

WOOD COUNTY
LOCAL EMERGENCY PLANNING
COMMITTEE

BY-LAWS AND PROCEDURES

Wood County

Local Emergency Planning Committee

BY-LAWS AND PROCEDURES

PREAMBLE

To provide an efficient means of operation, the Wood County Local Emergency Planning Committee (LEPC) has established the following set of By-laws and Procedures by which to operate. These By-laws and Procedures address a variety of issues and requirements including meeting formats, membership, agendas, public notification activities, receiving and responding to public comment, distribution of emergency plans, and requests for information under the Emergency Planning and Community Right-to-Know Act of 1986.

CHANGES TO THE BY-LAWS AND PROCEDURES

The By-laws may only be changed by a two-thirds majority vote of the LEPC membership present at a duly called meeting of the Wood County LEPC, at which a quorum is present. Proposed changes shall be submitted for review to all members of the LEPC for a period of not less than seven calendar days prior to such meeting. The procedures may be changed by a majority vote of the LEPC members present at a regularly scheduled meeting.

PURPOSE OF THE WOOD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

- 1) To address responsibilities as established related to “the Emergency Planning and Community Right – to – Know Act of 1986” also know as “Title III”;
- 2) Facilitate relationships and contact lists to assist in the delivery of a coordinated response to man-made or natural disasters;
- 3) Partner industry and government leaders for local survivability and continuity of operations;
- 4) Promote the meaningful sharing of information and expertise;
- 5) Foster awareness of critical infrastructure interdependencies, threat and vulnerabilities;

- 6) Encourage a “prevention and protection” operational framework for all activities;
- 7) Identify mutual needs for joint response and recovery procedures and assets;
- 8) Support emergency first responders by addressing necessary joint training and exercises.
- 9) ***Develop and implement a comprehensive emergency response plan in conjunction with Wood County Emergency Management***

COMPOSITION OF THE COMMITTEE

The committee shall be composed of the following representatives:

1. Elected State & local Officials
2. Law Enforcement, Fire Fighting, and Emergency Medical Services
3. Broadcast and print media
4. Owner/Operators of "Covered" Facilities
5. Environmental and Health Organizations
6. Interested Community Groups
7. Other interested public as deemed appropriate by the LEPC.

All members shall be appointed by the Wood County Commission for terms not to exceed two years. Potential members may be recommended to the County Commission by members of the LEPC. Members may be re-appointed without any limit on terms.

Quorum

Voting members present at any duly called meeting of the LEPC shall constitute a quorum. A simple majority vote shall rule unless otherwise stated in these Bylaws.

OFFICERS

A quorum of the LEPC shall annually elect a Chairperson and Co-Chairperson at a publicly announced meeting for a term not to exceed two years. Nothing in these by-laws shall preclude one person from holding more than one office except the Chairperson and Co-Chairperson position, who by the nature of the positions, must be two separate individuals. There are no limits imposed on the number of terms for each office; however, the committee shall encourage participation of as many members as possible to fulfill the functions of the officers.

Chairperson

The Chairperson shall be elected by a majority vote of the LEPC at a monthly meeting or thirty days prior to the expiration of a 2-year term of office. The role of the Chairperson is to be the leader of the committee and ensure that all LEPC projects, tasks and associated paperwork requirements for the functioning of this committee are carried out. These duties include, setting meeting times, preparation of agendas, appointing standing or ad hoc

committees, chairing meetings, reporting to the County Commission concerning committee project status, and other duties associated with being a chairperson for any type of committee.

Co-Chairperson

The Co-Chairperson shall be elected by a majority vote of the LEPC at a monthly meeting or thirty days prior to the expiration of a 2 year term of office. The role of the co-chairperson is to assist the chairperson and assume the responsibilities of the chairperson during their absence. In the event the chairperson is unable to fulfill their term, the co-chairperson will assume full responsibility of the chairperson until such time a new Chairperson is elected.

Recorder/Secretary

A Recorder/Secretary shall be appointed by the Chairperson to serve for a term of two years. The responsibilities shall include recording of the minutes of LEPC meetings, sending out meeting notifications or making personal telephone reminder calls, preparing meeting agendas and public notification of meetings, and any other duties assigned by the Chairperson.

Information Coordinator

An Information Coordinator shall be appointed by the Chairperson for a term not to exceed two years. It is the duty of the Information Coordinator to process public information requests in a timely manner. The coordinator shall maintain a record of all requests and have access to those records during normal working hours and to fulfill these responsibilities, will use the procedures and guidelines contained in Attachment A, "Procedures and Guidelines for Receiving and Processing Information Requests Under SARA Title III".

Attendance:

All members of the Wood County L.E.P.C. are expected to attend all duly called (*regular or special*) meetings of the Wood County L.E.P.C. Members having two (2) unexcused absences (*see notes below*) during their respective term shall be notified in writing by the Chairman of the Wood County L.E.P.C. of their failure to execute their responsibility of office, and their membership in the Wood County L.E.P.C. has therefore been officially terminated.

Note: Alternates: Members of the Wood County L.E.P.C. representing an organization, agency and/or firm may in their absence notify (*no less than 24 hours*) in writing and/or electronic communication the Secretary of the Wood County L.E.P.C. of such absence and may at that time notify the Secretary of an alternate (*by name*) selected, or at any duly called meeting of the Wood County L.E.P.C. may officially designate a standing alternate (*by name*) to act in their behalf on all matters coming before the Wood County L.E.P.C. during their absence. Members represented by an alternate shall not be considered absence for the purpose of attendance.

Wood County L.E.P.C. members solely representing themselves may not appoint alternate representation.

Note: Excused Absence: Members of the Wood County L.E.P.C. by making notice to the Secretary of the Wood County L.E.P.C. either in writing or by electronic communication prior to an officially called meeting of the Wood County L.E.P.C. of *(illness/injury, work obligation, vacation, jury duty and/or emergency such as family and/or funeral)* and having made such notification shall be considered excused for the purpose of attendance for that meeting.

PUBLIC NOTIFICATION OF LEPC ACTIVITIES

The following requirements are set forth for conducting public meetings of the LEPC.

Meetings

Meetings shall be held monthly or at a minimum of once per calendar year quarter. The Recorder/Secretary shall issue a news release at least five business days preceding each meeting to the local media outlets based in Wood County, West Virginia. Attachment B contains a sample of a suggested news release.

Regular Meetings

Regular meetings of the LEPC must be held a minimum of once per calendar year quarter. Members will be notified no less than 7 days prior to a regular meeting.

Special Meetings

Special meetings may be called when needed to address specific issues. Membership will be notified of the date, time, location, and agenda, no less than 5 days prior to the meeting. Discussion will be limited to those items announced in the agenda.

Emergency Meetings

In the event there is a time-sensitive issue that must be addressed, an emergency meeting may be called with a 24-hour notice to membership. The notice shall include the time, location, and issue that will be discussed. No other business may be conducted at an emergency meeting.

Public Hearings

Notification of any Public Hearing, either called by act of the Wood County LEPC and/or other act or requirement shall be the same as for meeting notification, but also shall include a legal advertisement placed in the local newspapers at least five business days before the

Public Hearing. Attachment B contains a suggested legal advertisement.

Major Reports and Plans

Public notification concerning the issuing of major reports and plans shall be the same as for Public Hearings.

Minutes of Meetings and Hearings

Official minutes of all LEPC meetings and hearings shall be documented and made available to the public upon request. Requests for minutes shall be made using the request for information procedures in Attachment A.

PUBLIC COMMENT AND RESPONSE

Occasionally the LEPC will be confronted with both positive and negative public comment. The LEPC shall respond to such comments timely and responsibly with the public interest in mind. The LEPC may receive comments through letters, news editorials, telephone calls, and formal oral comments at LEPC meetings.

The LEPC shall request that all comments be submitted in writing. This will provide for adequate documentation and will allow the LEPC to respond accordingly.

Oral comments at public meetings shall be recorded. It should be noted that instantaneous responses to sensitive questions or comments are not mandatory. A well prepared response to sensitive issues, delivered in a reasonable time, shall be considered acceptable.

ATTACHMENT A

PROCEDURES AND GUIDELINES

FOR

RECEIVING AND PROCESSING INFORMATION REQUESTS

UNDER SARA TITLE III

WOOD COUNTY COMMISSION
Office of Emergency Services

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Guidelines on Receiving and Processing Requests For Information Under Title III

Introduction:

On October 17, 1986, "The Emergency Planning and Community Right-to-Know Act of 1986" was enacted into law. This Act is part of the "Superfund Amendments and Reauthorization Act of 1986 (SARA) but is a separate, freestanding statute, sometimes known as Title III. Title III establishes requirements for Federal, State, and local governments and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. This legislation builds upon the EPA's Chemical Emergency Preparedness Program (CEPP), the Community Awareness and Emergency Response (CAER) program of the Chemical Manufacturers Association and many State and local programs aimed at helping communities to meet their responsibilities regarding potential chemical emergencies.

The community right-to-know provisions of Title III have been implemented to help to increase the public's knowledge and access to information on the presence of hazardous chemicals in their communities and releases of these chemicals into the environment. These procedures describe the basic types of information available and outlines the process for public distribution of this information.

Information That Is Available:

Under Title III, certain covered facilities are required to file information with the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the local fire department of jurisdiction. Information that must be filed includes:

1. Material Safety Data Sheet (MSDS) or List of MSDS chemicals (Section 311).
2. Emergency and Hazardous Chemical Inventory Form (Section 312).
3. Follow-up emergency Notices (Section 304).

Title III stipulates that members of the public are to be provided access to information filed with the SERC and the LEPC by making an appropriate request.

MSDS or List of MSDS Chemicals

Section 311 of Title III requires owners and/or operators of facilities subject to this regulation to submit specific information for each hazardous chemical that is stored at subject facilities. The information required shall be contained in respective Material Safety Data Sheets (MSDS) as part of the information regarding the hazards associated with the use of or exposure to hazardous chemicals. Section 311 also stipulates that an owner or operator has the option of filing a list of the chemicals for which he must have an MSDS, instead of filing the MSDS itself. When an owner or operator has chosen the option of filing the "list" of chemicals requiring MSDS, if so requested by a member of the public of the LEPC a copy of the MSDS for any chemical contained on that list, the LEPC shall request the MSDS from the facility owner or operator and then shall make the MSDS available to the requester according to Title III requirements.

Emergency and Hazardous Chemical Inventory Form

Section 312 of Title III stipulates that an owner and/or operator of a facility subject to this regulation shall prepare and submit an "Emergency and Hazardous Chemical Inventory Form", which shall be submitted to the LEPC, SERC, and local Fire Department by March 1 of each year. Section 312 specifically delineates information required to be included on the inventory form, and also stipulates special circumstances under which more specific information is to be submitted.

"Emergency and Hazardous Chemical Inventory Form" submitted shall contain specific information regarding the quantities and locations of hazardous chemical covered by this act for each facility. Such general information, known as "Tier II Information" shall be provided for each hazardous chemical in aggregate terms for those categories of hazardous chemicals set forth under the Occupational Safety and Health Act and the regulations issued under that Act.

Specific Tier II information required to be contained on the "Emergency and Hazardous Chemical Inventory Form" includes:

1. The chemical name of the common name of the chemical is provided on the material safety data sheet;
2. An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the previous calendar year;
3. An estimate (in ranges) of the average daily amount of hazardous chemical present at the facility during the previous year;
4. A brief description of how the subject hazardous chemical's are stored;
5. and the "Emergency and Hazardous Chemical Inventory Form" shall indicate if the owner and/or operator has elected to withhold location information of a specific hazardous chemical from the disclosure to the public under Section 324.

Any person may request from the SERC and/or a LEPC, Tier II information for a subject facility for the previous calendar year. All requests for Tier II information shall be in writing, and shall specify the specific facility for which the request is being made. Upon receipt of an appropriate request, the SERC and/or the LEPC shall notify the owner and/or operator of the specific facility of such request.

Any Tier II information that the SERC and/or the LEPC maintains in its possession shall be made available to a person making a request under SERC procedures. If the SERC or LEPC does not have the Tier II information in its possession and receives a request for that information, the SERC or the LEPC shall request from the facility owner and/or operator required Tier II information relating to any hazardous chemical that a facility has stored in an amount over 10,000 pounds present at the facility any time during the previous calendar year. Such information shall then be made available to the person making the request.

When Tier II information is not maintained by the SERC and/or LEPC, and the request relates to a hazardous chemical that a subject facility has stored in an amount less than 10,000 pounds present at the facility any time during the previous calendar year, the request *must include a statement which stipulates the general need for the requested information*. The SERC or LEPC then has the discretion to grant or deny such request.

Follow-up Emergency Notice of Release

Section 304 of Title III requires covered facilities to submit emergency notification of releases of specific extremely hazardous substances. Such notifications shall be made to the County Emergency Coordinator and/or the LEPC. In addition to the requirements for notification of the local LEPC, emergency notification shall be made to the SERC of any State likely to be affected by such release. Additionally Section 304 requires that an owner and/or operator of a covered facility provide written follow-up notices when practical after the release. Such follow-up notices shall include:

1. An update of the information included in the initial release notification;
2. Information on actions taken to respond to and contain the release;
3. Any known or expected acute or chronic health risks associated with the release; and,
4. Where appropriate, advice regarding medical attention necessary for exposed individuals.

General Policy

The SERC and all LEPC(s) will make the fullest possible disclosure of records to the public consistent with the provisions of Title III. All SERC records shall be available to the public unless they are exempt from disclosure requirements.

Filing a Request for Information

A request for records may be filed with the SERC and/or with a specific LEPC if such request relates to a facility found in that LEPC's Emergency Planning District. The addresses of the SERC and is:

West Virginia Emergency Response Commission
Room EB80 State Capitol Complex
Charleston, WV 23505
Phone: (304) 558-5380

Wood County Local Emergency Planning Committee

Wood County Local Emergency Planning Committee
911 Core Road
Parkersburg, WV 26101
Phone: (304) 420-0911

Records which may be requested from the LEPC are:

- 1) local emergency response plans;
- 2) MSDS or lists of hazardous chemicals;
- 3) Hazardous Chemicals Inventory Forms;
- 4) and follow-up notices of releases.

Records which may be requested from the SERC are:

- 1) the Hazardous Chemicals Inventory Form;
- 2) and emergency follow-up notices of releases.

All requests pursuant to this regulation must be made in writing, and describe the records sought in a way that will allow their identification and location, but otherwise need not be in any particular form. If the description of the records sought in a request is not sufficient to allow the SERC and/or the LEPC to identify and find the requested records, the SERC and/or the LEPC will notify the requester (by telephone when practical) that the request cannot be processed until more information is given.

Every reasonable effort will be made to help in the identification of records sought and to help the requester in formulating his or her request. If a request is described in general terms (e.g. all records concerning a certain facility), then the SERC and/or the LEPC may talk with the requester (by telephone when practical) in an effort to reduce the administrative burden of processing a broad request and minimizing the fees payable by the owner and/or operator. Such attempts shall not be used as a means to discourage, but as a means to help identify the specific records sought.

Requests received at offices other than those described above may not be answered timely. Oral or phone requests for records may be honored at the discretion of the SERC and/or the LEPC if such request is followed by a written request. The written request may be hand delivered if previous arrangements for an appointment to receive copied material was made by phone.

Responding to a Request for Information

The SERC or LEPC, upon receipt of a written request, will mark the request with the date of receipt, and begin to identify and find the requested information or ask for more information concerning the request. Such responses must do either:

1. Furnish copies of the requested information; or,
2. Advise the requester of the time and place at which he/she may inspect and copy the information; or,
3. Deny the request stating in writing the reason for such denial.

Denials of requests may be made only in the following circumstances:

1. The request record is not known to exist; or
2. The record is not in the SERC and/or the LEPC's possession and the SERC and/or LEPC is not required under Title III to obtain this record from the owner and/or operator of a covered facility; or,
3. The record is exempt from disclosure under Title III.

A letter informing the requester of the denial must be sent within 45 days. The letter shall clearly state the basis for the denial.

Information That May Be Withheld

The following information may be withheld from the public under Title III:

1. Trade Secrets: The specific chemical identity, (including the chemical name and other specific identification) may be withheld by the owner or operator of a covered facility from information submitted to the SERC or the LEPC if such information is determined by the US Environmental Protection Agency to be a trade secret as defined in Title III.

2- Location of the Specific Chemical: Upon request an owner and/or operator of a facility subject to Title III, the SERC and the appropriate LEPC must withhold from disclosure the location of any specific chemical required by Title III to be contained in an inventory form as Tier II information.

Costs Involved With a Request for Information

Fees will be charged requesters for searching for and reproducing requested records. Fees charged by the Wood County LEPC shall be sufficient to defray the costs as associated with finding and reproducing the requested information. Accordingly, the fees to be charged by the LEPC are as follows:

1. Copying costs shall be \$1.50 for the first two pages and \$1.00 for each additional page.
2. Charges for copying materials that must be reproduced by outside facilities shall be the actual cost of copying.
3. A search fee of \$9.50 per hour or fraction of an hour and shall be charged for the time spent in trying to find requested records beyond the initial half hour used to find such records.
4. An invoice for the total amount of fees will be given to the requester when materials are picked up. Payments shall be made by check or money order and made payable to the Wood County Commission.
5. Total or partial payment may be required if the LEPC finds that the unpaid fees attributable to one or more requests, by the same requester exceed or will exceed \$100.00.
6. Any requester who cannot afford to pay the fees established by the LEPC under this section, may file an affidavit with the committee stating that the requester is unable to pay such fees. Upon the filing of such affidavit the LEPC may process the request by following these guidelines as if the fees were paid.

Glossary of Terms

Chemical Releases - releases of toxic chemicals that must be reported annually in a "Toxic Chemical Release Reporting Form" to the US Environmental Protection Agency and a State official to be designated by the Governor according to Section 313 of Title III. The report is due July 1 of each year.

Emergency Notification or Emergency Release Notification - the notification required by Section 304 of Title III that must be given immediately upon a release of a listed hazardous substance that exceeds the reportable quantity for that substance. This notification must be given to the SERC and Local Emergency Planning Committee.

Emergency Response Plan - the plan to be developed by each Local Emergency Response Committee. These plans are to be completed by October 17, 1988.

Inventory Form - The Emergency and Hazardous Chemical Inventory Form that must be submitted by covered facilities to the Local Emergency Planning Committee, the SERC and the local fire department. The Inventory Form is sometimes referred to as the Tier II.

List of MSDS Chemicals - a list of chemicals submitted to the Local Emergency Planning Committee, the SERC, and the local fire department instead of the requirement to submit copies of the Material Safety Data Sheet (MSDS).

MSDS or Material Safety Data Sheet - a form used by chemical manufacturers and required by the Federal Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1910.1200) for reporting health and safety information on hazardous chemicals.

SERC or State Emergency Response Commission - the State agency responsible for implementation of Title III within the State. The SERC oversees operation of the Local Emergency Planning Committees as well as coordinates emergency response activities.

Tier II Information - information that must be provided on the inventory form only upon request of the SERC or Local Emergency Planning Committee. This information is due March 1 of each year.

ATTACHMENT B

SAMPLE NEWS RELEASE:

For Immediate Release: Date _____

Contact: Director of Wood County Office of Emergency Services or,
Chairperson – Wood County LEPC
Telephone: 304-420-0911

The Wood County Local Emergency Planning Committee will hold its next meeting at ***location, date, time.***

LEPC meetings are open to the public. For further details contact the Wood County Office of Emergency Services _ Telephone, 304-420-0911.

SAMPLE LEGAL ADVERTISEMENT:

NOTICE

The Wood County Local Emergency Planning Committee will hold an open public hearing to solicit public comment on its draft of the Emergency Response Plan.

The Hearing will be held at (date, time and location)

For information on meeting format and content contact: The Office of Wood County
Emergency Services, 911 Core Road, Parkersburg, WV 26101
Phone number: 304-420-0911

ATTACHMENT C

Sample Letter to Potential Covered Facilities

Dear

Under the Federal Superfund and Reauthorization Act of 1986, (SARA Title III) owners and/or operators of certain facilities, by law, must take certain actions regarding hazardous substances on their property.

If you use, store, manufacture, process or import any chemical and/or chemical substance that is hazardous, you must be subject to the requirements of this law. You should check to see if you have any such substances, and if so in what amount. To learn if a substance is hazardous you can:

1. Check information on labels, or literature accompanying the material.
2. Question the provider or the material.
3. Contact the Local Emergency Planning Committee – 304-420-0911
4. or your local office of The West Virginia Department of Environmental Protection.

If you have such substances, contact the LEPC Coordinator of Information for advice on further requirements.

Sincerely,

Chairman
Local Emergency Planning Committee