

BY-LAWS OF THE LEE OGLE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Article I – NAME

This organization shall be known as the Lee Ogle Local Emergency Planning Committee (LEPC).

Article II - 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§11001 *et. seq.*, are as follows. The LEPC shall develop a chemical emergency response plan for the planning district which includes both Lee and Ogle Counties 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 EPCRA.

The LEPC shall, in addition:

1. Receive and process requests for information from the public;
2. Notify the public of all LEPC meetings or activities;
3. Perform a hazard analysis using the information and reports from facilities operating within the jurisdiction of the LEPC;
4. Establish and maintain a computerized database of hazardous chemical locations and quantities in the district;
5. Maintain information on all reporting 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 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 recommendation 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.

In keeping with the intent of the EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The SERC shall appoint primary members to serve on the Local Emergency Planning Committee. The Committee shall be composed of, at a minimum, representatives from the following 12 groups or organizations: elected state or local officials, local environmental

groups, law enforcement, hospitals, local government emergency management, 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 12 groups or organizations shall have a single vote for the transaction of Committee business. Members of the LEPC serve as volunteer members and shall be residents and/or conduct business in the jurisdictional area of the LEPC.

FULL MEMBERSHIP. Full membership is defined as at least one primary member in each of the 12 categories as noted in 29 ILCS 620.50.

ALTERNATE MEMBERS. Each of the 12 categories may include alternate members. Alternate members shall be approved by the Committee at any regular meeting of the LEPC. Alternate members will be designated as first alternate, second alternate, etc. for the category they represent. In the absence of a primary member, an alternate member in that category, in order of their designation, will have voting rights for the transaction of committee business. Alternate members may not hold elected offices.

INACTIVE MEMBERS. Appointed members shall be considered inactive when they have missed more than 3 consecutive Committee meetings without notification to the Chairman or another member of the Executive Committee of significant reasons why they were unable to attend the meetings. An annual report listing members declared inactive will be provided to the SERC.

REMOVAL. The Committee may ask the SERC to remove a primary member. The Committee may remove alternate members by a majority vote of the members present at any regular or special meeting but, the vote shall be by ballot only.

VACANCIES. The SERC shall appoint a replacement member for any vacancy (excluding alternate members) 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 chair or by a majority of Committee members.

Article IV – OFFICES AND APPOINTED POSITIONS

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

OFFICER TERMS. The elected offices of the LEPC shall be elected by ballot or voice vote at a regular meeting of the LEPC. Elected Officers serve a term of 2 years. Appointed officers shall be appointed by the Chairman. New appointments must be confirmed with a concurrence vote by the Committee.

THE CHAIRMAN. The Chairman shall preside at all meetings of the LEPC unless he/she cannot be present at an announced meeting. The Chairman shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to establish Ad Hoc Subcommittees, as necessary, to accomplish the goals of the LEPC.

THE VICE-CHAIRMAN. Upon the resignation, or death, or on the advice of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Chairman. In the absence of the Chairman, the Vice-Chairman shall preside at meetings of the LEPC.

THE SECRETARY. The Secretary-Treasurer, in cooperation with the Chairman, shall be responsible for making a record of the business conducted at all regular and special meetings of the LEPC.

THE 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. In accordance with the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq., The Information Coordinator shall serve as FOI Officer for the LEPC.

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

Article V - MEETINGS

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

(a) **REGULAR MEETINGS**

The LEPC shall meet as determined by the committee to conduct business.

(b) **SPECIAL MEETINGS**

The Chairman may call special meetings as necessary to carry out the duties of the LEPC. Upon the written request of at least 3 members, representing different groups or organizations, the Chairman shall call a meeting within 10 days.

(c) **FORUMS**

The LEPC shall hold such public 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 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.

(d) QUORUM

Attendance by voting members representing a majority of the 12 different required membership groups or organizations (7 members) shall represent a quorum for the transaction of business. Acts of a majority of the quorum shall be valid acts of the Committee, unless the action of a greater number is required by these by-laws.

(e) AGENDA

Any member may request that the Chairman place an item on the meeting agenda. If the Chairman should decline to do so, a member may have the item placed on the agenda by submitting it in writing to the Chairman with support signatures of 3 additional members.

(f) RULES OF ORDER

The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Open Meetings Act.

(g) NOTICE OF MEETINGS

Notice of time, date, place of meeting, and agenda items to be considered at any regular or special meeting shall be given in writing or by email to all members. Any member may request a written copy of the next meeting agenda up to 7 days before that meeting.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in Lee and Ogle County in accordance with EPCRA regulations. This notice shall specify the meeting designated specifically for discussing the emergency plan with the public, and receiving and responding to public comments on the emergency plan.

Article VI - SUBCOMMITTEES

The Chairman of the LEPC or the Chair of the subcommittee, may call meetings of the Executive or ad hoc subcommittees as deemed necessary.

Section 1. Executive Subcommittee. The Executive Subcommittee will consist of the Chairman, Vice-Chairman Secretary-Treasurer, and Chairman of the four standing subcommittees as described in Article IV. The duties of the Executive Subcommittee shall be to coordinate activities of ad hoc subcommittees.

Section 2. Ad Hoc Subcommittees. The following Ad Hoc Subcommittees may be established by the Chairman with the advice of the full LEPC:

(a) Right-To-Know Subcommittee.

This subcommittee would be responsible for the formulation of all policies and procedures concerning the Community 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.

- (b) **Public Education and Information Subcommittee.**
This subcommittee would be responsible for public relations with affected communities and the public at large; all publicity of the LEPC; and the development of a public education and information program.
- (c) **Chemical Facilities Liaison Subcommittee.**
This subcommittee would be responsible for identifying and communicating with affected facilities. This subcommittee would work with the Emergency Response and Resources Subcommittee and with affected facilities to review, and help both county emergency management offices test the hazardous chemical emergency response plan for the planning district, as required by law.
- (d) **Emergency Response and Resources Subcommittee.**
This subcommittee would work with the Chemical Facilities Liaison Subcommittee and with existing emergency response organizations within the planning district to review, and help both county emergency management offices to test the hazardous chemical emergency response plan for the planning district, as required by law. This subcommittee would review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.
- (e) **Other.**
The Chairman may create other ad hoc subcommittees as necessary to perform the functions of the LEPC.

Section 3. Chairs of ad hoc subcommittees. Chairs of any Ad Hoc Subcommittees shall be appointed by the Chairman of the LEPC.

Section 4. Membership in Ad Hoc Subcommittees. Membership of Ad Hoc Subcommittees, if established, will be determined by the Chairman after consultation with the Executive Subcommittee.

Article VII - MISCELLANEOUS PROVISIONS

Section 1. Fiscal year.
The fiscal year shall be considered to run from October 1 to September 30.

Section 2. Indebtedness.
Any indebtedness incurred by the LEPC shall be approved by the Committee before payment is dispersed.

Section 3. Approval of By-Laws.
These bylaws shall become effective on February 9, 2011 upon approval by a majority vote of the members.

Article VIII - 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 proposed amendments to these by-laws be submitted to the members in writing at least 30 days in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the by-laws. Bylaws amendments shall be read at one meeting and action may be taken at the following meeting.

Article IX - RULES

EPCRA 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.

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 X - PUBLIC ACCESS TO INFORMATION

In accordance with EPCRA regulations, information obtained from a facility pursuant to EPCRA and any requested Tier Two forms or the Material Safety Data Sheets (MSDSs) otherwise in possession of the LEPC shall be made available to any person submitting a request under this Article, subject to any withholding provisions of EPCRA. If the facility requests the location of a specified chemical not be identified, the LEPC shall withhold that information.

The requestor may be required to pay for the expense of photocopying information. Such copying will be made in black and white on letter or legal size paper at a charge of 25 cents per page. This cost assessment will not apply to requests of less than 50 pages or the first 50 pages of larger requests. Fees will not exceed those set by State Statue.

All written requests for information shall be complied with in accordance with the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq.

Requests for MSDSs 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 written request to the Committee's Information Coordinator. If the Committee does not have in its possession the Tier Two information as requested, and such document is to be on file with the LEPC, 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 LEE OGLE LOCAL EMERGENCY PLANNING COMMITTEE, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS 9TH DAY OF FEBRUARY, 2011.

Lee – Ogle LEPC CHAIRMAN:

DATE SIGNED:

February 9, 2011

Lee – Ogle LEPC SECRETARY-TREASURER:

DATE SIGNED:

February 9, 2011