

DHSEM HAZARDOUS MATERIALS

Program Update

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Overview



DEPARTMENT
OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT

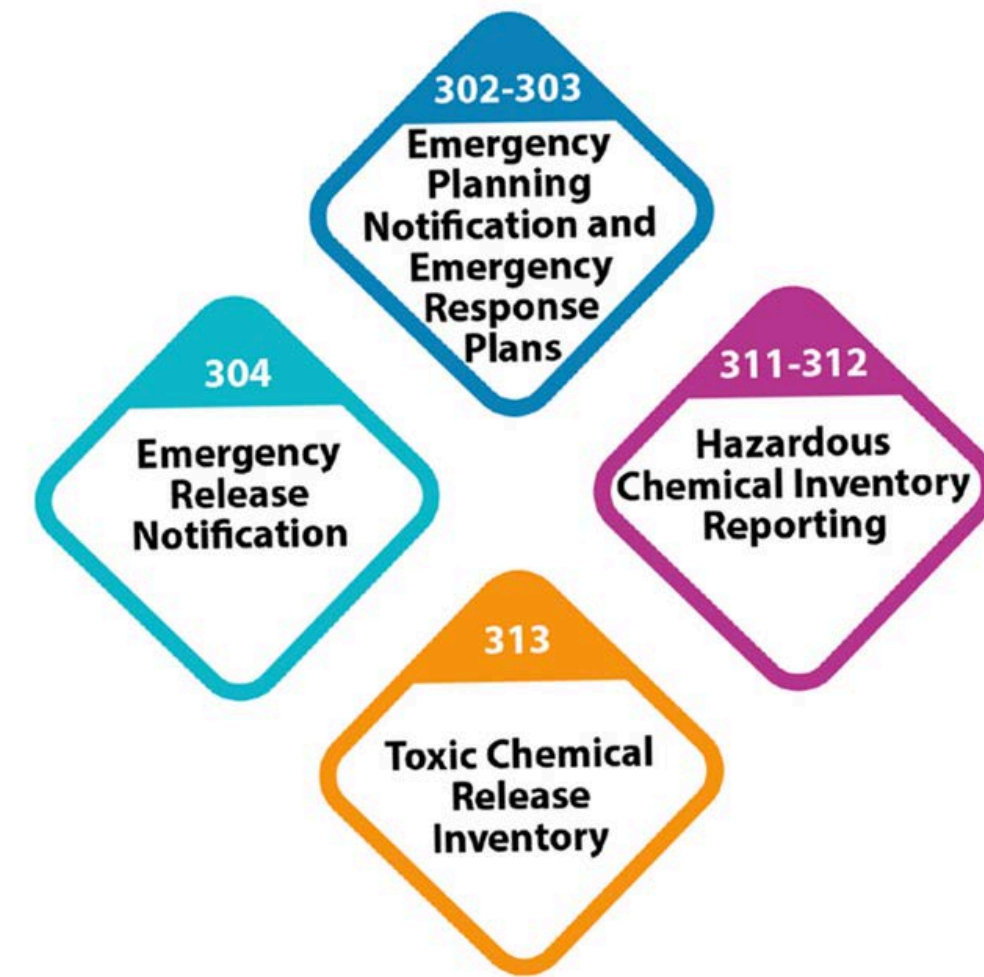
- EPCRA
 - NM Hazardous Chemicals Information Act
 - Tier 2
- SERC Activities
 - LEPC Updates
 - Voluntary Association
 - HazMat Safety Board
 - HazMat Emergency Response Plan
- HazMat Emergency Response Grant
- Hazmat Challenge
- ERG Distribution
- Challenges
 - Staffing
 - Funding
 - Outdated Laws
- Outlook



EPCRA

Emergency Planning and Community Right to Know Act (SARA TITLE III)

- Requires reporting of hazardous materials
- State Emergency Response Commissions (SERC)
- Local Emergency Planning Committees
- Emergency plans



NM Hazardous Chemicals Information Act



- Establishes SERC
- State HAZMAT Coordinator Position
- Sets Tier II fee structure
- Has not been updated since 1987
- Ch. 74, art. 4E NMSA 1978









Tier II Reporting



File Library

Master Folder

Master Folder List

 01 Wildfire 2022	View	Edit	Delete
 2019 Tier II Data Files	View	Edit	Delete
 2020 Tier II Data Files	View	Edit	Delete
 2021 Tier II Data Files	View	Edit	Delete
 2022 Tier II Data Files	View	Edit	Delete
 2023 Migrant Situation SitReps - Dona Ana County	View	Edit	Delete

- Single point submission state
- Reports due March 1st Each Year
- Over 20,000 sites reported annually
- Tier 2 data broken down by county
- Fees currently paid by mail
- Program wishes to build a web payment and submission portal



SERC Activities



- Updated bylaws for continuity
- Brought NM into AWIA compliance
- Resolution to collaborate with Radiological Hazardous Materials Committee (RHMC)
- Policy Interpretation
- Regional Committee Opportunity
- Committee Appointments





America's Water Infrastructure Act



Purpose: AWIA aims to improve the nation's drinking water infrastructure and ensure timely notification of hazardous releases that may affect water systems

The SERC has adopted a notification policy between the SERC and the Drinking Water Bureau which brings New Mexico into compliance with the AWIA



Policy Interpretations

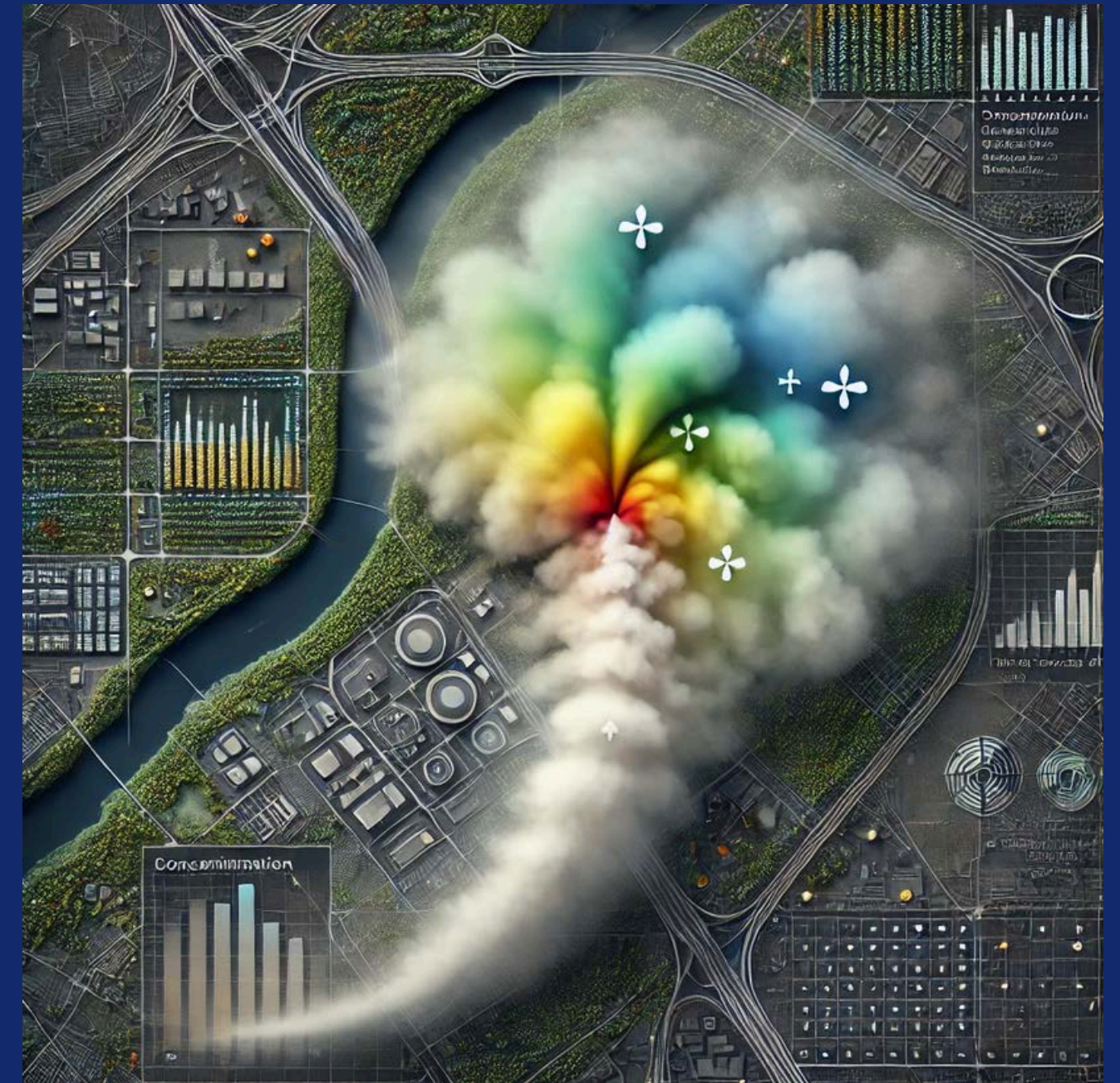


- LEPC Meeting frequency and plan review requirements
- LEPC Membership Confirmations
- Voluntary Regional Planning Districts



LEPC Meeting and Emergency Plan Review

- LEPC's recommended to meet at least quarterly
- Required to meet annually
- Plans must be reviewed and updated annually
- Emergency plan components specified
- Committee membership recommendations



Emergency Plan Components



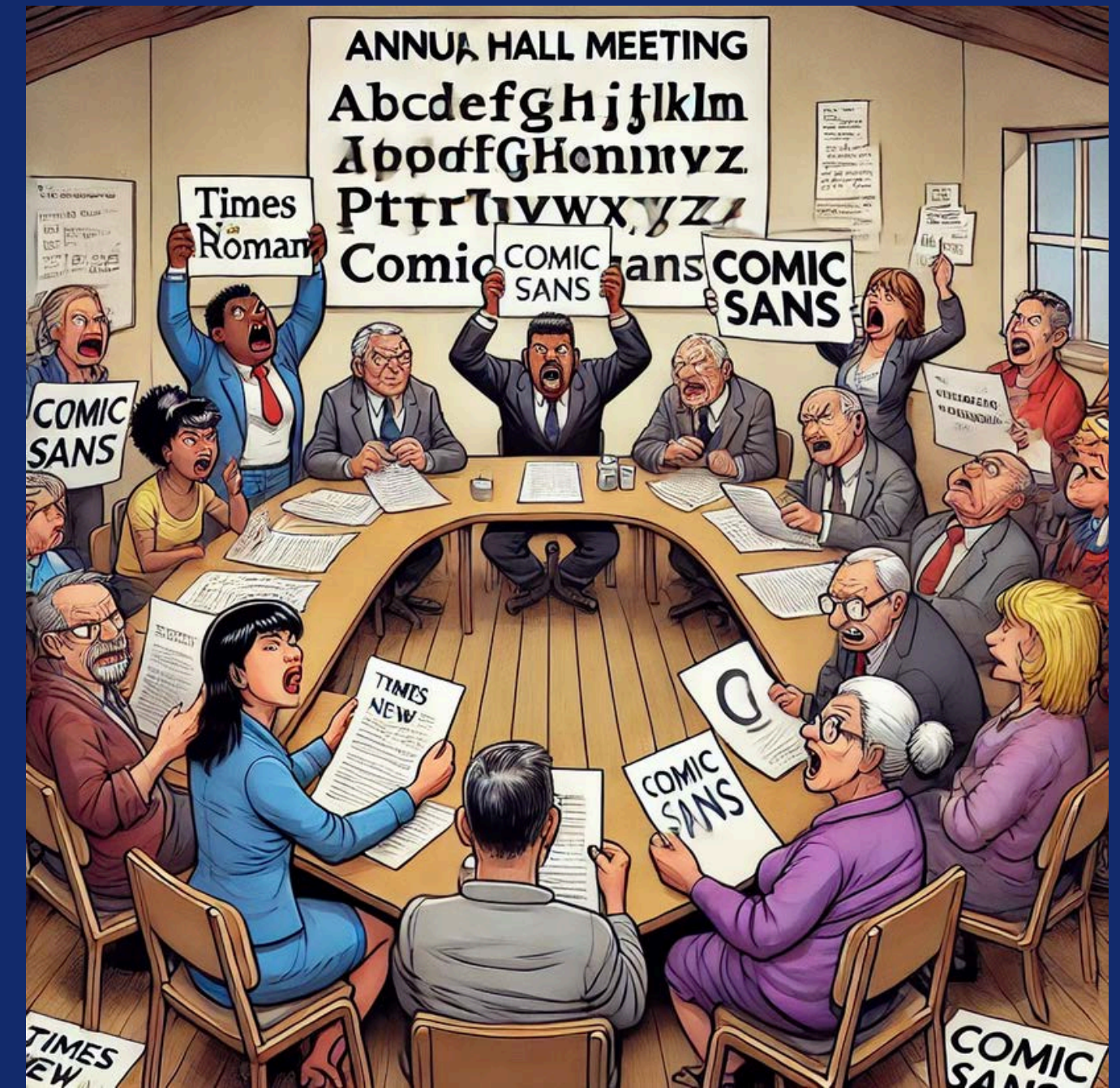
- Identify facilities and transportation routes of Extremely Hazardous Substances (EHS)
- Maintain contact lists for EHS facilities and those requiring Risk Management Plans (RMP)
- Describe on-site and off-site emergency response procedures
- Implement the emergency response plan
- Outline emergency notification procedures
- Define methods for determining affected areas and populations during releases
- Describe local emergency equipment, facilities, and responsible personnel
- Outline evacuation plans
- Provide a training program for emergency responders with schedules



Committee Membership Recommendations

It is recommended that LEPC membership includes:

- Elected state and local officials.
- Police, fire, civil defense, and public health professionals.
- Environment, transportation, and hospital officials.
- Facility representatives.
- Representatives from community groups and the media.



EPCRA

SECTION 301(c):



“... the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, 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 this subchapter..”



LEPC Committee Member Appointments: Current Interpretation



Nomination Process:

- Districts submit nominees to serve on LEPC to the SERC.
- Nominees may serve until SERC confirms them.

Evaluation Criteria:

- SERC evaluates qualifications, experience, and interest in emergency planning.
- Confirmation/Rejection/Request for more information:
- SERC confirms/rejects within 30 days, with written justification for rejections.
 - If more information is request, nominees may continue to serve

Appointment by SERC:

- SERC may appoint members if districts fail to nominate.
- Appointments from EPCRA Section 301 groups.



Voluntary Regional Planning Districts

Purpose and Benefits:

- Enables jurisdictions to:
 - pool resources
 - share expertise
 - more easily meet EPCRA requirements
- Allowable under EPCRA Sections 301a, and 301d

How to Form a Regional Planning District:

- Consult with neighboring jurisdictions.
- Define roles, responsibilities, and commitments.
- Submit proposal to SERC





Hazardous Materials Safety Board



- Section 12-12-25 NMSA 1978
- Develop accident response training curriculum for state personnel
- Certify individuals completing training
- Meet quarterly to assess training needs
- Conduct an annual training course with the state fire marshal

Responsible state agencies:

- State Police
- Department of Environment
- State Fire Marshal
- Department of Health
- Homeland Security & Emergency Management
- Department of Military Affairs
- Department of Transportation
- Local agencies as requested



Hazardous Materials Emergency Response Plan



- HMER plan is to be adopted by the Emergency Management Task Force
 - repealed in 2007 Section 12-12-22 NMSA 1978
- Plan required to be updated at the request of the task force by the Hazardous Materials Emergency Response Administrator
 - (position currently vacant)
- Referenced in 20.4.4.200 NMAC
- DHSEM is reviewing legal framework to determine if a legislative update is needed



Hazardous Materials Accident Response Training

NMAC 20.4.4

- NMAC 20.4.4 Sets training standards for state hazmat responders
 - Training requirements are based on OSHA, 29 CFR 1910.120 (HAZWOPER)
 - Is being reviewed by the SERC and HMSB to determine if updates are needed
- State Fire Academy has updated it's HAZMAT Awareness and Operations training to satisfy NFPA 470 2022 Edition

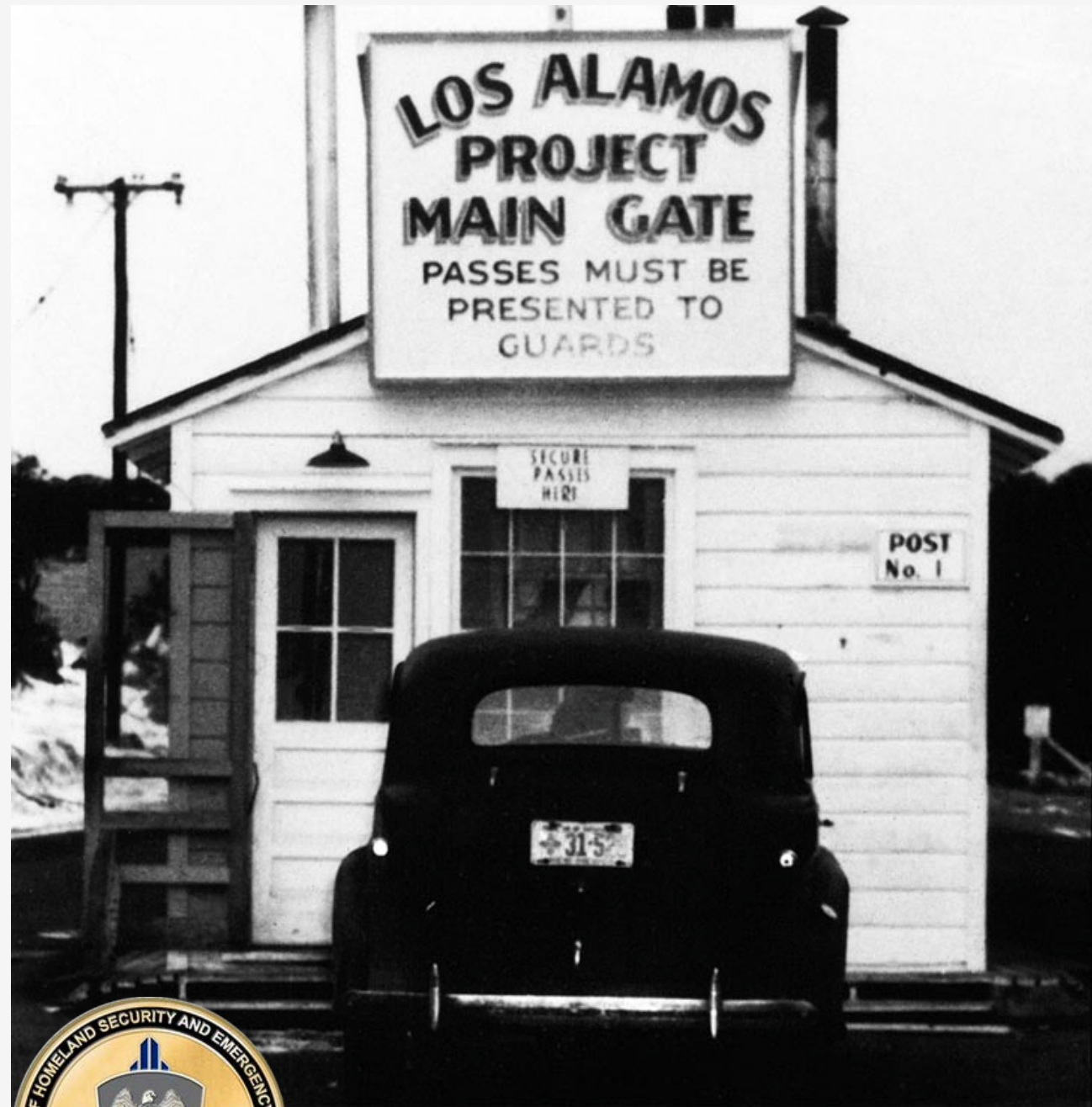


Hazardous Materials Emergency Preparedness Grant

- Approximately \$225,000 awarded to NM annually
- 80/20 Match requirement
 - In-kind match allowed
- Can be used to fund HAZMAT related planning or training
 - Includes commodity flow studies
 - LANL HAZMAT Challenge
 - Details can be found in the HMEP Expenditure Guide
- Used to fund state HAZMAT Coordinator Position
- Typically \$100,000 - \$150,000 flowed through annually



LANL HAZMAT Challenge



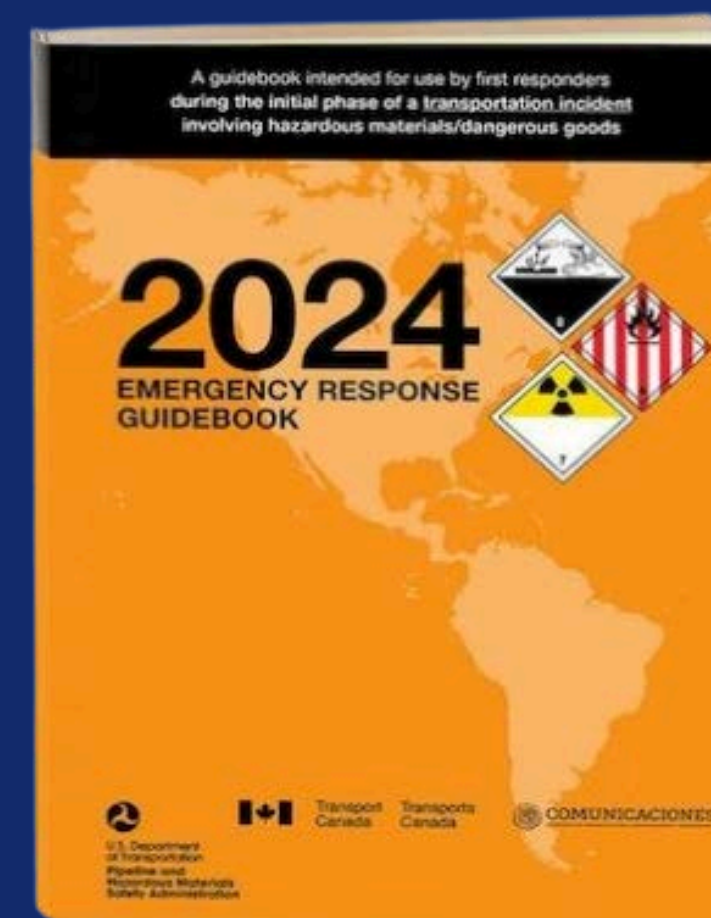
- Conducted at Tech Area 49 at Los Alamos National Laboratories
- Lasts 5 days
- National Competition
- Eligible under HMEP
- Allows HAZMAT teams to train for various response scenarios
- Occurs annually



Emergency Response Guides



- 2024 Emergency Response Guides have been released
- Mobile App is available for free
- ERGs have been distributed to all counties statewide
- Additional ERGs are available upon request while supplies last
- ERG training is also available upon request



Challenges

- HAZMAT Coordinator Position
 - Grant funded
 - Classed as an EM position
 - Pay-band 65
- NM Hazardous Chemicals Information Act
 - Written in 1987
 - Provides little enforcement capability
 - Tier 2 fee structure never adjusted for inflation
 - Tier 2 HAZMAT fund repealed
- Legal mechanism for creating HMER plan broken
- Tier 2 Reporting and Payment system
 - Tier 2 reports submitted via email
 - payments made via snail mail
 - Potential Web Payment Portal in the works
- CWA vs Middlesex County
 - 13 Districts without active LEPCs



Outlook and Objectives



- Increased adherence to EPCRA statewide
- Formation of regional planning districts
- Integration of AWIA into state IPP and future exercises
- Updates to NMAC to reflect current HAZMAT training requirements
- Increased collaboration with the Radiological and Hazardous Materials Committee
- Development of a Tier 2 Web portal for industry
- Update the NM Hazardous Chemicals Information Act
- Update to the Emergency Management Act
- Reclassification of the HazMat Coordinator Position



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