

WYOMING COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



To enhance the protection of the community and the environment from hazardous materials incidents through planning, preparation, coordination and communication between citizens, industry and government.

By-Laws of the Wyoming County Local Emergency Planning Committee

I. Name of Committee:

A. The name of this committee shall be the "Wyoming County Local Emergency Planning Committee" (hereinafter known as "LEPC").

II. Purpose of LEPC

The purpose of the LEPC shall be to enhance the County's preparedness for all hazards by bringing together government, businesses, and citizens in a collaborative planning process; to serve the County of Wyoming, New York, Government in an advisory capacity concerning emergency preparedness; and to fulfill the requirements of the Emergency Planning and Community Right to Know Act (EPCRA).

III. Powers and Duties:

A. The LEPC has been established pursuant to Section 301(c) of Public Law 99—499, the Emergency Planning and Community Right—to—Know Act of 1966 (10' Stat. 17:36—38 October 19, 1966), hereinafter known as "PL 99—499". The LEPC shall have all the powers and duties conferred upon it by said law, and as said law may from time to time be amended.

B. The principle duty of the LEPC shall be to develop an Emergency Response Plan for the County of Wyoming and its included municipalities, and to review such plan annually. This plan shall contain, as a minimum, all the elements set forth in PL 99—499 for such plans.

IV. Membership:

A. The members of the LEPC shall be appointed by the New York State Disaster Preparedness Commission, which has been designated by the Governor as the State Emergency Response Commission pursuant to Section 01(a) of FL 99499, upon nomination by the Wyoming County Chairman of the Board of Supervisors, and shall include, at a minimum, the following:

- Elected Local Official
- Elected State Official
- Civil Defense Representative
- Law Enforcement Representatives
- Fire Fighting Representatives
- First Aid Representative

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- Health Representative
- A representative of a local environmental group
- Hospital Representative
- Transportation Representative
- Broadcast Media Representative
- Print Media Representative
- Community Group Representative
- Facility Owners and Operators Representatives (three representatives of facilities subject to the requirements of FL 99—499)
- Other Representatives: those individuals whose interest, background, training and experience may be of value to the LEPC. These individuals would be recommended for appointment by the members of the LEPC.

B. Each appointed member of the LEPC may submit the name of an alternate delegate to attend LEPC meetings. The name of the alternate delegate must be submitted to the SERC for approval. Each entity will be allowed one vote.

C. Three (3) consecutive, unexcused absences from the LEPC meetings will be taken as a lack of interest and the individual will be removed or replaced by their alternate where available.

V. Officers:

A. The LEPC shall, at its organizational meeting, elect by a majority vote, a Chairperson and a Vice Chairperson. Said Officers shall serve a term of one year. Elections for these two officer-ships shall thereafter be held annually.

B. The powers and duties of the Chairperson shall be to preside at meetings of the LEPC, appoint such standing and special subcommittees as shall be needed to conduct the business of the LEPC, serve as the (non—exclusive) spokesperson for the LEPC, and perform such other powers and duties as are customary for the presiding officer of similar committees and boards.

C. The powers and duties of the Vice Chairperson shall be to exercise the powers of the Chairperson, in the Chairperson's absence and to carry out such other duties as may be directed by the Chairperson.

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VI. Conduction of Meetings:

- A. The LEPC shall meet as often as necessary to conduct its business and in no event less often than once annually.
- B. The LEPC shall not conduct business in the absence of a quorum of its members. A quorum being a minimum of 25% of the membership as set forth in Article III of these Rules. The appointed alternate, in the absence of the member, shall count in establishing a quorum for any given meeting.
- C. The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the membership. No motion, resolution, or other parliamentary device shall prevail unless it receives a majority of the votes of the membership.
- D. The LEPC shall be deemed to be a "public body" of the County of Wyoming within the meaning of the New York State Open Meetings and Freedom of Information statutes¹ except as those statutes may be superseded by applicable Federal law.
- E. Except as otherwise provided in these Rules, the LEPC shall conduct its business in accordance with Roberts' Rules of Order.
- F. Should the LEPC member and the alternate delegate be present at the meeting, only the member shall have the right to make motions or vote on an issue.

VII. Public Relations:

- A. The public is encouraged to participate in the work of the LEPC by attendance at meetings, and when in order, by addressing the LEPC.
- B. The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the New York Open Meetings Law, specifically by advance notice given to the local public media by Wyoming County.
- C. At least 30 days before the adoption of the Emergency Response Plan, the LEPC shall cause to be published a summary of the provisions of the proposed plan and shall hold at least one hearing to receive the comments of the public thereon. Minutes of the public comments shall be made, and the LEPC shall take due note of the

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public comments, including action taken by the LEPC with respect to the comments, prior to adoption of the emergency plan.

D. The procedure set forth in Section D of this Article shall also apply to the adoption of future Substantive amendments and revisions to the Emergency Response Plan.

E. Copies of the Emergency Response Plan and such amendments and revisions as may from time to time be adopted shall be distributed to (a) cognizant State and Federal authorities, (b) all police, fire, and EMS agencies within Wyoming County, (c) all "covered facilities" in Wyoming County within the meaning of FL 99—499, (d) the local news media, (e) the Wyoming County Board of Supervisors and (f) the members of the LEPC.

VIII. Public Access to Information:

A. The Wyoming County Office of Emergency Management is hereby designated as the secretariat of the LEPC.

B. The LEPC Chairmen is hereby designated as the Coordinator of Information pursuant to Section 01(c) of FL 99—499.

C. Each emergency response plan, safety data sheet, list described in section 11021 (a)(2) of this title, inventory form, toxic chemical release form, and followup emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022 (d)(2) of this title to be contained in an inventory form as tier II information.

D. Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

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- E. Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 11044 of this title. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 11044 of this title to the person making the request.
- F. In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response commission or local emergency planning committee shall make the information available in accordance with section 11044 of this title to the person.
- G. A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.
- H. The LEPC shall annually publish a notice in local newspapers that the Emergency Response Plan, Safety Data Sheets, and inventory forms have been submitted under this Article. Such notice shall announce that members of the public who wish to review any such plan, sheet, form or follow-up notice may do so at the Wyoming County Office of Emergency Management.

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IX. E-PLAN

- A. All facilities required to file SARA Title III, Tier II Inventory Forms, are encouraged to do so to the Wyoming County LEPC electronically through E-PLAN.
- B. Electronic submission in E-PLAN system will satisfy reporting requirements for the LEPC, the local fire departments (per the Wyoming County Fire Chiefs Association) and the New York State Emergency Response Commission (SERC).
- C. The Director of Fire and Emergency Management will be responsible for vetting and approving system users.
- D. On an annual basis, a user list will be obtained from E-Plan and the authorizing agents will verify that the users are still qualified for access to the system. Users shall be reviewed with Wyoming County Office of Emergency Management should a question of misuse of the system arise.

X. Subcommittees:

The Chairperson shall appoint such standing and special subcommittees as the LEPC shall deem necessary to conduct its business.

XI. Legal Counsel:

The Wyoming County Attorney or his designee shall serve as legal counsel to the LEPC.

XII. Amendments to the Rules of the LEPC:

These rules may be amended at any time by an affirmative vote of a simple majority of its membership.