

# **DeKalb County LEPC By-Laws**

## **Article 1**

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

## **Article 2 – Purposes**

The purposes of the LEPC, in meeting the requirements of SARA Title III – Emergency Planning and Community Right to Know Act (EPCRA) 42 USC sec 110001 *et seq.*, are as follows: The LEPC shall develop a chemical emergency response 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 an annual basis in accordance with Section 303 of EPCRA.

The LEPC shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings of activities.
3. Perform a hazard analysis using the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district’s transportation risks.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Establish and maintain a computerized system of data management.
6. Maintain information on all facilities which manufacture or store extremely hazardous substances and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public, that all meetings, 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 and/or the State Emergency Response Commission (SERC).

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.

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.

## **Article 3 – Membership**

The SERC shall appoint members to serve on the Local Emergency Planning Committee. The Committee shall be composed of, at minimum, representatives from the following twelve groups or organizations: elected state or local officials, local environmental groups, law enforcement, hospital, local government ESDA, transportation, fire fighting, broadcast/print media, first aid/EMT, community groups, health, and owners and operators of facilities subject to Emergency Planning and Community Right to Know laws and regulations.

Each of the above listed twelve groups or organizations shall have one vote for the transaction of committee business. Members of the LEPC are volunteer personnel and shall be residents and/or conduct business in the jurisdictional area of the LEPC.

**INACTIVE MEMBERS:** Appointed members shall be considered inactive when they have missed more than three consecutive Committee meetings without notification to the Committee Chairperson. A report listing members declared inactive will be provided to the SERC.

**REMOVAL:** The Committee may ask the SERC to remove a member.

**VACANCIES:** The SERC shall appoint a replacement member for any vacancy occurring in the LEPC, including a vacancy by reason of resignation, death, removal, or disqualification of a member. The Committee may request that the SERC appoint a qualified replacement identified by the Chairperson or by a majority of the Committee members.

#### **Article 4 – Offices and Appointed Positions**

Elected offices of the LEPC are Chairperson, Vice-Chairperson, and Secretary-Treasurer. Appointed positions are Information Coordinator and Community Emergency Coordinator.

**OFFICER TERMS:** The membership of the LEPC shall elect officers by ballot or voice vote at a preselected vote event. Officers serve a term of 2 years. Existing officers may be re-elected to their existing offices if they indicate a willingness to continue.

**CHAIRPERSON:** The Chairperson shall preside at all meetings of the LEPC unless he/she cannot be present at an announced meeting. An alternate representative, typically the Vice-Chairperson, can be named to fulfill the obligation by the existing Chairperson. The Chairperson serves 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.

**VICE-CHAIRPERSON:** Upon the resignation or 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 assigned by the Chairperson.

**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.

**INFORMATION COORDINATOR:** The LEPC shall appoint an Information Coordinator. The Information Coordinator is responsible for maintaining the committee's files of information received under the Act and procedures adopted under it and for receiving and fulfilling requests from the public for that information. The Information Coordinator will assist the Secretary-Treasurer in records management. The Information Coordinator will be a non-voting member of any sub-committees of the LEPC.

**COMMUNITY EMERGENCY COORDINATOR:** The LEPC shall appoint a Community Emergency Coordinator who is responsible for coordinating the development and implementation of the chemical emergency preparedness plan and for receiving verbal and follow-up written notices of release of hazardous substances provided for under EPCRA.

### **Article 5 – Meetings**

All meetings of the full LEPC are open to the public and are subject to the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*

**REGULAR MEETINGS:** The LEPC shall meet at least quarterly.

**SPECIAL MEETINGS:** The Chairperson may call special meetings as necessary to carry out the duties of the LEPC. Additionally, upon the written request of at least 25% of the membership, the Chairperson shall call a meeting within 14 days.

**HEARINGS:** The LEPC shall hold such public hearings or forums as 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, and receiving and responding to the public comments on the presented plan.

**QUORUM:** Attendance by members representing 3 filled membership positions shall constitute a quorum for the transaction of business. Acts of this quorum shall be valid acts of the Committee, unless action of a greater number is required. (Amended 04-02-2009)

**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 the item placed on the agenda by submitting it in writing to the Chairperson with support of 25% of the membership.

**RULES OF ORDER:** The decisions of meetings of the LEPC shall be made by consensus when possible. However, if a consensus can not be reached, decisions shall be made using Robert's Rules of Order, Newly Revised.

**NOTICE OF MEETINGS:** Notice of time, date, place of meeting, 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.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in DeKalb County in accordance with SARA, Title III (EPCRA). This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

### **Article 6 – Subcommittees**

The Chairperson of the LEPC or his designee may create sub-committees as deemed necessary.

**EXECUTIVE SUBCOMMITTEE:** The Executive Subcommittee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of any standing subcommittees. The Information Coordinator shall serve as a non-voting member of this subcommittee. The duties of the Executive Subcommittee shall be to coordinate activities of any other subcommittees.

### **Article 7- Miscellaneous Provisions**

**FISCAL YEAR:** The fiscal year shall run from January 1 to December 31. (Amended 04-02-2009)

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

**APPROVAL OF BYLAWS:** These bylaws shall become effective upon approval by a majority of those members in attendance at the organizational meeting.

#### **Article 8 – Amendments**

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

#### **Article 9 – Rules**

EPCRA requires that the LEPC shall establish rules by which the committee functions. 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 Rules: The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations.

#### **Article 10 – Public Access to Information**

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier Two forms or the Material Safety Data Sheets (MSDS) otherwise in possession of the LEPC shall be made available to any person submitting a request under this section, subject to any withholding provisions of EPCRA. 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 has been set by the Committee at \$1 per page. This cost assessment may be waived under certain circumstances as enumerated by the LEPC in its written rules and procedures.

All written requests for information shall be complied with in accordance with the Illinois Freedom of Information Act, 5 ILCS 140 (1999).

Requests for MSDS 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's Information Coordinator. Any person may request any other non-confidential information concerning a facility by submitting a written request to the Committee's Information Coordinator.

Request for Tier Two Information: Any person may request Tier Two information with respect to a specific facility by submitting a request to the Committee's Information Coordinator. 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.

**These bylaws of the DeKalb County Local Emergency Planning Committee were provisionally adopted at the January 22, 2001 meeting. They were modified and fully adopted as amended at the April 23, 2001 meeting.**

These Bylaws of the DeKalb County Local Emergency Planning Committee, were adopted at the Regular Meeting of the LEPC on this 23rd day of April, 2001. Two amendments were approved at the Regular Meeting of the LEPC on this 2nd day of April, 2009.

Originally signed by John B. Leonard, LEPC Chairperson, dated June 21, 2001

LEPC Chairperson

Date Signed:

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