



Saint Joseph County, IN.

LEPC Bylaws

Revised: 1.14.2023

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ARTICLE I—*Identification*

The Saint Joseph County Local Emergency Planning Committee, hereinafter referred to as the “Committee,” is a state entity created pursuant to SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986. The committee has been appointed by the Indiana Emergency Response Commission as a special State Appointee. The primary purpose of the Committee is to implement SARA Title III in Indiana, but its broader purpose is to enhance environmental protection and public health and safety as these are affected by chemical hazards in Saint Joseph County.

ARTICLE II—*Committee Members*

Section 1: Organizations Represented

The Committee consists of members selected under the provisions of these Bylaws and appointed by the Indiana Emergency Response Commission (IERC), and includes representatives from the following: local and state government, law enforcement, emergency management, fire fighting, emergency medical services, health, hospital, environmental, transportation, media, Haz-Mat team, industry and community groups.

Section 2: Membership Applications

Membership on the Committee is open to any interested person who meets the criteria established by the IERC for membership in the roster category in question. The names of the qualifying applicants will be forwarded to the IERC for provisional appointment until the next IERC meeting. Applicants whom the Chair informs do not meet the IERC’s criteria; will be informed of the procedure for petitioning the IERC to appeal the Chair’s determination.

Section 3: Vacancies/Substitutions

Upon any vacancy on the committee due to resignation of, or a request for substitution by, a Committee Member, the committee Chairman shall schedule a vote of the Committee Members for filling such vacancy at the next meeting of the Committee following the Committee’s receipt of notification of such vacancy. The committee shall vote to determine whom the committee will recommend to the chairman of the State Emergency Response Commission (“State Chairman”) to fill the vacancy. If, due to such vacancy, the composition of the committee lacks a Required Representative, the Committee members, the Chairman of the Committee shall write to the State Chairman and request that the person recommended by the Committee be appointed to the Committee. If the State Chairman rejects such recommendation, the Committee shall repeat the foregoing procedure until the State Chairman appoints a replacement Committee Member.

Upon receipt by the Committee Chairman of an interim appointment letter, a new member to the Committee may be permitted to attend and vote on matters in a provisional capacity until such time as the final confirmation of appointment is received

from the State Chairman which will assure full vesting of the newly appointed committee member's rights to act on the Committee.

ARTICLE III—*Committee Meetings*

Section 1: Frequency of Meetings

The Committee will meet at least six (6) times per year. The committee voted to meet the 3rd Thursday of every other month starting in January (subsequently - March, May, July, September & November). Meeting dates can be adjusted by the Chairman with proper notification (2 weeks to members) and public notification.

Section 2: Announcement of Meetings

(a) Members of the Committee shall be notified at each Committee meeting of the next meeting time, place, and date, and shall be notified in writing (e-mail) two weeks in advance of such meetings of the next meeting, agenda, time, place and date.

(b) The public will be notified of Committee meetings at least two (2) business days in advance of each meeting.

Section 3: Location of Meetings

The Committee meetings will be held at 125 S. Lafayette Blvd, 2nd Floor training room. South Bend, IN 46601 or as otherwise determined by the Chairman.

Section 4: Quorum of Members for Meetings

A quorum of Committee members is required for the conduct of business and consists of the presence of a majority of members in good standing at the time of the meeting.

To be in good standing, a member shall not have failed to attend more than 2 of the previous 6 meetings of the Committee. A member's attendance by proxy shall not be considered a failure to attend. Meetings not attended by a member prior to such member's appointment as a member shall not be considered a failure to attend.

The Committee shall comply with all State and Federal laws pertaining to notice to interested persons, and opportunity for public comment, prior to voting on any matters implicating such laws.

Section 5: Conduct of Meetings

(a) Committee meetings will be conducted according to Robert's Rules of Order, and in accordance with the provisions of the Indiana Open Door Law, the Indiana Public Records Law, and the Indiana Administrative Order and Procedures Act.

(b) Any matter to be voted on shall take the form of a resolution or motion. A simple majority of the members in good standing in attendance at a committee meeting must vote affirmatively for adoption of any resolution.

(c) Each Committee member in good standing, including the chair, will have one vote.

(d) A Committee member in good standing may vote for or against a resolution or may abstain from voting.

Section 6: Functions and Duties:

(a) Manage, control and conduct the activities of the Committee in accordance with the requirements of the Act.

(b) To prepare an emergency plan which shall include (but not be limited to), each of the following:

1. Identification of facilities subject to the requirements of the act that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 302 (see appendix) (a), and identification of additional facilities contributing or subject to additional risk of hazardous substance exposure due to their proximity to facilities subject to the requirements of the act, such as hospitals or natural gas facilities, etc.
2. Methods and procedures to be followed by facility and owners and operators and local emergency and medical personnel to respond to any release of hazardous substances.
3. Designation of a Community Emergency Coordinator (current EMA director) and Facility Emergency Coordinators (specified by the facility), who shall make determinations necessary to implement the plan.
4. Procedures providing reliable, effective, and timely notification by companies or facility emergency coordinators to the community emergency coordinator, to other persons designated in the emergency plan, and to the public, that a hazardous substance release has occurred (consistent with the emergency notification requirements of section 304, (see appendix).
5. Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
6. A description of emergency equipment and facilities in the community subject to the requirements of the Emergency Planning and Community Right to Know Act (see appendix), and an identification of the persons responsible for such equipment and facilities.
7. Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
8. Training programs, including schedules for training of local emergency response and medical personnel.
9. Methods and schedules for exercising the emergency plan.

(c) To prepare a community Right-To-Know procedure plan pursuant to Federal State and Local law and guidelines, including guidelines for the implementation of such plan.

ARTICLE IV—*Committee Sub-Committees*

Section 1: Identification of Committees and Appointments/Resignations

- (a) The Sub-Committees are four (4) in number and are the Planning, Fiscal, Communications, and Training Sub-Committees.
- (b) Appointments to Sub-Committees, including Sub-Committee Chairs, are made by the Chair of the Committee.
- (c) Resignations of Sub-Committee members are to be submitted in writing to the Chair, who may, at his/her discretion, replace resigning members.

Section 2: Dissolution and Establishment of Sub-Committees

Additional Sub-Committees may be established, and existing ones dissolved by a majority vote of the Committee.

Section 3: Duties of Sub-Committees

- (a) Sub-Committees will convene to consider issues assigned by the Committee and/or issues of the Sub-committee's devising.
- (b) Sub-Committee meetings will be held at the discretion of Sub-Committee Chairs in terms of frequency and location. Such meetings shall comply with the Indiana Open Door law.
- (c) Sub-Committees will report their findings and make their recommendations to the full Committee.
- (d) Sub-Committee recommendations must, to be adopted, be affirmed as resolutions by a majority of the Committee members.
- (e) Additional duties may be assigned Sub-Committees by the Committee Chair.

ARTICLE V—*Officers*

Section 1: Officers

The Officers of the Committee are the Chair, Vice-Chair, Secretary and Treasurer.

Section 2: Terms of Officers

The Terms of the Officers are for a period of two years.

Section 3: Election of Officers

Annual election of Officers will be affected by a majority vote of all Committee members appointed by the IERC.

ARTICLE VI—*Powers and Duties of Officers*

Section 1: Meeting Frequency, Dates, Times and Locations

The Chair will determine the frequency, dates, times and locations of Committee meetings. Such meetings shall comply with the Indiana Open Door law.

Section 2: Sub-Committee Appointments

The Committee Chair shall appoint the Chair and members of each Sub-Committee.

Section 3: Committee Meetings' Conduct

- (a) The Chair will conduct Committee meetings according to Robert's Rules of Order.
- (b) Committee meeting agendas will be set by the Chair.

Section 4: Delegation of Authority

The Chair of the Committee may delegate at his/her discretion his/her powers and duties to the Vice-Chair, consistent with other provisions of the bylaws.

Section 5: Meeting Minutes and Fiscal Records

The Secretary/Treasurer shall keep Committee meeting minutes and a record of the finances of the Committee.

1. Elected Officers

The Committee shall elect from its members a Chairman, Vice Chairman, Secretary, Treasurer, Spokesperson, and Public Information Coordinator. Nominations for elected officers shall be held at the last meeting in a calendar year. The elected officers shall be elected at the first regular meeting of the Committee in a calendar Year and shall serve in such capacity for Two (2) years and/or until a duly elected member of the Committee has been elected to replace said officer. A vacancy in any elected office shall be filled by vote of the committee at any regular or special meeting.

- (A) The Chairman, Public Information Coordinator and Secretary will be elected on the even years.

- (B) The Vice Chairman and Treasurer will be elected on odd years.
2. Duties of elected officers
- (A) Chairman: The Chairman of the Committee shall preside at all regular and special meetings of the Committee; prepare the agenda for such meetings; sign any documents as designated by the Committee; and perform such other duties as the committee may designate.
- (B) Vice Chairman: The Vice Chairman shall perform all the duties of the Chairman in the temporary absence or disability of the Chairman, except as otherwise provided by the committee.
- (C) Secretary: The Secretary shall keep a record of the proceedings of the Committee and shall prepare all minutes and special actions of any meeting of the Committee; shall certify all minutes and official documents of the Committee; and perform such other duties as the Committee may designate.
- (D) Treasurer: The Treasurer shall keep a record of all monies received and spent by the Committee and shall make a monthly report for presentation at meetings. The Treasurer shall also make up an annual budget for the Committee for submission for approval to official bodies.
- (E) Public Information Coordinator/Spokesperson: The Emergency Management PIO will act as the LEPC PIO/Spokesperson.
3. Appointed Positions
- (A) Community Emergency Coordinator: In accordance with duties established in Section 304 of the Act, the Community Emergency Coordinator will be accessible 24 hours per day for emergency release notifications. The Community Emergency Coordinator shall document the release notification and contact the appropriate emergency response groups as outlined in the emergency plan.

ARTICLE VII—*Title III Document Submissions*

Section 1: Repository of Documents

The St Joseph County Emergency Management Agency at 125 S. Lafayette Blvd, 1st Floor, South Bend, Indiana 46601 will be the repository for all documents submitted to the Committee pursuant to the provisions of SARA Title III and the Indiana Access to Public Records law.

Section 2: Availability of Documents to the Public

Title II documents will be available for examination and copying by the public during the hours of 8:00 am and 4:30 pm, Monday through Thursday, at St Joseph County Emergency Management Agency at 125 S. Lafayette Blvd. 1st Floor, South Bend, Indiana 46601. The Committee shall comply with the Indiana Access to Public Records law, including provisions relating to confidential records.

Section 3: Committee Records

All records of Committee meetings, including meeting agendas and minutes, shall be available for inspection and copying by any person at St Joseph County Emergency Management Agency at 125 S. Lafayette Blvd, 1st Floor, South Bend, Indiana 46601.

Section 4: Legal Notices

The Committee shall annually publish a legal notice indicating where all Title III documents are maintained, including the Committee’s emergency plan, SDS (formerly MSDS), Tier II forms, and written follow-up notices from facilities experiencing Title III spills.

ARTICLE VIII—*Adoption/Amendment of Committee Bylaws*

Section 1: Adoption of Bylaws

A majority vote by Committee members is required to adopt the Committee’s Bylaws

Section 2: Amendment of Bylaws

A majority vote by Committee members is required to amend the Committee’s bylaws. Bylaws will be reviewed and approved in November of every year.

ARTICLE IX—*Non-Exclusion Provision*

Nothing in these bylaws is to be construed as excluding or contravening any additional provision of federal or state law which are not explicitly or implicitly referred to within these bylaws.

ARTICLE X—*Bylaws Adoption and Signing*

Upon their adoption by the Committee, a copy of these bylaws will be signed and dated by the Chair of the Committee and will be available for inspection and copying by the public at the St Joseph County Emergency Management Agency at 125 S. Lafayette Blvd, 1st Floor, South Bend, Indiana 46601.

Approved and adopted by majority vote in a public meeting held this 17th the day of November 2022 .

James Lopez
Chairman

APPENDIX

EPCRA Section 302—Emergency Response Planning

The Emergency Response Planning provisions require that state and local authorities develop chemical emergency preparedness and response capabilities through better coordination and planning with local businesses.

The Emergency Planning Notification requirement involves chemicals listed on the Extremely Hazardous Substances (EHS) list. EHSs have Threshold Planning Quantities (TPQs) determined by the US EPA that is based on their potential to cause significant health effects in a single exposure, such as an air release.

Any facility that has any of the listed chemicals at or above its TPQ must notify the IERC and LEPC within 60 days after they first receive a shipment or produce the substance on site.

Recent changes by the US Environmental Protection Agency give facilities 30 days to report any changes in the status of substances that would affect emergency planning.

Changes that can trigger notifications include closing a facility, bringing a new EHS on site, moving the substances to a different location at the facility, and removing all EHSs from a facility.

EPCRA Section 304

Section 304 of SARA Title III details the requirements for a facility's reporting of accidental releases of hazardous substances which will migrate off site. The release of any Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance or any Extremely Hazardous Substance (EHS) in excess of the established reportable quantity (RQ) for the substance must be reported immediately.

If an accidental chemical release exceeds the applicable minimal reportable quantity, the facility must notify the Indiana Emergency Response Commission (IERC) and the National Response Center (NRC) for any area likely to be affected by the release. The facility must provide a detailed written follow-up as soon as practicable. Information about accidental chemical releases must be made available to the public.

Emergency Planning and Community Right to Know Act

EPCRA, also known as SARA Title III, enacted in 1986, establishes requirements for federal, state and local governments, American Indian tribes, and industry regarding emergency planning and reporting on hazardous and toxic chemicals. The statute is designed to help communities deal safely and effectively with hazardous chemicals present in our communities.

The law's primary objectives are to...

- Identify the storage, use, and release of chemicals.
- Foster communication between facilities that handle hazardous chemicals and their communities.
- Expand emergency planning for hazardous chemical accidents and enhance emergency response capabilities for hazardous chemical incidents.

James Lopez 1-30-2023