

APPENDIX A
SAMPLE LEPC BY-LAWS
AND RULES

BY-LAWS OF THE
_____ COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE 1

This organization shall be known as the _____ County Local Emergency Planning Committee (LEPC).

ARTICLE II

The purpose of the LEPC are those set out in SARA Title III/EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe or District Commissioners, and/or the State Emergency Response Commission (SERC). In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of SARA Title III.

The LEPC shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings or activities.
3. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Establish and maintain a system of data management.
6. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public that all meeting, including sub-committee and ad hoc committee meetings, are open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State/Tribal Emergency Response Commission (SERC/TERC), or the county council or Tribal Elder.

The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose of the Community Right to Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or transported within the planning district. Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, aircraft and waters of commerce.

ARTICLE III – MEMBERSHIP

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials, law enforcement, emergency management, firefighting personnel, first aid/EMS personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. The members will be nominated by County/Tribal Commissioners and will be approved by the SERC/TERC, unless the SERC/TERC specifies otherwise. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC. The membership shall consist of OFFICERS and a Staff. The officers shall consist of a Chairperson, a Vice-Chairperson, an Information Coordinator, and a Secretary-Treasurer. The LEPC staff members may be either salaried or volunteer personnel. Most LEPCs do not have a salary for the staff.

TERMS OF MEMBERSHIP: The County/Tribal Commissioners may request that the SERC appoint members for specific terms of office, or the membership of the LEPC may select their officers by ballot or voice vote at a pre-selected vote event.

TERMS OF OFFICE: Memberships of a LEPC may select the terms of office to be either one or two years. Existing officers may be re-elected to their existing offices if they so indicate a willingness to continue.

THE CHAIRPERSON: The Chairperson shall preside at all meetings of the LEPC unless he/she cannot be present at an announced meeting. An alternate representative can be named to fulfill the obligation by the existing Chairperson. The Chairperson shall serve as an ex-officio member of all committees, and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad-hoc committees as necessary to accomplish the goals of the LEPC.

THE VICE-CHAIRPERSON: Upon the resignation, death, or on the advice of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

THE SECRETARY-TREASURER: The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents, and other property of the LEPC. The Secretary-Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

THE INFORMATION COORDINATOR: The LEPC will appoint an Information Coordinator. This person will process requests from the public for information under Section 324, including TIER II information under Section 312. The Coordinator will assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator will be a non-voting member of all LEPC committees.

INACTIVE MEMBERS: Appointed members shall be considered inactive when they have missed more than ____ (insert number) consecutive Committee meetings without notification to the Committee Chair or staff office of significant reasons why they were unable to attend meetings. The annual report listing members declared inactive will be provided to the County (Tribe) Commissioners and the SERC.

REMOVAL OF MEMBERS: The County (Tribe) may ask that the SERC remove a member.

VACANCIES: Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment of the Chairperson, or by identification of a qualified replacement and nominated by vote of the membership to fill the position in which a vacancy exists. The LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the unexpired term, to the County (Tribal) Commissioners requesting that they nominate this person to the SERC for appointment to the LEPC.

ARTICLE IV – COMMITTEES

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of the four standing committees as described in Section 2. The Information Coordinator shall serve as a non-voting member of this committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad-Hoc Committees.

Section 2. Standing Committees. The following Standing Committees shall be established:

- (a) **Right-To-Know Committee.** This committee shall be responsible for the formulation of all policies and procedures concerning the public's Right-To-Know program; the formulation of all chemical release reporting procedures, the establishment of trade secret protection procedures, and the formulation of all record keeping and information dissemination procedures for the LEPC.
- (b) **Public Information and Education Committee.** This committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.
- (c) **Hazardous Materials Liaison Committee.** This committee shall be responsible for procedures for identification and communication with affected facilities. The Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office test a hazardous substance emergency response plan for the planning district as required by law.
- (d) **Emergency Response and Resources Committee.** This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions with the planning district to review and help local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law. This Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

Section 3. Ad-Hoc Committees.

The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the LEPC.

Section 4. Chairperson of the Standing Committee.

The Chairpersons of the Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except when there is only one nomination for each office. In that case, election may be by voice vote.

Section 5. Membership in Standing Committees.

All members must volunteer to serve on at least one standing committee and shall not serve on more than two Standing Committees. Final membership of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out assigned tasks.

Section 6. Meetings.

Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chair of the Committee as deemed necessary. All meetings are open to the public. LEPC meetings in large metropolitan areas are held on a once a month basis. Some counties with low population areas have opted to hold LEPC meetings based upon the population of their counties or districts:

- (a) **Regular Meetings.** The Committee shall meet at least _____(annually for populations of 1000 or less in the county), Semi-Annually for populations of 1000-10,000, Quarterly for populations greater than 10,000.
- (b) **Special meetings.** The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon written request of at least ____ percent of the members, the Chairperson shall call a meeting within ten (10) days.
- (c) **Hearings.** The LEPC shall hold such public hearings or forums, as it may deem necessary or desirable at such time and places as may be determined by a majority vote of the Committee. At least one such public hearing or forum shall be held each year for the purpose of discussing the Committee's emergency plan with the public, receive and respond to the public comments of the presented plan.

Section 7. Quorum

A quorum shall consist of a majority of Committee members, excluding those members declared inactive. A quorum shall be required to transact business.

Section 8. Agenda.

Any member may request that the Chairperson place an item on the meeting agenda. If the chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of ____ members of the Committee.

Section 9. Rules of Order.

The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section 10. Notice of Meetings.

Notice of time, place, date, and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the staff or Chairperson, and to the Clerk of _____ County (Tribe) Board of Commissioners in accordance with _____.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County (Tribe) in accordance with

SARA Title III (EPCRA). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan.

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ARTICLE V – MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year.

The fiscal year shall be considered to run from October 1 to September 30.

Section 2. Indebtedness

All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary-Treasurer.

Section 3. Approval of By-Laws.

These by-laws shall become effective upon approval by a majority of those in attendance at the organization meeting.

Section 4. Disqualification.

Any member who is unable to attend a meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with five or more absences is subject to disqualification at the request of the LEPC to the county council and the SERC.

ARTICLE VI – AMENDMENTS

Section 1. Amendments

These by-laws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revision to the by-laws.

ARTICLE VII – RULES

EPCRA requires that the LEPC “shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.”

Section 1. Adoption of Rule; Publication of Proposals

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

Section 2. Method of Initiating proposed Rule-Making

Any member of the LEPC may recommend the initiation of proposed rule making. Any proposed rules shall initially be considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

Section 3. Method of Adopting Final Rules

Following the expiration of the 10-day comment period, the Executive Committee shall review all public comments and prepare a statement that responds to comments and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption

Upon adoption of any rule by the LEPC, the Information Coordinator shall also publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.

Section 5. Emergency Rules

In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

FINAL RULES

In accordance with Section 324 of the SARA Title III Act, all information obtained from an owner or operator pursuant with EPCRA and any requested TIER II forms or the MSDS otherwise in possession of the Committee shall be made available to any person submitting a request under this section. If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All information requested to be photocopied by a member of the public shall be provided at the sole expense of the requestor. The cost of such reproduction shall be set by the

Information Coordinator, with the approval of the Executive Committee, at a level that will enable the LEPC to recover all reasonable expenses associated with the processing of the request.

Requests for MSDSs and other non-confidential information. Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the Committee Information Coordinator. The facility shall provide the MSDS copy within ____ days of the written request. Any person may request any other non-confidential information concerning a facility that may be held by the Committee by submitting a written request to the Committee’s Information Coordinator.

Requests for TIER II information. Any person may request TIER II information with respect to a specific facility by submitting a written request to the committee in accordance with the following requirements.

- (a) If the Committee does not have in its possession the TIER II information as requested, it shall request a submission of the particular TIER II form from the owner or operator of the facility subject to the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to information regarding hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity (TPQ).
- (b) If the request does not meet the requirements of subsection D1, the Committee may request submission of the TIER II form from the owner or operator of the facility subject to the request if the request includes a general statement of need.

THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF _____(COUNTY, REGIONAL, TRIBAL) LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS THE _____ DAY OF _____, IN THE YEAR _____.

LEPC CHAIRPERSON	
CHAIRMAN, COUNTY COMMISSIONERS	DATE SIGNED

Approved as to form:	
County Prosecuting Attorney	Date Signed
Tribal Legal Authority	