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GOVERNOR

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DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

March 6, 2017

RE: Correction to the Interpretation of Tier II Repository Agreement 2017 and Tier II filing with the Louisiana Emergency Response Commission (LERC), Local Emergency Planning Committees (LEPC) and local fire departments.

Dear Tier II Filers:

Tier II data is collected in an effort to increase the public's knowledge and access to information relating to the chemicals located at individual facilities, their uses, and their releases into the environment. The state and communities, working with facilities, use the information to improve chemical safety and protect health and the environment. State and local governments utilize the information to prepare chemical emergency response plans and coordinate local planning efforts.

We recently discovered that a former Department of Public Safety employee provided both facilities and individual LEPCs incorrect information and guidance pertaining to the state's "repository agreement." The repository agreement was created to assist and enhance the capabilities of the LEPC in their compliance with law regarding requests for Tier II information. In no way does this agreement relieve owners and operators from filing Tier II forms with the LEPC, the Louisiana Emergency Response Commission or the fire department that has jurisdiction over their facility.

Per LSA-R.S. 30:2369:

Responsibilities of owners and operators

A. Owners or operators shall be responsible for filing inventory forms for all hazardous materials manufactured, used, or stored at their facilities and for immediately reporting releases of certain hazardous materials in certain reportable quantities to be established by rule as provided for in R.S. 30:2373(B) and (C)(2).

B. (1) Owners or operators shall have the responsibility to obtain inventory forms and submit them to the Emergency Response Commission by way of the Department of Public Safety and Corrections, office of state police, Right-to-Know unit by March 1, 1988, and by March first of each year thereafter.

(2) This does not relieve the owner or operator from having to file inventory forms or make

emergency release notification to other agencies, e.g., local fire departments or local planning committees, as may be required by federal law.

The Environmental Protection Agency's (EPA) Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, requires industry to report on the storage, use and releases of hazardous substances to federal, state and local governments. The attached link for Chapter 116, Emergency Planning and Notification provides detailed requirements.

www.gpo.gov/fdsys/pkg/USCODE-2011-title42/pdf/USCODE-2011-title42-chap116.pdf

The specific filing requirements for each LEPC and local fire departments may be obtained directly from the LEPC. Contact information for your LEPC can be found on our website at

www.LSP.ORG/ESU.HTML.

We apologize for any inconvenience this has caused. Please direct any questions or concerns to Mr. Gene Dunegan at 225-925-6113, extension 253, or by email at Gene.Dunegan@LA.GOV.

Sincerely,



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