

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

**ARTICLE I – NAME AND PURPOSE**

Section 1. **Name.** The name of this organization shall be the Saline County Local Emergency Planning Committee (LEPC).

Section 2. **Contact Information.** Contact information for the Saline County Local Emergency Planning Committee shall be as follows:  
Saline County Local Emergency Planning Committee  
255 N. 10<sup>th</sup> Street  
Salina, KS 67401  
(785) 826-6511 phone  
(785) 826-6515 fax

Section 3. **Mission.** The mission of the Saline County Local Emergency Planning Committee is to work to understand all the hazards in Saline County and help develop emergency plans in the case of an accidental release or natural disaster, and look for ways to prevent accidents and releases.

- A. Fulfilling the requirements of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)
- B. Serving as the Citizens Corps Council for Saline County

**Purpose.** The purpose of the Local Emergency Planning Committee is set out in the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)/Emergency Planning and Community Right-to-Know Act and any other lawful purposes which are assigned to it or permitted by the County, Tribe or District Commissioners, and/or the Commission on Emergency Planning and Response (CEPR), which is formerly known as the State Emergency Response Commission (SERC) in Kansas. In keeping with the intent of the Superfund Amendments and Reauthorization Act of 1986 Title III/Emergency Planning and Community Right-to-Know Act regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The Local Emergency Planning Committee 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 on an annual basis, in accordance with Section 303 of the Superfund Amendments and Reauthorization Act Title III.

The Local Emergency Planning Committee shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all Local Emergency Planning Committee meetings or activities.

3. With the information and reports from facilities operating within the jurisdiction of the Local Emergency Planning Committee, and analysis of the district's transportation risks, the Local Emergency Planning Committee will review the hazard analysis.
4. Assist in establishing and maintaining a database of hazardous chemical locations and quantities in the district.
5. Assist in establishing and maintaining 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 Local Emergency Planning Committee will establish, and notify the public that all meetings, including sub-committee and ad hoc committee meetings are open to the public pursuant with the Kansas Open Meetings Act. The Local Emergency Planning Committee will implement such other and related activities as may hereafter be legally required by the federal government, the Commission on Emergency Planning and Response (CEPR), or the Board of County Commissioners. The Local Emergency Planning Committee 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 Local Emergency Planning Committee 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 II – MEMBERSHIP**

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of Superfund Amendments and Reauthorization Act 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 and should have representatives from agriculture, hazardous materials, education, volunteer organizations, and public works. The members will be nominated by the Board of County Commissioners and will be approved by the Commission on Emergency Planning and Response. Membership updates will be provided to the Commission on Emergency Planning and Response on an annual basis or whenever there is a change in membership

Section 1. Qualification. The organization shall consist of those members nominated by the Board of County Commissioners and approved by the Commission on Emergency Planning and Response for membership in this body. Those people's names shall represent the various professional and community groups as designated by Emergency Planning and Community Right-to-Know Act. Members of the Local Emergency Planning Committee shall

be residents or conduct business in the jurisdictional area of the Local Emergency Planning Committee.

- Section 2. Officers. Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes, and to otherwise accomplish the work of the committee.
- Section 3. Terms of Office. The membership of the Local Emergency Planning Committee, once established, will be for a period of two (2) years. Members may be selected to succeed themselves or to move to other positions on the Local Emergency Planning Committee. No term limits are established for this jurisdiction. The term of office shall be provided in Article III, Section 3.
- Section 4. Inactive Members. Appointed members shall be considered inactive when they have missed more than two (2) consecutive Committee meetings without notification to the Chairperson or staff office or without having been represented by his or her alternate. The annual report listing members declared inactive will be provided to the County Commissioners and the Commission for Emergency Planning and Response.
- Section 5. Vacancies. Any vacancy occurring in the Local Emergency Planning Committee by reason of the 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 Board of County Commissioners who will forward the recommendation to the Commission for Emergency Planning and Response for approval.
- Section 6. Duties. The Local Emergency Planning Committee shall assist established emergency planning offices within Saline County with planning emergency response and public information as directed by law.
- Section 7. Meetings. The Local Emergency Planning Committee shall meet at least quarterly. The Chairperson may call special meetings of the Local Emergency Planning Committee at such time and place as the Chairperson may determine. The special committees shall meet as the work under their groupings proceeds.
- Section 8. Quorum. The presence of seven (7) members of the Local Emergency Planning Committee shall constitute a quorum for the transaction of business by the Local Emergency Planning Committee. For the purposes of Standing Committee meetings, the presence of one half (1/2) of its members shall constitute a quorum for the transaction of business.
- Section 9. Agenda. Any member may request to place an item on the meeting agenda by submitting it in writing to the Chairperson.

Section 10. Rules of Order. The deliberations of all meetings of the Local Emergency Planning Committee and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section 11. Notice of Meetings. An annual notice of the regular meeting schedule of the Local Emergency Planning Committee shall be published in a newspaper with regular circulation in Saline County in accordance with the Superfund Amendments and Reauthorization Act Title III (Emergency Planning and Community Right-to-Know Act). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan.

### ARTICLE III – OFFICERS

The Officers of the Local Emergency Planning Committee shall be a Chairperson, Vice-Chairperson, and a Secretary who shall be elected by the committee as a whole, with the exception of the Vice-Chairperson, herein provided. All officers shall be members of the Local Emergency Planning Committee.

Section 1. Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson and Secretary. The election shall be by voice vote. These officers shall be selected by the majority of the members of the Local Emergency Planning Committee present and voting at the meeting.

Section 2. Term of Office. The term of the officers elected at the organizational meeting shall expire on December 31, of each odd year. Thereafter, the term of the officers shall be for a period of two (2) years.

Section 3. Chairperson. The Chairperson shall preside at all meetings of the Local Emergency Planning Committee; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the Local Emergency Planning Committee. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the Local Emergency Planning Committee.

Section 4. Vice-Chairperson. By virtue of office, the person holding the position of Saline County Emergency Management Director shall hold the office of Vice-Chairperson ex officio. Upon resignation or death or in the absence 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.

Section 5. Secretary. The Secretary in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents and other property of the Local Emergency Planning Committee. The Secretary shall keep a true record of the proceedings of all meetings of the Local Emergency Planning Committee. Additionally, the Secretary in conjunction with the Information Coordinator shall attend to the business needs of the Local Emergency Planning Committee and shall maintain an accurate record of all monies received and expended for the use of the Local Emergency Planning Committee.

Section 6. Information Coordinator. The Local Emergency Planning Committee will appoint an Information Coordinator. The Coordinator shall process requests from the public for information under Section 324 (Right-to-Know), including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary in records management and financial matters. The Information Coordinator shall be a non-voting member of the Local Emergency Planning Committee.

#### ARTICLE IV – COMMITTEES

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary, and the 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. Membership. This Committee shall be responsible for the recruitment of members to the Local Emergency Planning Committee. This Committee shall review each application and bring recommendations to the Board of County Commissioners. This Committee shall also be responsible for completing and updating current rosters to show membership.
- B. Right-to-Know and Public Education 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 Local Emergency Planning Committee. This Committee shall also be responsible for reviewing the public alert and notification program; public relations with affected communities and public at large; all publicity of the Local Emergency Planning Committee; and the development of a public education and information program.

- C. Hazardous Materials Reporting and Awareness 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 test a hazardous substance emergency response plan for the planning district as required by law.
- D. Emergency Response and Planning Committee. This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in the jurisdictions within the planning district to review and help the local emergency management office 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 Local Emergency Planning Committee planning process.

Section 3. Meetings. Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the Local Emergency Planning Committee or the Chairperson of the Committee as deemed necessary.

Section 4. Chairperson of the Standing Committees. The Chairperson of the Standing Committees shall be nominated and elected by their respective committees. Voting shall be conducted as provided in Article III, Section 1.

Section 5. Membership of Standing Committees. All members must volunteer to serve on at least one (1) Standing Committee and shall not serve on more than two (2) Standing Committees. Final membership of the Standing Committees shall be determined by the Chairperson to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Ad Hoc Committees. The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the Local Emergency Planning Committee. Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the Local Emergency Planning Committee.

#### **ARTICLE V – MISCELLANEOUS PROVISIONS**

Section 1. Indebtedness. Before any indebtedness is incurred by the Local Emergency Planning Committee, it shall be approved by the Board of County Commissioners.

Section 2. Approval of By-Laws. These By-Laws shall become effective upon approval by the majority of those in attendance at the organization meeting and final approval from the Board of County Commissioners.

Section 3. Disqualification. Any member who is unable to attend a meeting of the Local Emergency Planning Committee may notify the Secretary or Information Coordinator. Any member with two (2) or more absences is subject to disqualification at the request of the Local Emergency Planning Committee to the Board of County Commissioners and the Commission on Emergency Planning and Response.

#### 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 Local Emergency Planning Committee provided that any amendments of these by-laws be submitted to the members in writing at least one week in advance of the meeting. Any member of the Local Emergency Planning Committee shall have the right to comment on or suggest revision to the by-laws.

#### ARTICLE VII – FINAL RULES

The Emergency Planning and Community Right-to-Know Act requires that the Local Emergency Planning Committee “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.” The final rules are attached to these by-laws.

#### Public Access to Information

- A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to Emergency Planning and Community Right-to-Know Act and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee 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 sole expense of such persons. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the Local Emergency Planning Committee to recover all reasonable expenses associated with processing the request. Copies of the Local Emergency Planning Committee By-Laws or proposed rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

**C. Request for a Material Safety Data Sheet and Other Non-Confidential Information**

1. Any person may obtain a Material Safety Data Sheet with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator
3. If the Committee does not have in its possession the Material Safety Data Sheet or other information requested in subsection C1 or C2 of this section, it shall request a submission of the Material Safety Data Sheet from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

**D. Request for Tier II Information**

1. 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 requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in subsection D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of 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 threshold planning quantities.
3. If the request under subsection D1 of this section does not meet the requirements of subsection D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection D1 of this section includes a general statement of need.

- E. **Trade Secrets.** Except as provided in this section, all information submitted to the Local Emergency Planning Committee by facilities pursuant to the Emergency Planning and Community Right-to-Know Act shall be public information. Other than a claim designated in this section, the Local Emergency Planning Committee will not honor any business confidentially or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the Local Emergency Planning Committee provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under the



Emergency Planning and Community Right-to-Know Act and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the Local Emergency Planning Committee permanently or until such time as:

1. An authorized government agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret; and
2. The Local Emergency Planning Committee receives a written notice of such determination.

THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF THE SALINE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE ADOPTED AT THE REGULAR MEETING OF THE LOCAL EMERGENCY PLANNING COMMITTEE ON THIS THE 19<sup>th</sup> DAY OF Nov., IN THE YEAR 2010.

  
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LOCAL EMERGENCY PLANNING COMMITTEE  
CHAIRPERSON

11/4/10  
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DATE

  
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CHAIRMAN, COUNTY COMMISSIONERS

19 Nov 2010  
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DATE