

Appendix E.

Sample LEPC By-Laws

Some LEPCs are established by county, city or parish. Others are established as political subdivisions. Tribes that do not have TEPCs established may join neighboring LEPCs.

EPCRA Section 303(c) requires LEPCs and TEPCs to appoint a chairperson and establish rules by which the committee shall function. These by-laws may meet this requirement.

The following is a sample of by-laws developed by LEPCs in various states, which LEPCs and TEPCs may adopt if they do not have any.

BY-LAWS OF THE _____ COUNTY/PARISH OR DISTRICT LEPC

Article I

This organization shall be known as the _____ (Regional, County, Tribal) LEPC.

Article II

The purposes of the LEPC are those set out in EPCRA and any other lawful purposes which are assigned to it or permitted by the county and/or the SERC. In keeping with the intent of EPCRA, all activities of the LEPC 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 EPCRA. The LEPC shall, in addition:

- Receive and process public requests for information.
- Notify the public of all LEPC meetings or activities.
- 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;
- Establish and maintain a data base of hazardous chemical locations and quantities in the district;
- Establish and maintain a system of data management;
- Maintain information on **ALL** facilities which manufacture, or store, EHSs, and include this information within the response and plan.

The LEPC will establish, and notify the public, all meetings, including sub-committee meetings, 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, or the County Judge/Parish President. 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 EPCRA to increase community protection from exposure to chemicals produced, used, stored and/or transported within the District. Transportation analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

Article III

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of EPCRA. This includes equal representation of elected state and local officials; law enforcement, emergency management, fire-fighting 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 / Parish officials and will be approved by the SERC. Members shall be residents or conduct business in the jurisdictional area of the LEPC. The membership of the LEPC shall consist of OFFICERS and a Staff. The officers shall consist of a Chair, a Vice-Chair, an Information Coordinator, and a Secretary-Treasurer. The LEPC staff members may be either salaried or volunteer personnel. Most LEPC's does not have a pay salaried for the staff.

Terms of Membership

The County/Parish officials may request 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 preselected vote event.

Terms of Office

Membership of an LEPC may select the terms of office to be either one or two years. Existing officers may be reelected to their existing offices if they so indicate a willingness to continue.

The Chair

The Chair shall preside at all meetings of the LEPC unless they cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation by the existing Chair. The Chair 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 Chair

shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

The Vice-Chair

Upon resignation, or death, or advice of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform other duties assigned by the Chair.

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 Two 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 LEPC committees.

Inactive Members

Appointed members shall be considered inactive when they have missed more than _____ consecutive Committee meetings without notification to the Chair of significant reasons why they were unable to attend the meetings.

An annual report listing members declared inactive will be provided to the SERC.

Removal of Members

The LEPC may ask the SERC to remove a member.

Vacancies

Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification will be filled by appointment of the Chair, or by identification of a qualified replacement and nominated, by vote of the membership to fill the position in which such a vacancy exists.

The LEPC Secretary shall submit that person's name, with the recommendation the person serve the balance of the unexpired term, to the County (Tribal) Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

Article IV

Section 1. Executive Committee.

The Executive Committee will consist of Chair, Vice-Chair, Secretary-Treasurer, and Chairs of the four Standing Committees 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 procedures concerning the public's Right-To-Know program; the formulation of release reporting procedures; the establishment of trade secret protection procedures, and the formulation of record keeping and information dissemination procedures for the LEPC.

b) *Public Education and Information 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 Facilities Liaison Committee.*

This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) 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 exist emergency response organizations in jurisdictions with the planning district to review and help local emergency management offices(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 Chair may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairs of Ad Hoc Committees shall be appointed by the Chair of the LEPC.

Section 4. Chair of the Standing Committees.

The Chair 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, 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 Committees shall be determined by the Chair after consultation with the Executive Committee to ensure all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Meetings.

Meetings of the Standing and Ad Hoc Committees may be called by the Chair of the LEPC or the Chair of the Committee as deemed necessary. All meetings are open to the public.

LEPC meetings in large areas are held monthly. Some states with low population areas have opted to hold meetings based upon population of their counties or districts.

a) *Regular meetings.*

The committee shall meet at least quarterly.

b) *Special meetings.*

The Chair may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of at least 3 members, the Chair shall call a meeting with ten (10) days.

c) *Hearings.*

The LEPC shall hold such public hearings or forums as it may deem necessary, at such time and places as may be determined by a Committee majority vote.

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 to be inactive. A quorum shall be required to transact business.

Designated representatives must be identified by the primary committee member to the information coordinator or any other board member prior to the meeting.

An individual may not be the designated representative for more than one primary board member at a time.

Section 8. Agenda.

Any member may request the Chair place an item on the meeting agenda. If the Chair should decline to do so, a member may have such item placed on the agenda by submitting it in

writing to the Chair with support signatures of 3 of the membership.

Section 9. Rules of Order.

The deliberations of all meetings of the LEPC and subcommittees shall be governed by Robert’s Rules of Order.

Section 10. Notice of Meetings.

Notice of time, date, place of meeting, 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 Chair; and to the Clerk of _____ County/Parish Board.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County/Parish in accordance with EPCRA. This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

Section 11. Voting.

Each committee member, or designated representative, including the Chair, shall be entitled one vote. No member shall vote by proxy.

Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them.

All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those committee members or designated representatives present at a duly called meeting.

Article V – MISCELLANEOUS PROVISIONS

Section 1. Fiscal year.

The fiscal year shall from October 1 to September 30.

Section 2. Indebtedness.

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

Section 3. Approval of Bylaws.

These bylaws shall become effective upon approval by a majority by those in attendance at the meeting.

Section 4. Disqualification.

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

Article VI – AMENDMENTS

Section 1. Amendments.

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided any proposed amendments to these bylaws 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 revisions to the bylaws.

Article VII – RULES

PCRA requires the LEPC “shall establish rule 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. Any 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 be initially 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 which responds to comments raised and discusses the basis for any changes to the proposal.

The Committee shall present such statement to the LEPC. The LEPC shall vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect 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 also shall 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 no such rule will remain in effect for more than 90 days.

FINAL RULES

Public Access to Information.

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant with EPCRA and any requested Tier Two 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 request to the photocopied by a member of the public, shall be provided at the sole expense of the requestor(s).

The cost of such reproductions shall be set by the Information Coordinator, with the approval of the Executive Committee, at a level which 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 Committees Information Coordinator.

The facility shall provide the MSDS copy with _____ days of the written request. Any person may request any other non-confidential information concerning a facility which may be held by the Committee by submitting a written request to the Committee's Information Coordinator.

Requests for Tier Two Information.

Any person may request Tier Two 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 Two information as requested, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request, provided the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity.
- b. If the request does not meet the requirements, the Committee may request submission of the Tier Two form from the owner or operator of the facility subject to the request if the request includes a general statement of need.

This Document, the Constitution and By-laws of _____ (County, Regional)
LEPC, Adopted at the Regular Meeting of the LEPC on this ____ Day of _____,
_____ Year).

LEPC Chair
Date Signed