITE FALLS WASTEWATER TREATMENT PLANT	Facility ID	1506347
Department Name		Facility Email	
Physical Address	986 W PARK ST, Granite Falls, Yellow Medicine, MN - 56241, USA	Latitude / Longitude	44.805183 / -96.541763
Mail Address		Method of Determination	
NAICS	221320	Location Description	
Dun & Bradstreet			

Contact Information	Name	Phone	Email	Mail address
Emergency Contact 1	BILL LAVIN	3205643011 (Work)		USA
Emergency Contact 2	GRANITE DEPT	3205642129 (Work)		USA

Chemical Description	Physical & Health Hazards	Inventory	Mixture components	Storage locations and codes (Non-Confidential)
CAS 7782505 Trade Secret [] Chem. Name CHLORINE Pure [X] Mixture [] Solid [] Liquid [X] Gas [X] EHS [X]	Fire [] Pressure [X] Reactive [] Acute [X] Chronic []	27.0 Max. Daily Amount 27.0 Avg. Daily Amount 255 No. of Days On-site		1) COOL, DRY, WELL VENTILATED AREA. Type L, Pressure 2, Temperature 4
State Specific Information No State specific information				
CAS 7446096 Trade Secret [] Chem. Name SULFUR DIOXIDE Pure [X] Mixture [] Solid [] Liquid [X] Gas [X] EHS [X]	Fire [] Pressure [X] Reactive [] Acute [X] Chronic []	9.0 Max. Daily Amount 9.0 Avg. Daily Amount 255 No. of Days On-site		1) COOL, DRY, WELL VENTILATED AREA. Type L, Pressure 2, Temperature 4
State Specific Information No State specific information				

State Specific Information
No State specific information

REGIONAL REVIEW COMMITTEE RESOURCES

Federal Emergency Management Agency
www.fema.gov

Minnesota Department of Public Safety
www.dps.state.mn.us

Minnesota Division of Homeland Security and Emergency Management
www.hsem.state.mn.us

HSEM EPCRA Program
www.epcra.state.mn.us

Association of Minnesota of Emergency Managers
www.amemminnesota.org

Extremely Hazardous Chemicals List
<https://tinyurl.com/zukeuk7>

CONTACT INFORMATION

HSEM Regional Program Coordinators

Region 1	Mike Peterson	612-505-1819	michael.r.peterson@state.mn.us
Region 2	Roy Holmes	218-259-2221	roy.holmes@state.mn.us
Region 3	Heather Winkleblack	218-766-2301	heather.winkleblack@state.mn.us
Region 4	Lisa Villcheck	320-429-0348	lisa.villcheck@state.mn.us
Region 5	Mark Marcy	612-619-6115	mark.marcy@state.mn.us
Region 6	Jon Dotterer	612-289-7914	jon.dotterer@state.mn.us

LEGAL AUTHORITIES

Minnesota Statutes, Chapter 299K

[299K.04 REGIONAL REVIEW COMMITTEE.](#)

Subdivision 1. **Membership.** (a) The commission shall establish emergency planning districts and appoint and supervise a regional review committee for each district. The regional review committee shall serve as the local emergency planning committee under the federal act, except where a local emergency planning committee has been established by one or more political subdivisions.

(b) Each regional review committee must have nine members consisting of:

(1) three representatives of facilities regulated under the federal act;

(2) three representatives of emergency response organizations; and

(3) three representatives of the public including community groups, broadcast and print media, and elected officials.

Subd. 2. **Compensation.** Regional review committee members shall be compensated in the manner provided in section [15.059](#).

Subd. 3. **Duties of regional review committee.** Regional review committees shall:

(1) review emergency operations plans prepared by political subdivisions within their emergency planning district to determine whether they meet the requirements of section 11003(c) of the federal act;

(2) consult and coordinate with the regional program coordinators of the Division of [Homeland Security and Emergency Management of the Department of Public Safety and with local and county organizations for civil defense designated under section [12.25](#);

(3) submit emergency plans to the commission for review and recommendations;

(4) establish procedures for receiving and processing requests from the public for information available under the federal act; and

(5) perform any other duties specified in the federal act.

[299K.05 LOCAL EMERGENCY PLAN.](#)

Subdivision 1. **Preparation.** Political subdivisions should prepare emergency plans that adequately address the requirements contained in section 11003 of the federal act. The emergency plan may be a part of a plan prepared by a political subdivision in accordance with chapter 12. County organizations, through the county director designated under section [12.25](#), shall receive the plans for review, shall coordinate the emergency planning required under the federal act for political subdivisions within the county, and shall submit the plans to the regional office of the Division of Emergency Management. The Division of Emergency Management shall submit the plans to the regional review committee.

Subd. 2. **Local emergency planning committee.** A political subdivision or two or more political subdivisions that are contiguous may request the commission to establish a local emergency planning committee for the political subdivision or subdivisions. A local emergency planning committee established by the commission shall carry out all requirements specified under sections 11001 to 11046 of the federal act.

Subd. 3. **Planning advisory committee.** A political subdivision or two or more political subdivisions that are contiguous may establish, in lieu of a local emergency planning committee, a planning advisory committee to prepare an emergency plan under section 11003 of the federal act.

SARA TITLE III, SECTION 304 (AS AMENDED)

42 U.S.C.

United States Code, 2011 Edition

Title 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 116 - EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

SUBCHAPTER I - EMERGENCY PLANNING AND NOTIFICATION

SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

§11004. Emergency notification

(A) TYPES OF RELEASES

(1) 11002(A) SUBSTANCE WHICH REQUIRES CERCLA NOTICE

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. 9603(a)] (hereafter in this section referred to as “CERCLA”) (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section.

(2) OTHER 11002(A) SUBSTANCE

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section, but only if the release—

(A) is not a federally permitted release as defined in section 101(10) of CERCLA [42 U.S.C. 9601(10)],

(B) is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and

(C) occurs in a manner which would require notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)].

Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b) of this section.

(3) NON-11002(A) SUBSTANCE WHICH REQUIRES CERCLA NOTICE

If a release of a substance which is not on the list referred to in section 11002(a) of this title occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator shall provide notice as follows:

(A) If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)], the owner or operator shall provide notice as described in subsection (b) of this section.

(B) If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)]—

(i) Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA [42 U.S.C. 9603(a)].

(ii) On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b) of this section.

(4) EXEMPTED RELEASES

This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

(B) NOTIFICATION

(1) RECIPIENTS OF NOTICE

Notice required under subsection (a) of this section shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committees, if established pursuant to section 11001(c) of this title, for any area likely to be affected by the release and to the State emergency planning commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

(2) CONTENTS

Notice required under subsection (a) of this section shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

(A) The chemical name or identity of any substance involved in the release.

(B) An indication of whether the substance is on the list referred to in section 11002(a) of this title.

(C) An estimate of the quantity of any such substance that was released into the environment.

(D) The time and duration of the release.

(E) The medium or media into which the release occurred.

(F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).

(H) The name and telephone number of the person or persons to be contacted for further information.

(C) FOLLOWUP EMERGENCY NOTICE

As soon as practicable after a release which requires notice under subsection (a) of this section, such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b) of this section, and including additional information with respect to—

- (1) actions taken to respond to and contain the release,
- (2) any known or anticipated acute or chronic health risks associated with the release, and
- (3) where appropriate, advice regarding medical attention necessary for exposed individuals.

(D) TRANSPORTATION EXEMPTION NOT APPLICABLE

The exemption provided in section 11047 of this title (relating to transportation) does not apply to this section.

(Pub. L. 99–499, title III, §304, Oct. 17, 1986, 100 Stat. 1733.)

References in Text

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and CERCLA, referred to in subsec. (a)(1), (3), is Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of this title and Tables.