

**WINNEBAGO COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

Article I

This organization, in accordance with the requirements of SARA Title III -- Emergency Planning and Community Right to Know Act (EPCRA) 42 USC§11001 et. seq., shall be known as the Winnebago County 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 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 Section 303 of 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, and analysis of the district's transportation risks;
4. Establish and maintain records of hazardous chemical locations and quantities in the district;
5. Establish and maintain a computerized system of data management;
6. Maintain information on facilities that manufacture or store extremely hazardous substances, and include this information within the emergency response and preparedness plan.
7. Promote community safety, emergency preparedness, safe emergency response and safe handling of hazardous materials used, stored, manufactured and consumed in the community.

The LEPC will establish, and notify the public, that all meetings, including sub-committee and ad hoc committee meetings, are open to the public. The LEPC will implement such other 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. Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

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

Article III – MEMBERSHIP

The LEPC (Committee) shall be composed of, at a minimum, representatives from the following twelve groups or organizations: elected state or local officials, local environmental groups, law enforcement, hospital, local government ESDA, 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.

MEMBERS - The SERC shall appoint members to serve on the Local Emergency Planning Committee. Members of the LEPC are volunteers and shall be residents and/or conduct business in the jurisdictional area of the LEPC.

INACTIVE MEMBERS. Appointed members shall be considered inactive when they have missed nine or more consecutive Committee meetings without notification to the Committee Chairman or Winnebago County ESDA office staff of significant reasons why they were unable to attend the meetings. The membership list shall identify members considered inactive and will be provided to the SERC.

REMOVAL. The Winnebago County LEPC only may ask the SERC to remove a member.

VACANCIES. The SERC will appoint a replacement member for any vacancy upon request of the LEPC, including a vacancy by reason of resignation, death, removal or disqualification of a member. The Winnebago County LEPC may request that the SERC appoint a qualified replacement identified by the Chairman or by a majority of Committee members.

Article IV – OFFICERS AND APPOINTED POSITIONS

Elected officers of the Winnebago County LEPC are Chairman, Vice-Chairman, and Treasurer. The Chairman shall annually appoint all other positions with the concurrence of the LEPC, which shall include the Secretary and Information and Community Emergency Coordinator.

OFFICER TERMS. The membership of the LEPC shall elect officers by majority ballot or voice vote at the next-to-the-last scheduled meeting of the calendar year. Elected officers, committee chairmen and all appointed office holders serve a term of one year. Existing officers may be re-elected to their existing offices if they are nominated or so indicate a willingness to continue. Officers are empanelled the first regular meeting of the new calendar year of service.

THE CHAIRMAN. The Chairman shall preside at all meetings of the LEPC unless he/she cannot be present at an announced meeting. An alternate representative will be named to fulfill the obligation by the existing Chairman. The Chairman shall serve as an ex-officio member of all committees, and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to create such other committees 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.

TREASURER. The Treasurer 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.

THE SECRETARY. The Chairman, with the concurrence of the LEPC, shall annually appoint the Secretary from among the membership of the LEPC. The Secretary, in cooperation with the Information and Community Emergency Coordinator, shall record and disseminate the meeting minutes, and shall be the custodian of all books, papers, documents, records and other property of the LEPC.

THE INFORMATION and COMMUNITY EMERGENCY COORDINATOR. The Chairman, with the concurrence of the LEPC, shall annually appoint the Information and Community Emergency Coordinator, who may be the Winnebago County ESDA Coordinator. The Coordinator is responsible for maintaining the LEPC's files of information received under SARA Title III – EPCRA, and the procedures adopted under it, and for receiving and fulfilling requests from the public for that information. The Coordinator will assist the Secretary in records management. The Coordinator is also 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.

THE COMPLIANCE OFFICER. The Chairman, with the concurrence of the LEPC, shall annually appoint the Compliance Officer from among the membership of the LEPC. The Compliance Officer shall act as a liaison between the full LEPC and the Winnebago County ESDA Office to review SARA Title III – EPCRA submittals, and the reporting compliance of those required to report. A report of the file review shall be presented at a regularly scheduled meeting of the LEPC.

Article V - MEETINGS

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

- (a) **REGULAR MEETINGS**
The LEPC shall schedule eight regular meetings each year, and one Annual LEPC Meeting for the public, at various public locations throughout Winnebago County. The Chairman will set the dates and locations of the meetings.
- (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 five members, the Chairman shall call a meeting within ten (10) days.
- (c) **HEARINGS**
The LEPC shall hold such public hearings and forums as necessary and desirable at such time and places as may be determined by a majority vote. At least one such public hearing, or forum, may coincide with the scheduled Annual LEPC Meeting and include discussion of the committee's emergency plan with the public, and receiving and responding to the public comments on the presented plan.
- (d) **QUORUM**
Attendance by five members shall represent a quorum. 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 bylaws.
- (e) **AGENDA**
The agenda of each meeting shall be distributed to all members with each meeting notice. 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 five of the membership.
- (f) **RULES OF ORDER**
Robert's Rules of Order, Newly Revised, shall govern the deliberations of all meetings of the LEPC and its committees.
- (g) **NOTICE OF MEETINGS**
Notice of time, date, place of meetings, and agenda items to be considered at each meeting shall be given in writing to all members at least one week prior to each meeting by the officers or Chairman. Notice of the regular meeting schedule of the LEPC shall be sent to the local newspaper for publication in a regular circulation edition in Winnebago County in accordance with SARA, Title III (EPCRA). This notice shall specify the annual meeting designated specifically for public participation and for comments on the emergency plan.

Article VI – COMMITTEES

The Chairman of the LEPC or the Chairman of the Committee may call meetings of the Standing and Ad Hoc Committees as deemed necessary.

Section 1. Executive Committee. The Executive Committee will consist of Chairman, Vice-Chairman, Treasurer, Information and Community Emergency Coordinator, and Secretary. The duties of the Executive Committee shall be to coordinate activities of the LEPC, Standing and Ad Hoc Committees. The Chairman of the LEPC shall be the Chairman of the Executive Committee.

Section 2. Standing Committees. The following Standing Committees should be established annually:

(a) Public Education and Information Committee.

This committee, when necessary, shall be responsible for reviewing the public alert and notification program; 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.

(b) Emergency Response and Resources Committee.

This Committee, when established, will work with the LEPC, the Information and Community Emergency Coordinator, and with existing emergency response organizations in jurisdictions with the planning district to review and help local emergency management office(s) test a hazardous chemical 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.

(c) Program Committee.

During years in which the Winnebago County LEPC presents the Midwest Emergency Preparedness and Response Conference, this Committee shall be appointed by the Chairman. Duties shall include: setting a conference date, preparing the program and printed agenda, selecting speakers, arranging a conference site, coordinating all conference on-site activities, registering all attendees, reviewing and approving all expenses before payment by the Treasurer and reporting to the general LEPC membership on all activities.

Section 3. Ad Hoc Committees. The Chairman may create Ad Hoc Committees as necessary to perform the functions of the LEPC. The Chairman of the LEPC shall appoint Chairmen of Ad Hoc Committees.

Section 4. Committees Chairmen. The LEPC Chairman shall appoint the Chairmen of the Standing Committees with the concurrence of the Executive Committee.

Section 5. Membership in Standing Committees. Any member may volunteer to serve on the Standing Committees. Final membership of the Standing Committees shall be determined by the Chairman with concurrence of the Executive Committee to ensure that all Committees have sufficient resources to carry out their assigned tasks.

Article VII – MISCELLANEOUS PROVISIONS

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

Section 2. Indebtedness. The Vice-Chairman or Chairman before payment by the Treasurer shall approve all indebtedness incurred by the LEPC.

Section 3. Approval of Bylaws. These bylaws shall be announced to the LEPC members one month in advance. They shall become effective upon approval by a majority of those members in attendance at the meeting at which they are presented and discussed.

Article VIII – AMENDMENTS

Amendments. These bylaws 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 bylaws be submitted to the members in writing at least one month in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

Article IX – RULES

EPCRA requires that the LEPC establish rules by which the committee shall function. Such rules 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 Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier Two forms or the Material Safety Data Sheets (MSDS's) otherwise in possession of the LEPC shall be made available to any person submitting a request under this section, subject to any withholding provisions of EPCRA. If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All photocopied information requested by a member for the public shall be provided at the sole expense of the requestor(s). The Information and Emergency Coordinator shall set the cost of such reproductions, with the approval of the Executive Committee, at a level, which will enable the recovery all reasonable expenses associated with the processing of the request. This cost assessment may be waived under certain circumstances as enumerated by the LEPC in writing.

All written requests for information shall be complied with in accordance with the Illinois Freedom of Information Act, 5 ILCS 140 (1999).

Requests for MSDS's 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, it shall request a submission of the particular Tier Two form from the owner or operator of the facility subject to the request.

ARTICICLE XI – Dissolution of Entity or Accounts

In the event that changes in the laws establishing the Winnebago County Local Emergency Planning Committee result in its being dissolved or otherwise ceasing to exist, or in the event that the Winnebago County Local Emergency Committee no longer wishes to maintain funds in checking, savings or other deposit accounts, then the Treasurer, after first paying all debts due and owing, shall forward all remaining funds to the State Emergency Response Commission, or its successor, as established by SARA Title III – Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. Section 11011 *et seq.*, and the Illinois Emergency Planning and Community Right to Know Act, 430 ILCS 100/1 *et seq.*.

THESE BYLAWS OF THE WINNEBAGO COUNTY LOCAL EMERGENCY PLANNING COMMITTEE,
ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS 30th DAY OF APRIL, 2004.

LEPC CHAIRMAN:

Charles E. Conley

LEPC SECRETARY:

Melissa Kotiba

DATE SIGNED:

December 3, 2004

DATE SIGNED:

December 3, 2004