

Bell County Texas – LEPC

Local Emergency Planning Committee

Bylaws of the Bell County Local Emergency Planning Committee

Article I – Name, Composition, and Purpose

Section 1: The name of this organization shall be the Bell County Local Emergency Planning Committee, hereinafter referred to as the “LEPC.”

Section 2: The LEPC shall be composed of (a) representatives from the county at-large in compliance with laws referenced herein; (b) sub-committees in the cities of Temple, Belton, Harker Heights and Killeen.

Section 3: The purpose of the LEPC shall be:

- (a) To carry out for Bell County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including, but not limited to:
 - 1) Development, training and testing of a hazardous substances emergency response plan for Bell County;
 - 2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance to SARA, Title III;
 - 3) Development of procedures for receiving and processing requests from the public under the community fight-to-know provisions of SARA, Title III;
 - 4) Provision for public notification of committee activities.
- (b) To implement such other related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the County Judge.

Article II – Membership

Section 1: The organization shall consist of those members nominated by the county judge and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by SARA, Title III. Members of the LEPC shall be residents of Bell County.

Section 2: Officers shall be elected to conduct meetings, appoint committees, keep minutes of meetings, and otherwise to accomplish the work of the committee.

Section 3: Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. The Executive Committee may make suggestions for candidates to fill vacant positions to the County Judge, who will make his/her recommendation to the SERC for approval.

Section 4: The LEPC shall be in charge of the planning for emergency response and public information as directed by law. It shall plan and direct the work necessary to carry out the planning mandated.

Section 5: There shall be at least four quarterly meetings of the committee per year. The Chair at such a time and place as the Chair may determine may call special meetings of the LEPC. The Chair must call a special meeting of the LEPC upon the written request of at least five (5) members. The committees shall meet as the work under their group proceeds.

Section 6: The presence of thirty-three (33%) per cent of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purpose of committees three (3) committee members shall constitute a quorum for the transaction of business.

Article III – Election of Officers and Length of Term

Section 1: The officers of the LEPC shall be a Chairman, Vice-chairman, and a Secretary/Treasurer, all of whom shall be elected by the committee as a whole in a manner prescribed herein. All officers shall be members of the LEPC.

Section 2: Prior to the expiration of the officers' terms of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the offices listed above. The election shall be by ballot unless there is only one nomination for respective office. In that case, election may be by a voice vote. These officers shall be selected by a majority of the members of the LEPC present and voting at the meeting.

Section 3: The term of the officers elected at the organizational meeting shall be for a period of two (2) years.

Section 4: The Chairman shall preside at all meetings of the LEPC, shall serve as an ex-officio member of all committees, and shall perform such duties and activities necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5: Upon the resignation, death or in the absence of the Chairman, the Vice-chairman shall perform the duties of the Chairman. The Vice-chairman shall perform such other duties as assigned by the Chairman.

Section 6: 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 keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary/Treasurer, in conjunction with the Information Coordinator, 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.

Section 7: The Chairman shall appoint an Information Coordinator. He/She shall assist the Secretary/Treasurer in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees.

Article IV – Committees: Their Formation and Functions

Section 1: The Executive Committee will consist of the Chairman, Vice-chairman, and Secretary/Treasurer and the Chairs of the four Standing Committees as listed below. The Information Coordinator shall serve as a non-voting member of the Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and ad hoc Committees.

Section 2: 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 Education and Information Committee: This committee shall be responsible for the development of a public alert and notification program, public relations with affected communities and the public at large, all publicity of the LEPC, and the development of a public education and information program.
- (c) Hazardous Materials Facilities Liaison Committee: This committee shall be responsible for procedures for identification and communications with affected facilities. This committee shall work with the Emergency Response and Resource Committee with affected facilities to develop and test a hazardous substance emergency response plan for the planning district as required by law.
- (d) Emergency Response and Resource Committee: This committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to develop and 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.
- (e) Membership Committee: This committee shall be responsible for reviewing and tracking LEPC membership by category for compliance with State requirements; maintaining a database of members with organizational affiliation, addresses, phone/fax numbers, email addresses, membership category, etc., for ease in reporting and for contacting members; soliciting volunteers to fill vacancies in categories of membership; providing and archiving sign-in sheets for members from each meeting of the LEPC; reporting changes in membership as required to the State Emergency Response Commission;

encouraging active participation by members of each category, with special outreach to the community's commercial business and industrial facilities.

Section 3: Meetings of the Standing and ad hoc Committees may be called as necessary by the Chair of the LEPC or the Chairman of the respective committee.

Section 4: The Chairman of the Standing Committees shall be nominated and elected by their respective committees. Voting shall be conducted as provided in Article V, Section 2.

Section 5: All LEPC members must volunteer to serve on at least one Standing Committee and shall not serve on more than two (2). Final membership on the Standing Committee shall be determined by the Chairman of the LEPC after consultation with the Executive Committee to ensure that all Committees have sufficient membership to carry out their assigned tasks.

Section 6: The Chairman of the LEPC may create ad hoc committees as necessary to perform the functions of the LEPC. The Chairman of the LEPC shall appoint chairmen of ad hoc committees.

Article V – Finance, Attendance Requirements and Approval of the By-Laws

Section 1: This fiscal year shall be considered to run from October 1 to September 30.

Section 2: All indebtedness incurred by the LEPC shall be approved by the Chairman before payment by the Secretary/Treasurer.

Section 3: These by-laws shall become effective upon approval by a majority of those in attendance at the organizational meeting.

Section 4: Any member who is unable to attend a regular meeting of the LEPC may notify any member of the Executive Committee. Any member with five (5) or more absences is subject to being disqualified. The LEPC shall forward the request for disqualification to the County Judge, who will forward the information the SERC.

Article VI – Procedure for Amending the Bylaws

These Bylaws may be amended by a two-thirds (2/3) vote of members present and voting at any meeting of the LEPC, provided that any proposed amendments be submitted to the members in writing at least one week in advance of the meeting in the following manner.

Article VII – Establishing and Changing Rules

Section 1: The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under SARA, Title II, and related applicable regulations. Any such rules must first be published in proposed form no less than ten (10) days prior to formal adoption by the LEPC. Publication shall be effected through the posting of the proposed rule and a statement of basis and purpose on the public bulletin board located outside the County Clerk's Facility, at the Bell County Courthouse Annex. {The proposed rule, together with the statement of basis and purpose, are hereafter referred to as "notice of proposed rulemaking."}

Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the ten-day (10) period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries and citizens.

Section 2: Any member of the LEPC may recommend the initiation of proposed rulemaking. 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 a proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

Section 3: Following the expiration of the ten-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 proposals. The Executive Committee shall present such statements to the LEPC. If the LEPC acts favorable, the rule shall take effect immediately upon the time and date notice of adoption is first published unless the LEPC determines otherwise.

Section 4: Upon adoption of any rule by the LEPC, the Information Coordinator shall publish the LEPC's response to the comments received and of any changes the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require specific response to each and every comment received.

Section 5: In emergency circumstances, (as determined by the LEPC) the LEPC may adopt rules without prior public notice and comment, provided that no such emergency rule shall remain in effect for more than ninety (90) days.

Article VIII – Governing Rules

The rules contained in Roberts Rules of Order, Newly Revised, shall govern this committee in all cases to which they apply and in which they are not inconsistent with all of these Bylaws.

Bell County Local Emergency Planning Committee
Final Rules

I. Definitions

Unless otherwise stated all terms herein shall be defined in accordance with the definitions provided in Title III of the Superfund Amendments Reauthorization Act of 1986, P.L. 99-499, hereinafter referred to as the Act. All regulations shall be adopted in accordance within.

II. Public Notification and General Preparation

- a. The LEPC shall publish notice of all its meetings and all subcommittee meetings on the public bulletin board located outside the County Clerk's Facility, at the Bell County Courthouse Annex at least 72 hours prior to any such meeting. In emergencies declared by the Chair and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72-hour notice may be waived in accordance with Section 3A (h) of the Texas Open Meetings Act, VI'CS 5252-17.
- b. All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where the Texas Open Meetings Act permits otherwise. The Chair shall afford a reasonable period of time at the beginning of each regular meeting to accept oral public comments on any aspect of the LEPC's mission or function.
- c. Public Comment
 - i. Not less than once each calendar year, the Chair shall cause to be published in a newspaper of general circulation in Bell County, a notice that public comment is invited during a 30-day period on any aspect of the LEPC's organization, membership functions, planning process, or purpose. Such notice shall comply in all respects with Section 324 (b) of the Act and present a brief explanation of the LEPC's statutory purpose, the location of the address of the LEPC minutes and other records, and the name and address of the person designated by the Chair to receive written comments.
 - ii. The LEPC shall review all comments received and publish, in a manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each and every comment received.

III. Public Participation in Planning Process

- a. Following the completion of a Draft Hazardous Substances Emergency Plan for Bell County, the LEPC shall:
 - i. Publish notice of the availability of the plan for public inspection and review in at least one newspaper of general circulation in Bell County. Such notice shall appear on at least two occasions no closer than three (3) calendar days apart.

- ii. Publish notice in the manner described preceding of no fewer than two (2) public meetings to accept oral comments on the draft plan and hold said meetings.
- iii. Publish notice in the manner described preceding that written comments shall be received on the plan for no less than thirty (30) calendar days following the last scheduled public meeting. Such a notice shall designate a person appointed by the Chair to receive such comments.
- iv. Review oral and written comments received and published in the manner described preceding its response to major issues raised in such comments. Nothing herein shall require the LEPC to respond to each and every comment received.

IV. Public Access to Information

- a. In accordance with Section 24 of the Act, all information obtained from the owner or operator pursuant to Title III and any requested Tier II form or MSDS otherwise in possession of the LEPC shall be made available to the person submitting a request under this section, provided, upon request of the owner or operator. The LEPC shall withhold from disclosure the location of any specific chemical identified in the Tier II form.
- b. All information requested to be photocopied by any member of the public shall be provided at the expense of the person requesting. Fees for photocopying shall be set by the Executive Committee and collected by the Information Coordinator. Fees shall be set at a level to enable the LEPC to recover all reasonable expenses associated with processing the request. Copies of the LEPC Bylaws, proposed rules or rules shall be provided at no charge to the public. However, the Information Coordinator is authorized to recover reasonable expenses for photocopying when any individual makes requests for multiple copies.
- c. Requests for MSDS and other non-confidential information:
 - i. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the LEPC's Information Coordinator.
 - ii. Any person may obtain any other non-confidential information in the possession of the LEPC by submitting a written request to the Information Coordinator.
 - iii. If the LEPC does not have in its possession the MSDS or other information requested as proceeding, it shall request submission of the MSDS or information from the owner or operator of the facility of request. The LEPC will make requests only to specific facilities for information, which it is required to maintain or collect pursuant to applicable laws.
- d. Request for Tier II Information:
 - i. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Information Coordinator.
 - ii. If the LEPC does not have in its possession the Tier II information requested, it shall request submission of said information from the owner

or operator of the facility of request, provided that the request is from state or local official acting in his/her capacity in determining amounts exceeding threshold planning quantities.

- iii. If the request for Tier II information is for a substance under threshold reporting quantities, the LEPC may still obtain the requested information by including in the request a general statement for the need of the data.

V. Trade Secrets

- a. Except as provided in this section, all information submitted to the LEPC by facilities pursuant to Title III will be deemed public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims.
- b. Pursuant to Section 312 and Section 324 (a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC, provided that a claim of confidentiality accompanies the submitted information and satisfies all applicable requirements for such claims under Title III.
- c. Such information shall be exempt from disclosure by the LEPC permanently or until such a time as:
 - i. An authorized governmental agency and/or a court of competent jurisdiction makes a final determination following any appeals that such information is not subject to a valid claim of business confidentiality or trade secret and,
 - ii. The LEPC receives written notice of such determination.

VI. Distribution of Annex Q

- a. State Agencies/Agents
 - i. State Emergency Response Commission (SERC)
 - ii. Division of Emergency Management, Texas DPS
 - iii. Regional Liaison Officer, Region 6
- b. County/City Agencies/Agents
 - i. Bell County LEPC members
 - ii. Belton Public Library
 - iii. Bell County Fire/EMS Departments
 - iv. City Police Departments in Bell County
- c. Other Agencies/Agents (by request)
 - i. CTCOG
 - ii. American Red Cross
 - iii. Disaster response agencies
- d. General Public
 - i. By request to the Information Coordinator, any Bell County citizen may obtain a copy of Annex Q by paying normal photocopying fees.

- ii. Access to copies for reading/reference may be obtained from the office of the Bell County Emergency Management Coordinator or the Belton Public Library.

Formally Adopted: June 29, 1999

Dates of Revision: