

# THE COLLIN COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

## ARTICLE I: NAME AND PURPOSE

Section 1. **NAME** - The name of this organization shall be the Collin County local Emergency Planning Committee, hereinafter referred to as the LEPC.

Section 2. **PURPOSE** - The purpose of the LEPC shall be:

- A) To carry out for Collin 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 for, and exercising of a hazardous substances emergency response plan for Collin County;
  - 2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA, Title III.
  - 3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of SARA, Title III; and
  - 4) Development of provisions for public notification of committee activities.
- B) To implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the Collin County Judge.

## ARTICLE II: MEMBERSHIP

Section 1. **QUALIFICATIONS** - The organization shall consist of a minimum of fifteen (15) members nominated by Commissioners' Court 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, and/or conduct business in Collin County.

Section 2. **OFFICERS** - Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes of meetings and to otherwise accomplish the work of the committee.

Section 3. **VACANCIES** - 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. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to Commissioners' Court, which will make its recommendations to the SERC for approval.

Section 4. **POWERS AND DUTIES** - The LEPC shall be responsible for emergency response and public information preparation and the necessary associated planning and direction, as mandated by law.

Section 5. **MEETINGS** - There shall be at least four regular meetings of the committee per year. Special meetings of the LEPC may be called by the chairperson at such time and place as the chairperson may deem necessary. The standing and ad hoc committees shall meet as the work under their groupings requires.

Section 6. **QUORUM** - The presence of at least a majority of LEPC members at the opening of the meeting shall constitute a quorum for the transaction of business. For the purposes of standing committee meetings, the presence of the majority of members shall constitute a quorum for the transaction of business.

### **ARTICLE III: OFFICERS**

Section 1. **ENUMERATION OF OFFICERS** - The officers of the LEPC shall be a chairperson, vice chairperson and a secretary, who shall be elected by the committee as a whole in a manner herein provided in Section 2 of this article. All officers shall be members of the LEPC.

Section 2. **NOMINATION AND ELECTION OF OFFICERS** - Prior to the expiration of the officers' terms of service, nomination and election of new officers shall occur. Nominations will be accepted from the floor for the positions of chairperson, vice chairperson and secretary. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a simple majority of the members of the LEPC present and voting at the meeting.

Section 3. **TERM OF OFFICE** - The term of the officers elected at the organizational meeting shall expire on December 31, 1988. Therefore, the term of the officers shall be for a period of two years.

Section 4. **CHAIRPERSON** - The chairperson shall preside at all meetings of the LEPC, shall serve as ex officio member of all committees and shall perform such duties and acts 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.

Section 5. **VICE CHAIRPERSON** - Upon resignation, 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 6. **SECRETARY** - The secretary shall assist the information coordinator in the maintenance of all books, papers, documents and other property of the LEPC. The secretary will keep a true record of the proceedings of all meetings of the LEPC. In the absence, resignation or death of the chairperson and vice chairperson, the secretary shall perform the duties of the chairperson.

Section 7. **INFORMATION COORDINATOR** - The county judge shall appoint an information coordinator. The information coordinator shall assist the LEPC in records management. The information coordinator shall be a non-voting member of all committees and the general LEPC.

## ARTICLE IV: COMMITTEES

Section 1. **EXECUTIVE COMMITTEE** - The Executive Committee will consist of the chairperson, vice chairperson, secretary and the chairpersons of the three standing committees as described 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. The Executive Committee, subject to ultimate review of the LEPC, may act on behalf of the LEPC in conducting administrative matters and in managing the work of the standing and ad hoc committees. Matters of policy must be approved by the LEPC as a whole. The Executive Committee shall perform such other appropriate functions as the chairperson may deem necessary in the furtherance of the purposes of the LEPC. The Executive Committee shall meet from time to time as appropriate.

Section 2. **STANDING COMMITTEES** - Standing committees shall be established as follows:

- A) Right-to-Know and Public Education and Information Committee. This committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the establishment of 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. This committee shall also 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 development of public education and information programs.
- B) Government and Industrial Liaison Committee. This committee shall be responsible for gathering and distributing information concerning SARA, Title III, to all affected facilities; for assisting both county and municipal governments within Collin County with SARA, Title III, compliance efforts; and for serving as a technical resource for the general LEPC and its subcommittees. This committee shall also 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 development of public education and information program.
- C) Emergency response and Resources Committee. This committee will work with the Government and Industrial 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.

Section 3. **MEETINGS** - Meetings of the standing and ad hoc committees may be called by the chairperson of the LEPC or the chairperson of the particular committee, as deemed necessary.

Section 4. **CHAIRPERSONS OF THE STANDING COMMITTEES** - The chairpersons of the standing committees shall be appointed by the LEPC chairperson, with the consent of the LEPC at large.

Section 5. **MEMBERSHIP OF STANDING COMMITTEES** - All members of the LEPC must volunteer to serve on at least one standing committee and shall not serve on more than two standing committees. Final membership on the standing committees shall be determined by the LEPC chairperson, after consultation with the Executive Committee, to ensure that all committees have sufficient manpower to carry out their assigned tasks.

Section 6. **AD HOC COMMITTEES** - The LEPC chairperson may create ad hoc committees as necessary to perform the functions of the LEPC. Chairpersons of ad hoc committees shall be appointed by the LEPC chairperson.

#### **ARTICLE V: MISCELLANEOUS PROVISIONS**

Section 1. **FISCAL YEAR** - The fiscal year shall be considered to extend from October 1, through September 30.

Section 2. **EXPENDITURES** - All expenditure incurred by the LEPC shall be approved in advance by the Executive Committee and Commissioners' Court.

Section 3. **APPROVAL OF BYLAWS** - These bylaws shall become effective upon approval by Commissioners' Court, as recommended by two-thirds of the LEPC.

Section 4. **DISQUALIFICATION** - Any member who is unable to attend a regular meeting of the LEPC may notify the secretary, chairperson or information coordinator. Any member missing fifty percent of the meetings during a fiscal year is subject to loss of membership at the request of the LEPC to the county judge and the SERC.

#### **ARTICLE VI: AMENDMENTS**

Section 1. **AMENDMENTS** - These bylaws may be amended by a two-thirds vote of members of the LEPC provided that any proposed amendments to these bylaws are submitted to the members in writing at least one week in advance of the meeting. These amendments shall become effective upon approval by Commissioners' Court.

## ARTICLE VII: PARLIAMENTARY AUTHORITY

Section 1. **PARLIAMENTARY AUTHORITY** - The rules contained in Robert's Rule of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws. SARA, Title III, 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."

## ARTICLE VIII: RULE MAKING

Section 1. **ADOPTION OF RULES; PUBLICATION OF PROPOSALS** - The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under Title III and related applicable regulations. Any such rules must first be published in proposed form not less than 30 days prior to final adoption by the LEPC. Publication shall be effected through posting of the proposed rule and a statement of basis and purpose on the public bulletin board located on the first floor of the Collin County Courthouse, 210 McDonald Street, McKinney, Texas. (The proposed rule, together with the statement of basis and purpose, are hereafter referred to as "notice of proposed rule making.") Such notice of proposed rule making shall invite written public comment on any aspect of the proposed rule during the 30 day period. The LEPC information coordinator is encouraged, but not required, to mail notices of the proposed rule making to interested local government officials, industries and citizens. Such proposed rules shall not become effective until approved by Commissioners' Court.

Section 2. **METHOD OF INITIATING PROPOSED RULE MAKING** - Any member of the LEPC may recommend the initiation of proposed rule making. 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. **METHOD OF ADOPTING FINAL RULES** - Following the expiration of the 30 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 LEPC acts favorably, the rule shall be submitted to Commissioners' Court for final approval.

Section 4. **NOTICE OF ADOPTION** - Upon adoption of any rule by the Commissioners' Court, 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. Publications of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

## ARTICLE IX: RULES

Section 1. **DEFINITIONS** - Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in Title III of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499 (the "Act"), and regulations adopted in accordance therewith.

Section 2. **PUBLIC NOTIFICATION AND GENERAL PARTICIPATION** -

- A) The LEPC shall publish notice of all its meetings and all subcommittee meetings, on the public bulletin board in the Collin County Courthouse, 210 McDonald Street, McKinney, Texas, at least 72 hours prior to any such meeting. In emergencies, as declared by the chair-person, a two (2) hour notice may be posted and the 72 hour notice may be waived.
- B) All meetings of the LEPC shall be open to the public, except under circumstances where the Texas Open Meetings Act permits otherwise. The chairperson shall afford a reasonable period of time at the beginning of each regular monthly meeting to accept oral public comments on any aspect of the LEPC's mission or functions.
- C)
  - 1) Not less than once each calendar year the chairperson shall cause to be published in a newspaper of general circulation in Collin County, a notice that written 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 LEPC minutes and other records and the name and address of the person designated by the chairperson to receive written comments.
  - 2) The LEPC shall review all comments received and shall publish, in the 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.

Section 3. **PUBLIC PARTICIPATION IN PLANNING PROCESS** - The LEPC shall submit to Commissioners' Court for review and approval a hazardous substances emergency response plan.

Section 4. **PUBLIC ACCESS TO INFORMATION** -

- A) In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to Title III and any requested Tier II form or Material Safety Data Sheet (MSDS) otherwise in possession of the committee shall be made available to the person submitting the request. Also 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 by any member of the public shall be provided at the sole expense of such person. The reasonable cost of such information shall be set from time to time by the Commissioners' Court. LEPC documents will be available for inspection by the public in the Collin County Law Library.

- C) Request for MSDS and other non-confidential information.
- 1) Any person may obtain an MSDS with respect to a specific facility by submitting a written request to the committee's information coordinator.
  - 2) Any person may obtain any 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 MSDS or other information requested in sections C)1) or C)2) of this section, it shall request a submission of the MSDS form 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 that it is required to maintain or collect pursuant to applicable law.
- D) Requests 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 paragraph D)1) 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 limited to official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of threshold planning quantities.
  - 3) If the request under paragraph D)1) of this section does not meet the requirements of paragraph D)2) 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 paragraph D)1) of this section includes a general statement of need.

Section 5. **TRADE SECRETS** - Except as provided in this section, all information submitted to the LEPC by facilities pursuant to Title III shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. 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 is submitted with the information and satisfies all applicable requirements for such claims under Title III and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as (1) an authorized governmental agency and, if applicable, 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 (2) the LEPC receives a written notice of such determination.

Section 5. **MEETINGS** - There shall be at least four regular meetings of the committee per year. Special meetings of the LEPC may be called by the chairperson at such time and place as the chairperson may deem necessary. The standing and ad hoc committees shall meet as the work under their groupings requires.

Section 6. **QUORUM** - The presence of at least a majority of LEPC members at the opening of the meeting shall constitute a quorum for the transaction of business. For the purposes of

standing committee meetings, the presence of the majority of members shall constitute a quorum for the transaction of business.