

**BYLAWS OF THE FAULKNER COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE**

(Authorized pursuant to Section II (Local Emergency Planning Committee (LEPC's)) paragraph E  
(By-laws) of the Region 6 Local Emergency Planning Committee (LEPC) Handbook

**GENDER STATEMENT:** In drafting these bylaws, we have avoided the specific use of gender pronouns where possible. However, where such avoidance would have led to awkward sentences, we have used the masculine pronoun.

**ARTICLE I - INTENT OF THE BYLAWS**

It is the intent of these BYLAWS to prescribe the organization of the Local Emergency Planning Committee (LEPC) and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

**ARTICLE II - PURPOSE**

The purpose of the LEPC, in addition to those set out in SARA Title III/EPCRA is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness.

In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner that encourages input and participation from all segments of the community. The LEPC will develop a Chemical Emergency Response & Preparedness Plan for the Planning District and establish procedures for conducting its public information and education responsibilities. In accordance with Section 303 of SARA, Title III the Emergency Response and Preparedness Plan shall be reviewed annually and updated as necessary.

The LEPC shall:

1. Receive and process requests for information from the public;
2. Notify the public of all LEPC meetings or activities;
3. Perform a hazard analysis based on information and reports from facilities operating within the jurisdiction of the LEPC, to include an analysis of the jurisdiction's transportation risks.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district; (Tier II)
5. Maintain information on all facilities, which manufacture, or store, "extremely hazardous substances" (EHS), and include this information in the emergency response and preparedness plan.

The LEPC will notify the public, through the Log Cabin Democrat and any other appropriate communication media, that all LEPC meetings are open to the public.

The LEPC will identify resources necessary to implement the Emergency Response and Preparedness Plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources required to implement the plan.

The LEPC shall be instrumental in fulfilling the purpose of the Community Right-To-Know (CRTK) act, which is to help increase awareness about the presences of chemicals within our community.

Any transportation hazards analysis will include those risks to the planning district from commercial transportation by rail, highway, aircraft, pipeline and waters of commerce.

### **ARTICLE III - THE COMMITTEE**

#### **A. Members and Terms**

1. The membership, as a minimum, shall be as prescribed under Section 301 of EPCRA and as identified in Section II (Local Emergency Planning Committee (LEPC's)) paragraph D (LEPC Structure) of the Region 6 Local Emergency Planning Committee (LEPC) Handbook and shall include representatives from the following groups:
  - Elected state or local officials
  - Emergency medical personnel
  - Fire fighting
  - Health officials
  - Emergency management personnel
  - Law enforcement
  - Community groups
  - Local environmental groups
  - Transportation personnel
  - Broadcast and/or print media
  - Hospital personnel
  - Owners and operators of covered facilities
2. A single member may represent more than one of the above groups or organizations. LEPC members shall be residents or conduct business in the planning jurisdiction of the LEPC.
3. Members will be nominated by LEPC Members and approved by the State Emergency Response Commission. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.
4. LEPC members shall be considered inactive when they have missed three (3) or more consecutive committee meetings without notification to the Chair, or staff office member, of significant reasons as to why they were unable to attend the meetings.

#### **B. Officers**

1. The Chair and Vice-Chair
  - a. The Chair serves at the pleasure of the LEPC Committee.
  - b. Upon the resignation, or death, or on the advice of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform such other duties as may be assigned by the Chair.

- c. The Chair shall preside at all meetings of the LEPC. 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.
- d. The Chair shall sign all approved minutes, and when authorized, other documents on behalf of the LEPC Committee. A copy of the minutes shall be filed with the County Clerks Office.
- e. Officers shall be elected annually. Elections will be held at the first meeting in January.

## 2. Recorder/Treasurer.

- a. The office of Recorder/Treasurer shall be held by one (1) member of the LEPC Committee.
- b. The Recorder/Treasurer or Designee shall attend all meetings of the LEPC Committee and shall be responsible for:
  - 1) Preparing the agendas of items to be considered at a meeting.
  - 2) Keeping the minutes of each meeting.
  - 3) Ensuring that copies of meeting agenda and previous meeting's minutes are mailed to each LEPC Commission member at least two weeks prior to each meeting.
  - 4) Carrying on routine correspondence.
  - 5) Maintaining the files of the LEPC Committee.
  - 6) Maintaining a list of current membership.
  - 7) Provide an annual report, listing members declared inactive to the SERC.
- c. The Recorder/Treasurer shall be the custodian of all books, papers, documents, and other property of the LEPC.
- d. The Recorder/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.

## 3. Information Coordinator.

- a. The LEPC will appoint an Information Coordinator. This individual will process requests from the public for information available under Section 324, including Tier Two information under Section 312, of Title III SARA.

- b. The Information Coordinator will assist the Recorder/Treasurer in records management and financial matters. The Information Coordinator will be a non-voting member of all LEPC committees.
- c. Terms of Membership, Officers: The membership of the LEPC shall, at a pre-selected voting event, select the officers by voice vote.
- d. Removal of Members. The LEPC membership may remove a member by majority vote by members present.
- e. Vacancies. Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment of the Chair or by identification of a qualified replacement nominated, by vote of the membership, to fill the position in which such a vacancy exists. The LEPC Recorder/Treasurer shall submit that person's name, with the recommendation that the person serve the balance of the unexpired term, to the SERC for appointment to the LEPC.

#### **ARTICLE IV COMMITTEES**

- A. **Executive Committee.** The Executive Committee will consist of the Chair, Vice-Chair, Recorder/Treasurer and Chairmen of the four Standing Committees as describe below. 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.
- B. **Standing Committecs.** The following Standing Committees shall be established:
  - 1. **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 concerning the CRTK for the LEPC.
  - 2. **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.
  - 3. **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 jurisdiction as required by law.
  - 4. **Emergency Response and Resources Committee.** This committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations within the planning jurisdiction 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.

- C. **Ad Hoc Committees.** The Chair may create Ad Hoc Committees as necessary to perform specific functions of the LEPC. The Chair of the LEPC shall appoint the Chairman of all Ad Hoc Committees.
- D. **Chairman of the Standing Committees.** The Chairman of a Standing Committees shall be nominated and elected by their respective committees. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote.
- E. **Membership in Standing Committees.** All LEPC 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 their assigned tasks.
- F. **Meetings.** The Chair of the LEPC or the Chairman of Committees may call meetings of Standing and Ad Hoc Committees as deemed necessary. All meetings are open to the public.

#### ARTICLE V - MEETINGS

- 1. **Regular meetings.** The committee shall meet at least bi-monthly, but may chose to meet monthly if deemed necessary.
- 2. **Special meetings.** The Chairperson 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 10 of the members, the Chairperson shall call a meeting within ten (10) days.
- 3. **Hearings.** The LEPC shall hold such public hearings or forums, as it may deem necessary and 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.

#### ARTICLE VI - CONDUCT OF BUSINESS

- A. Order of Agenda - All meetings and public hearings shall be conducted in accordance with the agenda, which shall enumerate the topics in the following sequence:
  - 1. Roll Call
  - 2. The Chairman shall determine quorum of 10 voting members and shall then call meeting to order.
  - 3. Approval of previous minutes as mailed.
  - 4. Committee Reports.
  - 5. Unfinished Business.

6. New Business.

7. Adjournment.

B. **Standard Rules of Procedures.** Except as may otherwise be set forth in these BYLAWS, Robert's Rules of Order, Newly Revised, shall govern the deliberations of all meetings of the LEPC and its subcommittees.

C. **Special Rules of Procedure:**

1. **Quorum** - A quorum for the transaction of business shall be the Chair and 5 LEPC members as stipulated by these BYLAWS
2. **Vote and Proxy** - Each LEPC member shall be entitled to one (1) vote. The Chair has no vote except to break a tie vote of the LEPC. No LEPC member shall cast a vote for another LEPC member by proxy.
3. **Motion and Voting** - Any matter of business requiring action by the LEPC membership may be presented by oral motion, and the members present may vote thereon by simple voice vote. The minutes shall indicate voting to be "passed" or "not passed."
4. **Majority Vote** - A simple majority of those members present at a meeting shall be sufficient to approve any administrative action. An approval or a denial of an issue shall constitute final action.

D. **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 ten (10) of the membership.

E. **Notice of Meetings.** Notice of time, date, place of meeting, and agenda items to be considered shall be provided by the Recorder/Treasurer, in writing, to all members at least two weeks prior to each meeting.

In accordance with SARA, Title III (EPCRA), an annual notice of the regular meeting schedule of the LEPC shall be published in the Log Cabin Democrat. This notice shall specify the meeting is designated specifically for receipt of public comments on the emergency plan.

#### **ARTICLE VII - GENERAL POLICIES**

A. **Fiscal year.** The LEPC fiscal year shall be from January 1 to December 31.

B. **Indebtedness.** All indebtedness incurred by the LEPC MUST be approved by the Chair before payment by the Recorder/Treasurer.

C. **Approval of Bylaws.** These bylaws shall become effective upon approval by a majority by those in attendance at the LEPC meeting.

- D. Disqualification. Any member who is unable to attend a meeting of the LEPC may notify the Chair or the Recorder/Treasurer. Any member with 3 or more consecutive absences is subject to disqualification at the request of the LEPC Membership.

## **ARTICLE VIII - 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.

- A. 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.
- B. Method of Initiating Proposed Rule-Making. Any member of the LEPC may recommend the initiation of proposed rule making. The Executive Committee shall initially consider any proposed rules, 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.
- C. 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 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.
- D. 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.
- E. 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.

## **ARTICLE IX - FREEDOM OF INFORMATION**

Public Access to Information. 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 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 requested to be 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 MSDS's 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 within thirty (30) 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:

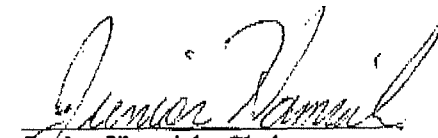
- (a) If the Committee does not have in its possession the Tier Two information as requested, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request, provided that the request is from a state or local official acting in his or her 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 of subsection D1, 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.

#### ARTICLE X - AMENDMENTS

These BYLAWS may be amended or repealed by a two-thirds vote of members present. A proposed amendment, or a motion to repeal shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular scheduled meeting for action, unless ten (10) days written notice has been given to all LEPC members, in which case action may be taken at any regular meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

ATTEST: June 18, 2002

  
Tori Hamrick, Recorder/Treasurer

  
Junior Hamrick, Chairman

Adopted by the LEPC on June 18, 2002

Amended by the LEPC on \_\_\_\_\_