

BYLAWS
SARATOGA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Reviewed and Adopted 09/30/2015

ARTICLE I: NAME AND PURPOSE

Section 1. Name

The name of this organization shall be the Saratoga County Local Emergency Planning Committee, hereinafter referred to as the "LEPC".

Section 2. Purpose

The principal duty of the LEPC shall be to develop an emergency response plan for the County of Saratoga and its included municipalities, and to review such plan annually. The LEPC shall also fulfill the requirements established in Subtitle A, Section 301 of Title III (Emergency Planning and Right-to-Know) of the Superfund Amendments and Re-authorization Act of 1986 (hereinafter referred to as "Title III"). The LEPC serves as advisory committee to the **Saratoga County Office of Emergency Services (SCOES)**.

Article II: MEMBERSHIP

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III (17). This includes equal representation of elected state and local officials, law enforcement, emergency management, public safety and health, local environmental personnel, healthcare, transportation, broadcast and print media, community groups and owners and/or operators of local facilities.

Section 1. Qualification

The members will be recommended by director of SCOES or delegate and be approved Saratoga County Board of Supervisors. These members serve at the pleasure of the Chairman of the Board of Supervisors for one year. Membership updates will be provided to the Saratoga County Office of Emergency Services, the Saratoga County Board of Supervisors and the **State Office of Emergency Management (SOEM)** on an annual basis or whenever there is a change in membership. Individuals appointed to the LEPC shall represent the various professional and community groups as designated by Saratoga County Board of Supervisors. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

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 LEPC, once established, will be for a period of one (1) year. There are no limits to the number of terms a member can serve.

Section 4. Inactive Members

Appointed members shall be considered inactive when they have missed more than two (2) consecutive LEPC quarterly meetings without notification to the Committee Chair or staff office. The annual report listing members declared inactive will be provided to the Chairman of the Saratoga County Board of Supervisors and SCOES.

Section 5. Vacancies

Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section 1.

Section 6. Meetings

The LEPC shall meet at least quarterly. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The Chairperson shall have the obligation to call a special meeting of the LEPC upon the written request of three (3) members.

Section 7. Quorum

The presence of thirty (30) percent 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 purposes of Standing Committee meetings, the presence of three (3) members shall constitute a quorum for the transaction of business.

Section 8. 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 such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of three (3) members of the Committee.

Section 9. Rules of Order

The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert’s Rules of Order, Newly Revised.

Section 10. Notice of Meetings

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in Saratoga County in accordance with SARA Title III (EPCRA). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan. A legal ad will be taken out including this time and date in the local paper.

ARTICLE: III OFFICERS

The Officers of the LEPC shall be a Chairperson, Vice-Chairperson, and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

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, Vice-Chairperson, and Secretary-Treasurer in November. The election shall be in January by ballot, except that when there is only one (1) nomination for each office, election may be by voice vote. These officers shall be selected by the majority of the members of the LEPC 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. Thereafter, the term of the officers shall be for a period of one (1) year.

Section 3. 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 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.

Section 4. Vice-Chairperson

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-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 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 6. Information Coordinator

The LEPC 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-Treasurer in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees and the LEPC.

ARTICLE IV: COMMITTEES

Section 1. Executive Committee

The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of the four (4) standing committees as described in Article IV, 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. 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 as deemed essential or mandated by the federal and/or state government.
- B. Public Education and Information Committee:** This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and public at large; all publicity of the LEPC; and the development of public education and information program.
- C. Hazardous Materials Facilities Liaison 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(s) test a hazardous substance emergency response plan for the planning district as required by law.
- D. Emergency Response and Resources Committee:** This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office(s) 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 a designated 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 2.

Section 5. Membership of Standing Committees

All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Standing Committees shall be determined by the 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 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 Chairperson of the LEPC.

ARTICLE V: MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year

The fiscal year shall be considered to run from January 1 thru December 31.

Section 2. Indebtedness

All indebtedness incurred by the LEPC shall follow county approval and payment policies.

Section 3. Approval of By-Laws

These by-laws shall become effective upon approval by a majority of those in attendance at the organization meeting.

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

ARTICLE VII: RULES

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.”

Section 1. Adoption of Rule; Publication of Proposals

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities **under EPCRA** and related applicable regulations. Such rules must first be published in proposed form not less than ten (10) days prior to final adoption by the LEPC. Proposed rules are subject to public comment during the ten (10) day period. The LEPC Information Coordinator is encouraged, but not required, to notify the community of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 2. Method of Initiating proposed Rule-Making

Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall initially be considered by the quorum of Committee, unless otherwise decided by the LEPC. If the entire committee, by majority vote approves the 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 ten (10) day comment period, the Executive Committee shall review all public comments and prepare a statement that responds to comments 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 vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption

Upon adoption of any rule by the LEPC, the Information Coordinator shall also publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.

Section 5. Emergency Rules

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

Section 6. Final Rules

A. Public Access to Information:

1. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) 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.
2. 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 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, 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.

Any request for information shall be governed by the NYS Freedom of Information Law Public Officers Law Article 6 Sections 84-90.

B. Request for MSDS/SDS and Other Non-Confidential Information:

1. Any person may obtain a MSDS/SDS 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/SDS or other information requested in subsections C1 or C2 of this section, it shall request a submission of the MSDS/SDS 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.

C. 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 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.

D. Trade Secrets:

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC 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 LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA 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 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 LEPC receives a written notice of such determination.

THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF SARATOGA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS THE _____ DAY OF _____, IN THE YEAR _____.