



## DIRECTIVE

Pennsylvania Emergency Management Agency  
2605 Interstate Drive  
Harrisburg, PA 17110-9364

<b>Subject:</b> Requirements for the Preparation of the Annual County Report on Hazardous Material Emergency Response Preparedness.	<b>Number:</b> D2009-2
<b>Date Published:</b> May 21, 2009 <b>Expiration Date:</b>	<b>By Direction of:</b> Robert P. French, Director

### I. PURPOSE

- A. This Directive satisfies the requirement of Section 6022.204(a)(3) of the Hazardous Material Emergency Planning and Response Act ("Act 165"). This Directive provides counties with the format and instructions for the preparation and content of the "periodic report" required by Section 6022.204 (B.1) of Act 165.
- B. Periodic reports related to Act 165 are hereby considered to be the minutes of all meetings of the Local Emergency Planning Committee (LEPC) and the annual report.
- C. The minutes of each meeting of the LEPC are to be submitted to the Pennsylvania Emergency Management Agency (PEMA), via the appropriate PEMA Area Office, within forty-five (45) days of the meeting or within ten days of their approval.
- D. The annual report is to be submitted to PEMA, via the appropriate PEMA Area Office, no later than July 10 of each year. The reporting period is the standard Calendar Year (CY) of January 1 through December 31.

### II. PROCEDURES

The instructions and format for preparing the report are provided in Enclosure 1. The prescribed format must be used for submissions of this report. Submissions in other than the prescribed format will be returned for corrections.

### III. GUIDANCE AND INFORMATION

- A. The county-specific annual report on Hazardous Material Emergency Response Preparedness (HMERP) is an important document for keeping

the county officials apprised of the threat to the public safety, public health, and environment posed by the release of hazardous materials located in, and transported through, the county. The report also addresses the available resources, the organization to mitigate and to counteract the threat, and identifies any additional resources that may be required. Furthermore, the annual report also serves as a plan outline for sustaining and improving the county hazardous material safety program.

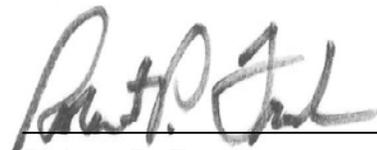
- B. The report will reflect the current status of the hazardous material safety program in the county and will address occurrences and developments during the **reporting period of January 1 through December 31**.
- C. The signatures required on Appendices II and III are those of the County Treasurer, who has the responsibility and accountability for the county Hazardous Material Emergency Response (HMER) Account, which is required by Section 6022.207(b) (1) of Act 165.
- D. Original signatures are required on Appendices I, II, and III. A completed report with original signatures is to be mailed to the appropriate PEMA Area Office for forwarding to PEMA, Bureau of Plans, Division of Technological Hazards.

#### IV. INFORMATION

Questions concerning the procedures for this report should be directed to the appropriate PEMA Area Office or to the Bureau of Plans, Division of Technological Hazards, at 717-651-2214.

#### V. AUTHORITY

- A. The Pennsylvania Emergency Management Services Code, 35 Pa C.S. §§ 7101-7707, *as amended*.
- B. The Hazardous Material Emergency Planning and Response Act, 35 P.S. §§ 6022.101 - 6022.307, *as amended*.



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Robert P. French  
Director

Enclosure:

Enclosure (1): Instructions and Format for the HMERP Report

Distribution:

Chairpersons, County Boards of Commissioners  
County Emergency Management Coordinators  
Chairpersons, County Local Emergency Planning Committees  
PEMA Executive Office  
PEMA Chief Counsel  
PEMA Bureau of Financial Management and Support Services  
PEMA Bureau of Operations and Training  
PEMA Bureau of Plans  
PEMA Area Directors

**INSTRUCTIONS AND FORMAT FOR THE HMERP REPORT**

**NOTE:** USE ONLY THE FORMAT AND TABLES SHOWN, OR THE REPORT WILL BE RETURNED FOR CORRECTION.

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**REPORT ON HAZARDOUS MATERIAL EMERGENCY RESPONSE  
PREPAREDNESS**

**I. SUMMARY OF EVENTS AND DEVELOPMENTS DURING THE REPORTING PERIOD**

Provide a summary of the significant events and developments during the prior calendar year that affected the county's hazardous material safety program. Include a general discussion of the following:

- A. general statement of the actual and potential threats to the public health and safety and to the environment resulting from the presence of hazardous materials in the county;
- B. actions taken to identify new SARA reporting and planning facilities;
- C. the number of significant incidents within the county involving hazardous chemicals and the number of hazmat incidents/events reported to the State Emergency Operations Center (SEOC);
- D. the number of violations of Act 165 (as amended), and enforcement actions taken or contemplated by the county;
- E. transportation of hazardous substances in the county;
- F. developments in the hazardous material safety program in the county;
- G. existing capabilities to counter the threat, including personnel, equipment, training, and planning;
- H. training of personnel required to respond to hazardous material incidents;
- I. the number of plans developed and the number updated;
- J. trends;
- K. goals; and,
- L. any special concerns.

**II. ANALYSIS OF THE CURRENT THREAT**

A. Facilities

1. SARA Planning Facilities

Number of planning facilities as of December 31 of the prior calendar year: a. \_\_\_\_

Number of planning facilities exempt from fees: b. \_\_\_\_

Total number of chemicals at all planning facilities: c. \_\_\_\_

Total number of these chemicals at exempt facilities: d. \_\_\_\_

2. Other Reporting Facilities

Provide information about other facilities in the county, which are NOT included in subparagraph 1 above, and which are required to submit Tier II reports.

Number of these reporting facilities: a. \_\_\_\_

Number of these facilities exempt from Tier II fees: b. \_\_\_\_

Total number of chemicals at these reporting facilities: c. \_\_\_\_

Total of these chemicals at exempt facilities: d. \_\_\_\_

3. SARA Planning Facilities in Adjacent Counties Posing a Threat to the County

Identify the threat to the county caused by the presence of SARA planning facilities in adjacent counties. If you have citizens who could be affected by a release from such a facility, you should have a plan -- either your Emergency Support Function 10 or a separate offsite response plan. It is not the adjacent county's responsibility to prepare a plan to protect your county's citizens. (Note: If you prepare offsite response plans for these facilities, they will not generate planning fees for your Local Emergency Planning Committee.) Therefore, these plans may be reported as "exempt" facilities for which you have approved plans to obtain credit on your Act 165 HMRF (Matching Grant) application.

a. Number of facilities in adjacent counties, including other states, which represent a threat to this county.

b. Number of separate, offsite response plans developed by this county, and submitted to the appropriate PEMA Area Office, due to threat(s) in adjacent counties (These are referred to as "border plans" in the SARA Plans database, and these may be included for credit on the Matching Grant application).

c. A statement regarding how the county has provided for the public safety, health, and protection of the environment threatened by each facility in adjacent counties for which a separate county plan has not been written.

B. Chemical Facilities Threat

1. Analysis of Threat

Provide a short narrative with an overall general assessment of the potential threats posed by facilities requiring emergency response plans under Section 303 of SARA, Title III, and other concentrations of hazardous materials in the county or in areas immediately adjacent to the county.

C. Facility Threat Rating

Provide an objective rating of the current threat (e.g., significant – high - moderate – low). In applying this rating, consider such factors as: response planning and capabilities; the populace at risk, including special considerations such as schools and hospitals; vulnerability of the facilities to acts of nature, such as flooding; the security systems and procedures at the facilities; and, any other factors considered significant. Provide a brief statement regarding the basis for assigning the rating.

Please check one:     S     H     M     L

D. Transportation Threat

1. Analysis of Threat

Provide a narrative threat analysis. Include whatever statistics are available concerning the type and amount of hazardous materials being transported into, and through, the county and the method and frequency of the transportation.

2. Transportation Threat Rating

Provide an objective rating of the current transportation threat (e.g., significant - high - moderate - low). In applying this rating consider such factors as: response planning and capabilities; the populace at risk; special considerations; and, any other factors considered significant. Provide a brief statement regarding the basis for assigning the rating.

Please check one:     S     H     M     L

3. Commodity Flow Studies

State when the latest commodity flow study was conducted, and attach a copy of the study if not previously submitted to PEMA. If

none, state the reason therefore, and report intentions for future studies.

Date of the most recent Commodity Flow Study?

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### III. ORGANIZATION AND ACTIVITIES TO COUNTER THE HAZARDOUS MATERIAL THREAT

#### A. County Commission Chairperson and LEPC Information

1. Provide the name and mailing address of the current county commission chairperson (or county executive).
2. Provide the name and mailing address of the current LEPC chairperson.
3. State whether the current membership roster of the LEPC is in compliance with Section 6022.203(b) of Act 165, and if not, explain the problem and the actions being taken to bring the membership into compliance.
4. List the names of the LEPC members and the group represented, as outlined in Section 6022.203(b) of Act 165, as amended. Indicate if any are yet to be appointed by the Pennsylvania Emergency Management Council (have not received Certificate of Appointment).
5. State the frequency of the LEPC meetings. If the LEPC meets less frequently than once per quarter, state the reason.

#### B. Response Teams

##### 1. Hazardous Material Response Teams (HMRT)

Indicate which State-certified Hazardous Materials Response Team(s) (HMRT) will be dispatched to hazardous materials incidents in the county. If a contract team, briefly state the basis of the contractual agreement, e.g., annual retainer fee, reimbursement of expenses, combination, or other. Please indicate the physical location of the HMRT (Street address, City, State).

##### 2. Other

Identify other personnel and capabilities within the county available to respond to a potential hazardous materials incident in an advisory capacity or in a defensive posture prior to the dispatch of a

state-certified hazardous material response team. Summarize their capabilities, including equipment, training, and planning and exercise participation.

C. Responses

1. Report the number of times the county's full HMRT (as defined in PEMA Directive D2004-1 of August 23, 2004, or superseding directive) was officially dispatched during the reporting period to hazardous materials incidents (e.g., EHS and other chemicals; not petroleum spills). **Detailed descriptions of events are not necessary, and a listing of all team dispatches is not desired.**  
\_\_\_\_\_
2. Report the number of times that members of the HMRT, or other specially trained and qualified personnel, responded to a hazardous materials incident in an advisory capacity or defensive posture when the incident did not warrant an official dispatch of the HMRT.  
\_\_\_\_\_

D. Training

Provide a summary of the training activities during the reporting period for those involved in response to hazmat incidents or exercises. State the number of classes and training activities presented, and the number of persons in each function (e.g. hazmat, police, fire, EMS, public works, dispatch, etc.) receiving training at each level provided.

E. Exercises

List hazardous materials related exercises conducted during this reporting period and those scheduled for the next calendar year. Include the dates and the actual/anticipated participating organizations. List any FEMA forms 95-44/HSEEP AAR-IP submitted for hazardous materials related exercises or actual events during the reporting period.

F. Outreach

Describe county and LEPC activities conducted during the reporting period to inform and involve the citizens regarding the county chemical safety program.

#### IV. ANNUAL AUDIT

A. Section 6022.204(b.1) (6), of Act 165, indicates that an audit of the county's HMER account is to be included in the periodic report. At the discretion of the county, a separate annual audit of the HMER account

may be conducted, or the audit of HMER account may be included in a joint audit with other county accounts.

1. Date of last audit which included the HMER Account \_\_\_\_\_.
2. Date of the audit of the HMER account for the reporting period transactions \_\_\_\_\_.

B. County personnel must adhere to county policies regarding expenditures, audit findings, and reconciliations.

**V. UNMET NEEDS**

Considering the hazmat threat and the spending plan, provide a statement of unmet needs, which may have a significant adverse effect on the county's hazardous material safety program. Unmet needs are described as equipment, supplies, training, and other items/programs that are determined to be important to the county's efforts to counter and/or mitigate the threat from hazardous materials, but which are not on hand or readily available in a serviceable condition, and for which funds to purchase are not readily available. (If the HMER account shows a balance sufficient to purchase the items mentioned here, explain why the funds cannot be expended for these items.)

**APPENDIX I**  
**CERTIFICATIONS**

COUNTY OF \_\_\_\_\_

**HAZARDOUS MATERIAL EMERGENCY RESPONSE PREPAREDNESS REPORT  
FOR CALENDAR YEAR \_\_\_\_\_**

- A. The below-named officials certify that they have reviewed and approved the above-named document and consider it to be an accurate assessment of the threat posed by hazardous materials in the county and an acceptable plan to counter or mitigate the threat.
- B. The signatories hereon certify that all Act 165-generated funds will be expended in accordance with prescribed standards for the expenditure of Act 165-generated funds, as provided in Act 165 and as further detailed in Pennsylvania Emergency Management Directive D2001-1, dated January 26, 2001.
- C. County contributions and private donations credited to the Hazardous Material Emergency Response (HMER) account were expended exclusively for hazardous material program-related items or activities.
- D. Chemical and planning fees collected by the county will be expended in compliance with the provisions of Act-165 of 1990 as amended and the associated County fiscal policies.
- E. Records of expenditures and equipment/capital acquisitions are being retained for a period of three (3) years following the close of the calendar year to which they pertain.

Commissioner/ County Executive	Date	County EMA Coordinator	Date
Commissioner	Date	County Treasurer/Financial Officer	Date
Commissioner	Date	LEPC Chairperson	Date

**NOTE:** A simple majority of the County Commissioners constitutes the minimum number of signatures required, unless the county's home rule charter empowers other officials to sign this document in place of those Commissioners.

**APPENDIX II**

**FINANCIAL STATEMENT for CALENDAR YEAR (\_\_\_\_)**

A. A hazardous chemical fee of \$ \_\_\_\_\_ and an emergency planning fee of \$ \_\_\_\_\_ are established by county ordinance.

B. Statement of county Hazardous Material Emergency Response (HMER) account receipts during the period from January 1 to December 31, \_\_\_\_\_ (year).

1. Non-grant Revenues Deposited During Calendar Year (\_\_\_\_)

a. Chemical Reporting Fees (Sec. 6022.207(b), Act 165) \$ \_\_\_\_\_  
(\_\_\_\_\_ non-exempt chemicals x \$ \_\_\_\_\_ per chemical)

b. Emergency Planning Fees (Sec. 6022.207(f), Act 165) \$ \_\_\_\_\_  
(\_\_\_\_\_ non-exempt facilities x \$ \_\_\_\_\_ per facility)

c. Other Fees (Late Payments) deposited in calendar year \$ \_\_\_\_\_

d. Civil Penalties and Fines \$ \_\_\_\_\_

e. Cost Reimbursements over expenditures \$ \_\_\_\_\_

f. Interest earned on all Act 165-generated revenues deposited into the county HMER account in calendar year \$ \_\_\_\_\_

g. **TOTAL DEPOSITED IN 2008:** \$ \_\_\_\_\_

h. Does the amount reported on line 2.a.(7) differ from the sum of lines 3.a, 3.b, and 3.c of the calendar year 2007 report? If yes, indicate the difference. \$ \_\_\_\_\_

2. Other revenues received during Calendar Year (\_\_\_\_).

a. County financial contributions credited to the HMER account \$ \_\_\_\_\_

b. All State and Federal Grants from the hazardous material safety program (HMRP, HMEP, etc.) \$ \_\_\_\_\_

c. Private donations \$ \_\_\_\_\_

d. Other (explain) \$ \_\_\_\_\_

- C. As of December 31, \_\_\_\_\_, the total of all Act 165-generated funds (not including grants) on hand and deposited in the Hazardous Material Emergency Response (HMER) account:  
 \$\_\_\_\_\_
- D. Amount of the account balance maintained as a Reserve Fund, as described in paragraph V.B.15 of PEMA Directive D2001-1, dated January 25, 2001.  
 \$\_\_\_\_\_
- E. If applicable, please attach a short statement regarding the purpose of the Reserve Fund.
- F. If the number of chemicals in 2.a. (1) above and/or the number of non-exempt facilities in 2.a. (2) above are different than the number shown in paragraph II.A of this report, provide short explanation.

**CERTIFICATION**

The above represents an accurate accounting of the county Hazardous Material Emergency Response Account as of December 31, \_\_\_\_\_ (year).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**APPENDIX III**

**ANTICIPATED REVENUE for this CALENDAR YEAR**

( \_\_\_\_\_ )  
Year

A. A hazardous chemical fee of \$\_\_\_\_\_ and an emergency planning fee of \$\_\_\_\_\_ are established by county ordinance.

B. Anticipated Hazardous Material Emergency Response (HMER) Account receipts during the period January 1 to December 31 of this current calendar year.

1. Anticipated Non-grant Revenues this Calendar Year

a. Chemical Reporting Fees (Sec. 6022.207(b), Act 165) \$\_\_\_\_\_  
(\_\_\_\_\_ non-exempt chemicals x \$\_\_\_\_\_ per chemical)

b. Emergency Planning Fees (Sec. 6022.207(f), Act 165)  
(\_\_\_\_\_ non-exempt facilities x \$\_\_\_\_\_ per facility) \$\_\_\_\_\_

c. Other Fees (Late Payments) \$\_\_\_\_\_

d. Civil Penalties and Fines \$\_\_\_\_\_

e. Cost Reimbursements over Expenditures \$\_\_\_\_\_

f. Anticipated Interest on all Act 165-generated revenues to be deposited into the county HMER Account for this current calendar year \$\_\_\_\_\_

g. TOTAL (NON-GRANT REVENUE) ANTICIPATED this CALENDAR YEAR: \$\_\_\_\_\_

2. Other anticipated revenues for this current Calendar Year:

a. County financial contributions to the HMER account \$\_\_\_\_\_

b. All State and Federal Grants from the hazardous material safety program (HMRF, HMEP, etc.) \$\_\_\_\_\_

c. Private donations \$\_\_\_\_\_

d. Other (explain) \$\_\_\_\_\_

**CERTIFICATION**

The information provided within Appendix III is preliminary in nature and represents the Anticipated Revenue associated with the County Hazardous Material Emergency Response (HMER) Account for this current calendar year. It is understood that this financial information is to be used for planning purposes only.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (*please print*)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## **APPENDIX IV**

### **PLAN FOR CALENDAR YEAR (\_\_\_\_\_)**

Based upon the threat and the revenues identified, provide a summary of the general plan for the county hazardous material safety program to include its integration into the Regional Task Force. This plan is an essential part of this report and is to include a general description of the planned uses of the Act 165-generated revenues identified in Appendix III. Include sufficient detail to provide PEMA with a clear understanding of the planned activities of the county hazardous material safety program. A detailed proposed spending plan/budget need not be submitted, but major expenditure plans (more than \$500) should be explained.