BYLAWS
OF
THE PRATT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I

NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the Pratt County Local Emergency Planning Committee, hereinafter referred to as the "LEPC".

Section 2. Purpose. The purpose of the LEPC are those set out in SARA Title III/EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe or District Commissioners, and/or the Commission on Emergency Planning and Response (CEPR), which is formerly known as the State Emergency Response Commission (SERC) in Kansas. In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop an all-hazards emergency response and preparedness 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 a regular annual basis, in accordance with Section 303 of SARA Title III.

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. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform an all-hazards analysis.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Establish and maintain a system of data management.
6. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan.

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 and related activities as may hereafter be legally required by the federal government, the Commission on Emergency Planning and Response (CEPR), or the county council. The LEPC will make assessments of resources necessary to implement the emergency operations plan, and make recommendations 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.

ARTICLE II

MEMBERSHIP

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials, law enforcement, emergency management, firefighting personnel, first aid/EMS personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. **The members shall be nominated by County Commissioners and will be approved by the CEPR**. Membership updates will be provided to the CEPR on an annual basis or whenever there is a change in membership.

Section 1. Qualification. The organization shall consist of those members nominated by the County Commissioners and approved by the CEPR for membership in this body. Those people's names shall represent the various professional and community groups as designated by EPCRA. 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 an indefinite period. Members may be selected to succeed themselves or to move to other positions on the LEPC. No term limits are established for this jurisdiction. The term of office shall be provided in Article III, Section 3.

Section 4. Inactive Members. Appointed members shall be considered inactive when they have missed more than two consecutive Committee meetings without notification to the Committee Chair or staff office of significant reasons why they were unable to attend meetings. The annual report listing members declared inactive will be provided to the County Commissioners and the CEPR.

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. The Executive Committee may make suggestions for candidates to fill vacant positions to the County Commissioners who will make the recommendation to the CEPR for approval.

Section 6. Duties. The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

Section 7. Meetings. The LEPC shall meet at least two times per year. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The

Chairperson must call a special meeting of the LEPC upon the written request of fifty percent of its members. The special committees shall meet as the work under their groupings proceeds.

Section 8. Quorum. The members present shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of fifty percent of members shall constitute a quorum for the transaction of business.

Section 9. 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 fifty percent of the members of the Committee.

Section 10. 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 11. Notice of Meetings. An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in Pratt 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.

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. 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 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, 2015. Thereafter, the term of the officers shall be for a period of two years.

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

SUBCOMMITTEES

Although subcommittees are not required, *dividing the work among them can facilitate planning and data management.*

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of the four standing committees as described in 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.

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; 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 emergency response plans 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 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 to December 31.

Section 2. Indebtedness. All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary-Treasurer.

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.

Section 4. Disqualification. Any member who is unable to attend a meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with two or more absences is subject to disqualification at the request of the LEPC to the county council and the CEPR.

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

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." The final rules are attached to these by-laws.

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 10 days prior to final adoption by the LEPC. Proposed rules are subject to public comment during the 10-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.

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 initially be considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive 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 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 90 days.

FINAL RULES

Definitions

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

Public Notification and General Participation

A. All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where the TOMA permits otherwise. The Chairperson shall afford a reasonable period of time at the beginnings of each regular monthly meeting to accept oral public comments on any aspect of the LEPCs mission or functions.

B. Not less than once each calendar year, the LEPC shall publish, through print or electronic means, in Pratt County a notice that written public comment is invited during a thirty-day period on any aspect of the LEPCs 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 LEPCs statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated to receive written comments.

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 response to each and every comment received.

LEPC Participation in the Planning Process

A. The Kansas Emergency Management Act, as amended, requires each local and inter-jurisdictional agency to prepare and keep current an emergency management plan for its area.

Public Access to Information

A. 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) 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.

B. 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.

C. Request for MSDS and Other Non-Confidential Information

1. Any person may obtain a 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 subsections C1 or C2 of this section, it shall request a submission of the MSDS 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.

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 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.

E. **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 PRATT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS THE 20th DAY OF MAY, IN THE YEAR 2015.

Mark McManaman
LEPC CHAIRPERSON (PRINTED)

Mark McManaman
LEPC CHAIRPERSON (SIGNATURE)

5-20-14
DATE

Glenna L. Borho
CHAIRMAN, COUNTY COMMISSIONERS (PRINTED)

Glenna L Borho
CHAIRMAN, COUNTY COMMISSIONERS (SIGNATURE)

02/17/15
DATE