

County of Berks
Local Emergency Planning Committee By-Laws

ARTICLE – I. Name and Authority:

Section – 1.

The official name of the organization shall be recognized as the “Berks County Local Emergency Planning Committee” (LEPC)

Section – 2.

This committee is established in accordance with the requirements of the “Emergency Planning and Community Right-to-Know Act” (also known as SARA Title III or EPCRA) and the Commonwealth of Pennsylvania Act 1990-165, as amended.

ARTICLE – II. Duties and Goals:

Section – 1.

The primary responsibility of the LEPC is to develop and review facility “Off-site Emergency Response Plans” annually. Said plans shall contain, at a minimum, all elements set forth and in accordance with “Emergency Planning and Community Right-to-Know Act” (EPCRA) and shall conduct exercises periodically to test said plans.

Section – 2.

The LEPC shall, in addition:

- a) Receive and process requests for information from the public.
- b) Notify the public of all LEPC meetings and/or activities in accordance with the “Sunshine Law” and publish no later than December 31st of each calendar year, dates, times, and where meetings and/or activities will be held and will notify the public of any changes as required by law.
- c) Compile information and reports from facilities operating within the jurisdiction of the LEPC, analyze transportation risks, and perform periodic hazard analysis.
- d) Establish and maintain a Tier II computer reporting data management system,
- e) Collect and maintain information on ALL facilities which manufacture, distribute, or store environmental health and safety hazards and include this information within the emergency response and preparedness plan.
- f) Report ALL facilities that manufacture, distribute, or store extremely hazardous substances and submit facility Emergency Off-site Plans to the State Emergency Response Commission (SERC).
- g) And all other duties as assigned by the County of Berks LEPC Commissioners Representative or Board of County Commissioners.

ARTICLE – III. Membership:

Section – 1.

The members of the LEPC shall be appointed by the County of Berks, Board of Commissioners and the Pennsylvania State Emergency Response Commission (SERC). Nominees shall be submitted by the LEPC governing body.

- a) Interested parties shall request an application for membership by contacting the County of Berks SARA Coordinator.
- b) Interested parties shall be a resident of the County of Berks or shall be employed in the County of Berks and represent a group or organization as outlined in **Section – 2** of this article (Article – III. Membership).
- c) Membership Committee shall review the application and present to the LEPC for vote. The Application will then be submitted to the County of Berks, Board of Commissioners for consideration.
- d) Vacancies on the Committee shall be created by death, resignation or removal by SERC through recommendations of the County of Berks, Board of Commissioners.
- e) The LEPC membership committee will review attendance and participation records annually and make recommendations to the County of Berks, Board of Commissioners as a means of insuring that each group is represented and non-participants are removed from the Committee.

Section – 2.

This Committee of the Berks County LEPC shall consist of the County Emergency Management Coordinator, one County Commissioner, the County's SARA Coordinator shall be designated as the Recording Secretary, and must include at a minimum in accordance with EPCRA:

- a) Elected officials representing local governments within the County of Berks
- b) Law Enforcement (Police, Sheriffs, Correctional Officers, Lawyers)
- c) Fire Department (Firefighter, Marshalls, Commissioner, Investigator)
- d) Emergency Management
- e) Public Health Professional (Emergency Medical Services, Paramedics)
- f) Certified HAZMAT Team
- g) Environmental (Consultants, Clean-up Contractors)
- h) Hospital
- i) Transportation Officials
- j) Representatives of facilities subject to the emergency response planning requirements.
- k) Community Groups not affiliated with emergency service groups
- l) And broadcast and print media

ARTICLE – IV. Officers and Duties:

Section – 1.

The officers of the Berks County LEPC shall consist of a Chairperson, Vice Chairperson and Secretary. Said officers shall serve a term of one (1) year. Nominations will be held at the last regularly scheduled meeting of the year with elections to be held on the first regularly scheduled meeting of the year. There is nothing to prohibit the same officer from serving consecutive terms.

Section – 2.

The Chairperson shall preside over the meetings of the Berks County LEPC, appoint such standing and/or ad-hoc subcommittees as shall be necessary to conduct the business of the LEPC, serve as the (nonexclusive) spokesperson, act as the coordinating official with the SERC, and have such other powers and duties as customary when presiding over similar committees and boards.

Section – 3.

The Vice Chairperson shall preside over meetings of the Berks County LEPC in the absence of the Chairperson, and carry out such other duties as may be directed by the Chairperson.

Section – 4.

The Recording Secretary position shall be filled by the Berks County SARA Coordinator, herein after referred to only as the “Recording Secretary”. The Recording Secretary shall maintain a written record of all business transactions by the committee, give notice to committee members of all meetings, maintain a file of all official records of the committee, certify all records and reports of the LEPC, and serve notice of all hearings and public meetings.

Section – 5.

The County Emergency Management Coordinator and/or the County Department of Emergency Services Director shall not hold the office of Chairperson or that of Vice Chairperson.

ARTICLE – V. Election of Officers:

Section – 1.

- a) At the last regularly scheduled General Meeting of each year, all persons wishing to accept nomination for office shall make their intentions known to the Membership Committee.
- b) The Membership Committee shall nominate at the last regularly scheduled General Meeting of each year and present the Recording Secretary with the nominees.
- c) The Recording Secretary will prepare a ballot and mail a copy to each member.

Section – 2.

- a) Ballots must be received by the Recording Secretary prior to the beginning of the first regularly schedule General Meeting of the new year.
- b) Persons receiving the most votes for Chairperson and Vice Chairperson will assume their duties immediately after the ballots are counted.

Section – 3.

In the event that neither the Chairperson nor the Vice Chairperson is available for the regularly schedule General Meeting of the Berks County LEPC and if there is a quorum (7 members), the assembled membership will select a Chairperson pro-tem to conduct the meeting.

ARTICLE – VI. Committees:

Section – 1.

Executive Committee: The Executive Committee will consist of the Chairperson, Vice Chairperson, Recording Secretary and the Chairpersons of the five (5) Standing Committees as described herein *Section – 2.*

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 Berks County LEPC.
- b) **Public Education and Information Committee** – This committee shall be responsible for reviewing the public alert and notification program with the respect to hazardous materials information, public relations with affected communities and the public at large; all publicity of the LEPC; development of the public education/outreach and information program.
- c) **Hazardous Materials Facilities Liaison Committee** – This committee shall be responsible for the 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 to help test the hazardous substance emergency response plans for facilities within the County of Berks as required by law.
- d) **Emergency Response and Resources Committee** – This committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations who serve the County of Berks to review and test the County’s Hazardous Substance Emergency Response Plan as required by law. This committee shall review existing federal, state, local and facility plans for the purpose of coordination with the LEPC planning process.

- e) **Membership Committee** – Annually, the membership committee will accept nominations for the position of Chairperson and Vice Chairperson, will ascertain that the nominated person is willing to serve in that capacity and forward the nominee’s information onto the Recording Secretary prior to the close of the last regularly scheduled General Meeting of the year.

Section – 3.

Ad-Hoc Committees: The Chairperson may appoint as necessary Ad-Hoc Committees to perform the functions of the Berks County LEPC. The Chairperson for these Ad-Hoc committees shall be appointed by the LEPC Chairperson.

Section – 4.

Standing Committee Chairpersons shall be nominated and elected by their respective committees. The elections shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote.

Section – 5.

All members must serve on a minimum of 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 after consultation with the Executive Committee to ensure that all committees have sufficient members to carry out their assigned tasks.

Section – 6.

Committee Meetings may be called as deemed necessary by the Chairperson of the Standing or Ad-Hoc Committee or by the LEPC Chairperson. All meetings shall be open to the public.

ARTICLE – VII. Public Meetings and Information:

Section – 1.

The Berks County LEPC shall conduct regularly scheduled General Meetings on the last Monday, quarterly in March, June, and September, at 3:00pm and the second Monday in December at 12:00 noon and shall be published in accordance with the State’s “Sunshine Law” by December 31st the prior year.

- a) The LEPC shall meet at the call of the Chairperson.
- b) The LEPC Chairperson shall have the authority to call **Special Meetings** if the Chairperson determines that a need exists that is essential for such a meeting.
- c) The March General Meeting shall be an Organizational Meeting.
- d) A quorum shall consist of seven (7) members. Attendance may be in person, by appointment of a proxy or by any electronic means that allows the member to participate fully in the meeting (including but not limited to conference calls, speaker phone, video link or computer). The actual persons in attendance at the designated meeting site must be at minimum a majority of the quorum.

- e) All members wishing to appoint a proxy must supply the name of their proxy to the LEPC Recording Secretary at the first meeting of the year or immediately upon selection. Anytime throughout the year, the proxy may represent the member at the regularly scheduled General Meeting of the Berks County LEPC or at committee meetings.
- f) All members wishing to have business listed on the common agenda shall submit such comments to the Recording Secretary no less than fifteen (15) days prior to the meeting.
- g) Roberts Rules of Order, newly revised, shall be the rules of order and conduct, together with any special rules of procedure that may also be adopted, are binding upon this body and constitute this body's rules of order.

Section – 2.

- a) Members of the General Public are welcome to attend meetings of the Committee and shall have voice, but no vote.
- b) Any public comments concerning the preparation, review or exercise of an emergency response plan that requires committee attention will be responded to in writing by the Recording Secretary.
- c) The public must have their business put on the agenda no less than fifteen (15) days prior to the meeting, unless comments have been approved by the Chairperson prior to the meeting.

Article – VIII. Meeting Minutes and Agenda

Section – 1.

The Berks County LEPC Recording Secretary will record meeting minutes and submit to the LEPC members for review, no later than fifteen (15) days prior to the next regular general meeting. Meeting minutes from the previous month shall be presented to the LEPC membership for approval during general meetings. If any corrections to meeting minutes are required, corrections will be voiced prior to approval and corrections will be made with quorum (7) approval.

Section – 2.

A Meeting Agenda will be promulgated for each meeting no later than fifteen (15) days prior to scheduled meetings. The Meeting Agenda will generally consist of:

- a) Call to Order
- b) Approval of Minutes / summary of previous meeting.
- c) Standing Committee Reports
- d) Old Business
- e) New Business
- f) Program (if any)
- g) Adjournment

ARTICLE – IX. Procedures for Receiving, Processing and Distribution of Emergency Response Plans and other Public Information Requests:

Section – 1.

- a) The Berks County LEPC shall review facility Emergency Off-site Plans and assist facilities with corrections or revisions as deemed necessary.
- b) The LEPC shall approve and submit copies of Emergency Off-site plans to SERC and the HAZMAT team responsible for Berks County. It is the facilities responsibility to distribute copies to all other groups and organizations on Emergency Off-site distribution list.

Section – 2.

Emergency Planning and Community Right-to-Know Act provides for public access to information gathered under the law. Under this section, all material safety data sheets, hazardous chemical inventory forms, toxic chemical release inventory forms, toxic chemical release form follow-up emergency notices, and the emergency response plan must be made available during normal working hours by the LEPC.

- a) Material safety data sheets, hazardous chemical inventory forms, toxic chemical release inventory forms, toxic chemical release form follow-up emergency notices, and the emergency response plan will be made available to the general public for review at Berks County Department of Emergency Services during normal office hours.
- b) Only written requests for *copies* of material safety data sheets, hazardous chemical inventory forms, toxic chemical release inventory forms, toxic chemical release form follow-up emergency notices, and the emergency response plan will be honored.
- c) Upon written request, the LEPC Recording Secretary has thirty (30) days from the written request receipt date to forward a copy of the requested information to the requestor.

Article – X. Amendments of the By-Laws

Section – 1.

These By-Laws may be amended by submission in writing to the Recording Secretary and shall be included in the Agenda for the next regularly scheduled general meeting.

- a) The proposed amendment shall be read and voted on.
- b) Amendments shall become part of this document if approved by a two-thirds (2/3) vote of its membership.
- c) Members unavailable to attend the meeting may request from the Recording Secretary, a mail-in ballot no less than fifteen (15) days prior to the meeting. The ballot must be returned by the beginning of the meeting when the vote will be taken.

ATTEST:

By:

Donnie R. Swope

Title: Recording Secretary

Berks County Local Emergency Planning Committee:

By:

Kevin E. Docherty

Title: LEPC Chairperson