

Iowa LEPC Handbook

November 6, 2013

Reference:

- **Federal Law - Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (Public Law 99-499, Title III).**
- **Iowa Administrative Code (IAC) 605 Chapter 100-104**
- **Iowa Code Chapter 30**

Establishment of SERC

State Emergency Response Commissions were established by Congress in the federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (Public Law 99-499, Title III).

Establishment of IERC

The Iowa Emergency Response Commission was established in 1989 by statute.

Establishment of LEPCs

Federal Law requires that the Commission appoint members to a Local Emergency Planning Committee (LEPC) in each district. It requires that LEPCs have broad-based representation, including elected state or local officials, law enforcement civil defense, first aid, fire fighting, health, local environmental, hospital, transportation, broadcast and print media, community groups, and owners and operators of facilities subject to EPCRA's requirements.

Establishment of Planning Districts

In Iowa the IERC is required to designate emergency planning districts. Originally, each of the presently existing 99 Iowa counties was designated as the geographic boundaries for an emergency planning district. The commission may, upon request, revise its designations of districts and appointments of committee members.

Two or more local emergency planning committees with commonality of interests may petition the IERC to amend, modify, or combine their districts (into "Regional Emergency Planning Districts). Petitions shall specify the geographical district requested the reasons for the change, the benefit to the public by the designation of the proposed geographical district, and the proposed date for the change in designation.

Procedures for establishing a new Region Emergency Planning District, or merging with an established Region or seceding from a Region are in Appendix 4.

LEPC Members

The IERC appoints persons to serve on local emergency planning committee.

Nominations to the LEPC shall be made by the county emergency management commission, established under Iowa Code section 29C.9, and shall be subject to review and appointment by the IERC. To the extent possible, membership of the LEPC shall be composed of members of the county emergency management commission. Vacancies on the LEPC shall be filled in the same manner.

Any member of the county emergency management commission may participate in any meeting of the LEPC. If the county emergency management commission member is not the appointed representative of one of the groups or organizations specified in subrule 103.1(2), the county emergency management commission member shall not be eligible to vote on any issue before the LEPC.

The IERC may revise the appointments made as it deems appropriate. Interested persons may petition the IERC to modify the membership of an LEPC.

As a minimum, each LEPC should be comprised of a representative from each of the following groups or organizations:

- a. Elected state and local officials,
- b. Law enforcement personnel,
- c. Civil defense personnel,
- d. Firefighting personnel,
- e. First-aid personnel,
- f. Health personnel,
- g. Local environmental personnel,
- h. Hospital personnel,
- i. Transportation personnel,
- j. Broadcast and print media,
- k. Community groups, and
- l. Owners and operators of facilities subject to the requirements of EPCRA.

A person may represent one or more of the disciplines listed, provided they are duly appointed by each group or organization to be represented.

Copy of SERCform is in Appendix 1

POWERS OF LOCAL EMERGENCY PLANNING COMMITTEES.

The local emergency planning committee appointed by the commission for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act. **Reference Iowa Code, Chapter 30.10**

LIABILITY OF COMMITTEE MEMBERS.

A person appointed as a member of a local emergency planning committee is not personally liable for a claim based upon an act or omission of the person performed in

the discharge of the functions and duties specified in the state law and the Emergency Planning and Community Right-to-know Act, except for acts and omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

Local Emergency Response Plan

The LEPC shall prepare an emergency plan for the district and shall review and revise as necessary the emergency plan at least annually. Both the initial emergency plan and any updates or revisions shall be submitted by the LEPC to the IERC in accordance with subrule 103.4(2). (42 U.S.C. 11003(a), 42 U.S.C. 11003(e))

The LEPC shall evaluate the need for resources in the district necessary to develop, implement, and exercise the emergency plan(s) and make recommendations. (42 U.S.C. 11003(b))

The LEPCs are to develop comprehensive chemical emergency plans, establish operating rules, respond to public requests for information, and coordinate all EPCRA information. The commission agrees that the comprehensive chemical emergency plans are to be incorporated as a part of the county comprehensive emergency plans required for each county under Iowa Code Chapter 29C and the planning standards of the Iowa Homeland Security and Emergency Management Department.

Emergency Response Plan Development

Required elements of a plan - Under federal law, each local emergency planning committee (LEPC) is to develop an emergency response plan (each planning district was to be done by October 17, 1988) and review it at least annually thereafter. In developing this plan, the local committee evaluates available resources for preparing for and responding to a potential chemical accident. See Appendix 2 for Planning Elements required by EPCRA.

The National Response Team (NRT) was established as a result of CERCLA and was directed to provide guidance for the development and review of EPCRA Plans. That Guidance is NRT-1 and NRT 1a. That guidance remains the final authority for the development of EPCRA plans.

Planning activities of local committees and facilities should be focused on, but not limited to, the list of extremely hazardous substance. EPA provides a list which includes threshold planning quantities for each substance. Plans should be comprehensive, addressing all hazardous materials of concern, transportation routes and fixed facilities.

Any facility that has any of the listed chemicals in the quantity equal to or greater than its threshold planning quantity is subject to the emergency planning requirements.

Submitting Plan to SERC for review - The local committee's emergency response plan must be reviewed by the State Emergency Response Commission (SERC) for compliance with the Federal requirements. The Homeland Security and Emergency Management Department has been delegated the responsibility to review the emergency response plans for the IERC.

Annual Plan Review - The plan must be reviewed annually by the local committee. Revisions must also be submitted to the SERC. The Homeland Security and Emergency Management Department has been delegated the responsibility to review the emergency response plans for the IERC.

Yearly Exercise of Plan - The plan must be exercised once each year to determine the effectiveness of the plan and determine the need for revisions. Minimally, the schedule for exercising the plan should denote the frequency of the events, identify who is responsible for exercise planning, scheduling, designing, conducting and evaluating of exercises. Exercises will be conducted by HSEMD standards.

LEPC Procedures or Bylaws

Sample Bylaws are in Appendix 3

The LEPC shall establish procedures for the functioning of the committee to include:

- a. The length of terms of the LEPC members and the selection of a chair and vice-chair;
- b. The public notification of committee activity (42 U.S.C. 11001(c));
- c. The conduct of public meetings to discuss the emergency plan (Iowa Code chapter 21, 42 U.S.C. 11001(c)); and
- d. The procedures for receiving and responding to public comments; and the distribution of emergency plans. (42 U.S.C. 11001(c))

The LEPC shall establish procedures for receiving and processing requests from the public for information under EPCRA Section 324, including Form Tier Two information under EPCRA Section 312. (42 U.S.C. 11001(c))

The LEPC shall designate a 24-hour emergency contact point(s) for the immediate receipt of chemical release notifications. (42 U.S.C. 11003(c)(3))

The LEPC shall designate an official to respond to requests for information from the public for material safety data sheets, chemical lists, chemical inventory forms, emergency response plans, and toxic chemical releases forms. The information, including minutes of the LEPC and related committee actions shall be available to the public during normal working hours at a location designated by the LEPC. (42 U.S.C. 11044(a))

The LEPC shall maintain a current listing of the emergency coordinators designated by each covered facility. (42 U.S.C. 11003(d)(1))

The LEPC shall receive, review and act upon information updates from covered facilities regarding emergency planning.

The LEPC shall designate a local government office that will serve as the focal point for receiving nonemergency notifications from facilities that are subject to the law. This office shall also be the depository for material safety data sheets, chemical lists, chemical inventory forms, emergency response plans, and toxic chemical releases forms and a point of contact for the public regarding community right-to-know inquiries, and the office of record for minutes of the LEPC meetings and related committee actions.

The LEPC shall meet as frequently as deemed necessary by the chair until the local emergency operations plan is developed and concurred by the joint administration and reviewed by the IERC. Subsequent to plan approval, the LEPC is required to meet at least annually to review emergency response procedures, emergency plans and ensure the actions required are properly administered within the local emergency planning district.

Publish an Annual Notice

The LEPC shall annually publish notice that emergency response plan, material safety data sheets, and inventory forms have been submitted and how the public can obtain access to the material for review. (42 U.S.C. 11044(b)) A sample annual notice is in Appendix 4 Public Notice is allowed under the Emergency Management Preparedness Grant (EMPG) (2 CFR Part 225 appendix B, 1 D (3) Keeping Public Informed). The Emergency Management Coordinator would need to put the cost of a public notice into the EMPG spending plan if they wanted to charge it to EMPG.

LEPC Responsibilities

The local emergency planning committee shall be responsible for the implementation of Emergency Planning and Community Right-to-Know Act (EPCRA) activities in each of the emergency planning districts including facilitating preparation and implementation of emergency planning for the emergency planning district.

The State Emergency Response Commission requires at least two members to be maintained on each LEPC.

The Iowa Emergency Response Commission appoints members to the LEPCs. Nominations must be submitted on the SERCform (nomination form) to HSEMD.

When LEPC members resign or become inactive their names must be sent to HSEMD.

It is **recommended** that at a minimum, each group or organization to be represented on the LEPC:

- Elected Official
- Law Enforcement Personnel
- Civil Defense Personnel
- Firefighting Personnel
- First Aid Personnel
- Health Personnel
- Local Environmental Personnel
- Hospital Personnel
- Transportation Personnel
- Broadcast And Print Media
- Community Groups
- Owners And Operators Of Facilities

* A person may represent one or more groups provided they are duly appointed by each group or organization they represent.

Initial Steps of LEPC.

An acting chair calls a meeting of LEPC. The LEPC establishes procedures for functioning of committee (see attached bylaws sample) to include:

- Election of Chair/Vice Chair and Secretary
- Length of term of LEPC members
- Designation of a 24-hour emergency contact point for emergency release notifications (may be the Coordinator)
- Designation of local government office for receiving non-emergency notifications from facilities subject to the law (may be the EMA office)
- Designation of an official (information coordinator) to respond to requests for information from public (e.g.: MSDS, chemical inventory forms, minutes of LEPC meetings, and emergency response plans)

The LEPC must establish procedures for:

- public notification of committee activities
- receiving and responding to public comments
- distribution of emergency plans (this refers to your county emergency plan that contains the hazardous materials plan)
- receiving and processing requests from public for information under EPCRA section 324 including Tier II information under Section 312
- public access for review of material including:
 - emergency response plan
 - MSDS
 - inventory forms
 - (annual published notice of receipt of above required)
 - making available to the public minutes of all LEPC meetings

What SERC Needs From Each LEPC (Send to HSEMD)

- name of Chair and Vice-Chair
- current LEPC members (on the SERCFORM) and list of members who resign
- emergency 24-hour number for emergency release notification (contact person)
- name of an information coordinator to respond to requests for information to public (contact person)
- minutes of initial LEPC meeting
- Copy of completed procedures or signed bylaws.

Active LEPC

Once an LEPC is re-established, it needs to document that it is an active LEPC in order to be eligible for the Hazardous Materials Emergency Preparedness Grant (HMEP). Documentation includes:

- Procedures or bylaws on file
- A minimum of 2 sets of minutes each calendar year on file with HSEMD. One set of minutes must show that the ESF-10 was reviewed and approved by the LEPC.
- Membership must be updated yearly (SERCform) to HSEMD
- Changes in officers must be send to HSEMD

Conducting Effective Meetings

An LEPC should meet at least twice a year. At least one meeting should include the review, update and approval of the Hazardous Materials Emergency Response Plan or ESF-10. An agenda must be provided and minutes must be taken. Minutes must give a brief description of what was discussed. Motions must be detailed and show how each member voted. The LEPC needs to have business to conduct. It is perfectly acceptable for the LEPC to do more than hazardous materials planning. For example, they may also be the planning group that helps with all of the county emergency planning or they may assist the public health coalition efforts. In some cases, the members of an LEPC are also a member of another board or commission that meets on the same day in the same place. It is fine so long as there is a distinct adjournment from one group and separate minutes are kept.

Public Meetings and Open Records

Because LEPCs are appointed by a state Commission that is appointed by the Governor, they are subject to the Iowa Code Chapter 22 (Open Meetings) and Chapter 23 (Public Records).

FEDERAL AGENCIES AND HOW THEY RELATE TO EPCRA

Department of Transportation (DOT): EPCRA does not address transported substances, except that each plan must identify the transportation routes that substances may travel through the planning district. Extremely Hazardous Substances that are in the state of transport are

regulated by DOT. DOT provides money for training and planning under the Hazardous Materials Emergency Preparedness grants.

Environmental Protection Agency (EPA): EPA compiles a Toxic Chemicals Release Inventory (TRI). In Iowa this is done on a "Form R" and is sent to the Iowa Department of Natural Resources. Enforcement of sections 302, 311, and 312, SERCs and LEPCs need to initiate actions at the local level first. EPA will provide assistance if necessary. EPA has statutory mechanisms to enforce Sections 304 and 313.

Federal Emergency Management Agency (FEMA): FEMA provides states guidance in planning and technical assistance. FEMA also provides money for training at the local, state and national levels.

National Response Center (NRC): The central U.S. clearing house for information involving emergency spills and other releases of oil and hazardous substances. Operated by the U.S. Coast Guard, receives reports required when dangerous goods and hazardous substances are spilled. After receiving notification of an incident, the NRC will immediately notify the appropriate Federal On-Scene Coordinator and concerned Federal agencies. Federal law requires that anyone who releases into the environment a reportable quantity of a hazardous substance (including oil when water is or may be affected) or a material identified as a marine pollutant, must immediately notify the NRC. (1-800-424-8802).

Occupational Safety and Health Administration (OSHA): Established the standards at which first responders must be trained before they are involved at the scene of a hazardous materials release. Also are responsible for the MSDS sheets and Tier 2 forms. The OSHA has an EPCRA-like program for workers called the Workers Right-to-know.

National Response Team (NRT): Under EPCRA the NRT is responsible for publishing guidance documents for the preparation and implementation of hazardous substance emergency plans. Composed of 14 Federal agencies having major responsibilities in environmental, transportation, emergency management, worker safety, and public health areas -- is the national body responsible for coordinating Federal planning, preparedness, and response actions relating to oil discharges and hazardous substance releases.

NRT member agencies are:

- Environmental Protection Agency (Chair)
- Department of Transportation (US Coast Guard)(Vice Chair)
- Department of Commerce
- Department of Interior
- Department of Agriculture
- Department of Defense
- Department of State
- Department of Justice
- Department of Transportation (Research and Special Programs Administration)
- Department of Health and Human Services
- Department of Energy
- Department of Labor
- Nuclear Regulatory Commission

Iowa Emergency Response Commission

Nomination/Resignation

Local/Regional Emergency Planning Committee Membership

Name of County/Region: _____

Name of Person: _____

Title: _____

Company Name: _____

Address: _____
(Street/PO Box) (City) (ZIP)

Work phone: _____ E-mail: _____

Please check the group you represent: (check more than one if necessary)

- _____ Elected State or Local Official (EO)
- _____ Law Enforcement Personnel (LEP)
- _____ Emergency Management Personnel (EMP)
- _____ Fire Fighting Personnel (FFP)
- _____ First Aid Personnel (FAP)
- _____ Health Personnel (HP)
- _____ Other (OTH) _____
- _____ Local Environmental Personnel (EP)
- _____ Hospital Personnel (HSP)
- _____ Transportation Personnel (TP)
- _____ Broadcast or Print Media (BPM)
- _____ Community Group (CG) _____
- _____ Owner/Operator of Facility
Subject to Section 302(c) (OOF)

Nomination

Reappointment for _____ years

Elected Chairman

Resignation

Signature

date

Planning Elements required by EPCRA

Appendix 2

This plan must include:

- Identify all facilities which manufacture, process, use or store any extremely hazardous substance subject to the requirements under section 302.
- Identify those routes along which extremely hazardous substances are transported need to be specifically identified.
- Identify facilities which CONTRIBUTE TO ADDITIONAL RISK due to their proximity to the 302 facilities.
- Identify facilities that are SUBJECT TO RISK due to their proximity to 302 facilities.
- Methods employed by individual facilities to determine the occurrence of a release.
- For each 302 facility, show the area that would be subject to evacuation in the event of a release.
- Clearly designate a Community Emergency Coordinator.
- Identify facility emergency coordinators for each Section 302 facility.
- Emergency notification procedures to activate emergency response personnel
- Identify notification procedures to the public.
- Specify minimum expectations for facility owners and operators at the time of an incident.
- Outline methods and procedures for health and medical personnel.
- Specify methods and procedures for fire service personnel, including use of Incident Command System (ICS).
- Outline methods and procedures for law enforcement personnel.
- Outline methods and procedures for public works and public utility personnel.
- Maintain a list of resources to combat an incident involving an extremely hazardous substance.
- Outline evacuation plans, including precautionary evacuations and in-place sheltering.
- Alternate evacuation traffic routes must be identified.
- Describe the methods and schedules for exercising the emergency plan.
- Describe training program and schedule for all emergency response personnel.
- Describe coordination with other contiguous communities for warning, evacuation plans, containment activities, traffic control, and health and medical services.

_____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE BYLAWS

ARTICLE I - NAME

The following Bylaws shall establish and govern the operation of the Local Emergency Planning Committee for _____ County, Iowa.

SECTION 1. NAME OF THE COMMITTEE:

The name of the committee shall be the “_____ County Local Emergency Planning Committee”.

SECTION 2. MAILING ADDRESS AND TELEPHONE NUMBER.

The official mailing address and telephone number of the committee for the planning effort shall be:

_____ County Local Emergency Planning Committee
_____ County Courthouse
Box 123
Fort Ayrshire, Iowa 50123-4567
Telephone: (555) 555-1212 or (555) 555-2121

ARTICLE II - LEGAL STATUS

SECTION 1. STATUS OF COMMITTEE.

The Local Emergency Planning Committee is appointed by the State Emergency Response Commission and is granted the powers necessary to carry out the functions and duties specified in Chapter 30 of the Iowa Code, and the Emergency Planning and Community Right-to-know Act of 1986.

ARTICLE III - MEMBERSHIP

SECTION 1. MEMBERS.

In as much as possible, the membership of the committees should consist of a representative from each of the following groups or organizations:

1. Elected State and local officials
2. law enforcement personnel
3. emergency management personnel
4. fire fighting personnel
5. first aid personnel
6. health personnel
7. local environmental personnel
8. hospital personnel
9. transportation personnel
10. broadcast and print media
11. community groups
12. owners and operators of facilities

SECTION 2. Membership may never drop below two members. New members may be nominated by the LEPC and appointed by the State Emergency Response Commission.

SECTION 3. TERM OF MEMBERSHIP

All members shall serve for a two (2) year term from the date of appointment by the Iowa Emergency Response Commission. Members in good standing will automatically be appointed to successive terms. Polling of the membership concerning tenure and review of appointments shall take place during the Annual Meeting.

SECTION 4. ATTENDANCE AT MEETINGS

All members are required to attend at least fifty percent of all meetings of the committee held in any twelve month period unless excused by the Chair person. A committee member will be excused from a meeting for good cause upon notification to the Chair person or Vice Chair person.

SECTION 5. FILLING VACANCIES AND ADDING NEW MEMBERS

Vacancies may be filled and new members added to the committee by forwarding nominations to the State Emergency Response Commission. The State Emergency Response Commission must also accept any resignations.

ARTICLE III - OFFICERS

SECTION 1. OFFICERS

The officers of the Committee shall be the Chair, Vice Chair and Secretary/treasurer.

SECTION 2. CHAIR

The Chair shall preside at all meetings of the Committee, using parliamentary procedures. The Chair shall sign or delegate to the vice Chair the authority to sign, all official documents of the committee. The Chair shall also insure that an agenda of each Committee meeting is mailed or delivered to all members.

SECTION 3. VICE CHAIR

The Vice Chair shall perform the duties of chair person in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair person until such time as the committee shall elect a new Chair. The Vice Chair shall have the authority to sign official documents of the committee or to establish

SECTION 4. SECRETARY/TREASURER

Secretary/Treasurer shall be responsible for keeping minutes, receiving mail, filing, maintain databases and keeping financial records.

SECTION 5. ELECTIONS

Elections the officers shall be elected to serve for a period of two (2) years.

SECTION 6. VACANCIES

Should the office of Chair or Vice Chair become vacant, the Committee shall elect a successor from the Committee membership for the unexpired portion of the term within 90 days of the occurrence of the vacancy.

SECTION 7. EMERGENCY CONTACT POINT

The Chair will designate the 24 hour emergency contact point for emergency release notifications.

ARTICLE IV -- SUBCOMMITTEES

SECTION 1 APPOINTMENT OF SUBCOMMITTEES

The Chairman may appoint subcommittees to carry out tasks of the committee. The memberships of the subcommittees do not have to be members of the LEPC.

ARTICLE IV - MEETINGS

SECTION 1. OPEN MEETINGS LAW

Committee business shall be conducted in compliance with the Iowa Code chapter 21, "Official Meetings Open to Public," and Iowa Code Chapter 22, "Examination of Public Records."

SECTION 2. FREQUENCY

The LEPC shall meet as frequently as deemed necessary by the chair. The Vice Chair may also call a meeting upon the request of the membership. The LEPC is required to meet at least annually to review the emergency response plans, procedures and ensure the actions required are properly administered within the Local Emergency Planning District.

SECTION 3. AGENDA

An agenda shall be prepared and will be distributed to the membership prior to the meeting. The agenda shall be posted in accordance with Chapter 21 of the Iowa Code.

SECTION 4. QUORUM

The quorum shall consist of the members present at any meeting. Unless specified in these by-laws, all votes shall pass by a simple majority of those present.

ARTICLE V - PARLIAMENTARY AUTHORITY

SECTION 1. Roberts Rules of Order shall be the reference for parliamentary procedures in conducting meetings.

ARTICLE VI – AVAILABILITY OF INFORMATION TO THE PUBLIC

SECTION 1. The Chair will designate the office for receiving non emergency notifications from facilities subject to the EPCRA Section 324, including Tier II information under Section 312.

SECTION 2. The Chair will designate an information coordinator to response to requests for information from public (e.g.: MSDS, chemical inventory forms, minutes of LEPC meetings, and emergency response plans).

SECTION 3. An annual notice will be published to notify the public of information available and committee activities.

SECTION 4. The hazardous materials response plan will be distributed as a part of the county-wide multi-hazard emergency response plan.

ARTICLE VI - AMENDMENTS

SECTION 1. AMENDMENTS TO BYLAWS

The bylaws of the Committee may be amended by an affirmative vote of three fourths (3/4) of everyone present.

Any proposed amendment must be submitted in writing. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and distributed with the agenda for the meeting at which the amendment is to be voted on.

SECTION 2. FILING OF BYLAWS AND AMENDMENTS

The bylaws shall be recorded with the county recorder and a copy of the bylaws shall be forward to the State Emergency Response Commission to be kept on file.

ARTICLE VII - SEVERABILITY

SECTION 1. Invalidation of any provision or application of these bylaws shall not affect other provisions or applications

ARTICLE VIII - DISSOLUTION

SECTION 1.

The committee shall not be dissolved by an action other than that caused by changes in federal and state laws dissolving or significantly reorganizing the organization, structure and operational processes. The LEPC may dissolve to merge into a regional multi-county LEPC.

SECTION 2

Upon dissolution of this administration, all assets of the Committee shall become property of the County Board of Supervisors who liquidate and distribute as they see fit.

ADOPTED BY _____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE,
THIS _____ DAY OF _____, 20__.

Chairperson

Vice Chair

FOR IMMEDIATE NEWS RELEASE

Pursuant to Public Law 99-499 Title III, of the Emergency Planning and Community Right-to Know Act of 1986 (EPCRA under section 303, 311, 312 and 324. Documents are on file and available for public viewing.

The location for viewing of these documents is the Emergency Management Agency office at _____ (street/city) between normal working hours of 8:00 AM to 4:30 PM Monday through Friday.

The Contact for the _____ County Local Emergency Planning Committee is _____ and may be reached at _____ (phone) or _____ (email address) for further information pertaining to the request for viewing these documents.

(This format may also be used as a PUBLIC NOTICE)

APPENDIX 5

CONTENTS:

- Forming or Establishing a Region Emergency Planning District
 - Checklist for Forming Regional Emergency Planning Districts
 - Guidance to The Checklist for Forming a Regional Emergency Planning District
 - Sample Petition
 - Sample Resolution
 - Sample Region Bylaws

- Merging or Adding a County with an Established Region Emergency Planning District
 - Checklist for Adding a County to an Existing Regional Emergency Planning District
 - Guidance to the Checklist for Adding a County to an Existing Regional Emergency Planning District
 - Sample Petition to Merge (add a county)
 - Sample Resolution

- Seceding from an Established Region Emergency Planning District
 - Checklist for Seceding From a Regional Emergency Planning District
 - Sample Petition
 - Sample Resolution for Secession

Forming or Establishing a Region Emergency Planning District

CHECKLIST FOR FORMING REGIONAL EMERGENCY PLANNING DISTRICTS

For the purpose of EPCRA, individual counties have been designated by the Iowa Emergency Response Commission (IERC) as “planning district”. County LEPCs may petition the IERC to form into Regional Emergency Planning Districts. The application package shall include the following:

- _____ Provide a map that shows the boundaries of the proposed regional planning district.
- _____ Provide a name or designation for the planning district.
- _____ Provide a point of contact or officers of the regional planning district.
- _____ Provide a resolution of support from each Board of Supervisors.
- _____ Provide the Petitions to Merge from each LEPC. (Not the same as the resolution above)
- _____ Provide minutes of LEPC meetings that dissolve to merge into a region.
- _____ Provide Minutes from the organizational meeting(s) of the Regional District.
- _____ Provide resignations from all LEPC members. Individual LEPC members may submit nomination to IERC to serve on the Regional Emergency Planning Committee.
- _____ Provide nominations for all persons who wish to serve on the regional committee on the SERCform. There should be an attempt to represent all disciplines identified in the IERC Administrative Rules. The new Planning Committee may include former LEPC members.
- _____ Identification of the Treasury
- _____ Describe the proposed budget management mechanism for the regional planning district.
- _____ Provide proposed or approved procedural rules or bylaws of the regional planning district.
- _____ List any 28E agreements or other agreements or contracts.
- _____ A representative must attend a scheduled IERC meeting or participate on the teleconference call to present the proposal to merge into a regional planning district.
- _____ Provide a resolution from Regional Emergency Planning District officers that it is understood that county specific ESF-10 plans that are compliant with IERC Planning Standards will be required to be maintained the county comprehensive emergency plan after the merger.
- _____ Resolution from Regional Emergency Planning District officers that it is understood that the Regional Emergency Planning District assumes responsibility of the LEPC.

Guidance to the Checklist for Forming a Regional Emergency Planning District

An application to merge two or more county Local Emergency Planning Districts consists of the completed items on the *Checklist for Forming Regional Planning Districts*. This document provides guidance for the completion of the application package.

The application package must be received no later than 10 working days prior to the Iowa Emergency Response Commission (IERC) meeting to allow for a staff review. A representative from the proposed planning district must be present at the IERC meeting to present the application or be available on the teleconference line.

- 1. Map of proposed region showing boundaries of LEPC planning district merging into a regional planning district.**

Only the IERC can establish the boundaries of a planning district. Originally, the IERC decided to designate all counties in Iowa as individual planning districts. The IERC provided for the option to petition the IERC to combine two or more planning districts. Therefore, reserves the right to make changes in the boundaries of any proposed regional planning district. A map serves the IERC as a visual representation of the size, location and boundaries of a proposed regional LEPC.
- 2. A name or designation for the planning district.** The IERC has chosen not to dictate a format or form for naming or designating regional planning districts. That decision remains at the local level.
- 3. Designation of a point of contact or officers of the regional planning district.** The name, address, and appropriate telephone numbers of the officers must be a part of the application:
 - Chair
 - Vice Chair
 - Treas.
 - Secretary
- 4. Resolution of support from each Board of Supervisors.**

A resolution of support is intended to ensure, beyond any doubt, that County Boards of Supervisors have officially and publicly recognized and supports the initiative for the LEPC to become a part of a larger, hazardous materials planning effort.
- 5. Petitions to merge from each LEPC.**

This requirement comes directly from the IERC rules which indicates that “two or more local emergency planning districts” ... “may petition the IERC to amend modify or combine their districts.” The LEPC should clearly demonstrate to the IERC that not only do the LEPC members agree to resign and dissolve as a body, but that it is their intent to re-form as a part of a larger regional body. Although the Board of Supervisors has submitted a resolution, a statement needs to come from the LEPC (if it is still active. It is acceptable for the county Board of Supervisors to act as the LEPC if the organized LEPC has become ineffective.)
- 6. Minutes of LEPC meetings to dissolve and merge into a region.**

The minutes from the final LEPC meeting must clearly state who was present. The minutes must clearly indicate two things: 1. that the LEPC is merging with the proposed regional planning district and, 2. that the LEPC is disbanded at the close of the meeting. (If the LEPC is not active, a letter that speaks for the inactive LEPC may come from the past Chair of the LEPC, or Chair of the EMA Commission or Chair of the Board of Supervisors or Emergency Management Coordinator that address the two items.) LEPC meetings are subject to Chapter 21 Open

Meetings law. The minutes must be accompanied by evidence that compliance with the open meetings law and the public notices of meetings has taken place. Public notices of the meeting must be posted prior to the meeting, along with an agenda.

7. **Minutes of the Organizational meeting of the Regional District.** Organizational meetings of the proposed Regional Emergency Planning District should be provided and may include who participated, the election of officers, discussion of proposed bylaws, and other decisions.
8. **Resignations from all LEPC members.** Individual LEPC members may submit nominations to the IERC to serve on the Regional emergency Planning Committee.
 - Resignations must be consistent with IERC records.
 - A letter from the Chair listing all the members and indicating that these members resign from the LEPC.
 - Purpose of these criteria is to close out the records, files and data bases. It also provides a record that the individual LEPC member acknowledges that the county LEPC no longer exists.
9. **Nominations for all persons who wish to serve on the regional committee.**
10. **Identification of the Treasury.**
11. **Describe the proposed budget management mechanism for the regional planning district.** For example, a Council of Government manages the budget or a designated county auditor or a designated fiscal agent.
12. **Proposed or approved procedural rules of the regional planning district.** Statement of rules for the Regional Emergency Planning Committee or by-laws.
13. **A listing of any 28E or other agreements or contracts.**
14. **A representative must attend a scheduled IERC meeting** or be available on a telephone conference call established for the meeting.
15. **County specific EPCRA plan ... in ... ESF-10...**
 - May be a resolution from the Regional Emergency Planning District officers
 - May be developed in the procedural rules
16. **Regional Emergency Planning District assumes responsibility of the LEPC.**
 - May be a resolution from the Regional Emergency Planning District officers
 - May be developed in the procedural rules

SAMPLE PETITION TO MERGE

To the Iowa Emergency Response Commission:

The _____ County Local Emergency Planning Committee (or _____ County Board of Supervisors acting as the Local Emergency Planning Committee if the LEPC is not active) petitions the Iowa Emergency Response Commission to merge with the proposed _____ Regional Emergency Planning District.

The area of the Planning District will consist of _____, _____, _____, _____ and _____ Counties in Iowa.

The reason for the merger is _____ (sample wording: that alone, our county cannot adequately plan for, respond to, train, or mitigate the accidental release of extremely hazardous substances in our communities.)

The benefits from such a merger would be to protect the citizens of our community by pooling and making better use of available resources in planning, training, mitigation and response with those of other counties in our area.

We would like for this change to take place by _____ (date).

_____, "X" County LEPC Chairperson
(or Chair, "X" County Board of Supervisors)

Date _____

SAMPLE RESOLUTION TO MERGE

WHEREAS, Title III, Section 301 of the Emergency Planning and Community Right-to-know Act (EPCRA) of 1986 establishes the Local Emergency Planning Committee (LEPC); and

WHEREAS, The _____ County formed an LEPC as required; and

WHEREAS, each County is required to have an EPCRA compliant hazardous materials contingency emergency plan on file with the Iowa Emergency Response Commission; and

WHEREAS, it has been determined that the merger with the _____ Region Emergency Planning District would improve emergency planning efficiency and effectiveness; and

WHEREAS, such merger is allowed by state law; and

THEREFORE BE IT RESOLVED that the _____ County LEPC join with the Region 6 Emergency Planning District. It is understood that each county must continue to develop and maintain a state approved multi-hazard emergency operations plan.

Passed this _____ day of _____ 20__.

Chair of the Board of Supervisors:

ATTEST:

SAMPLE

REGION _____ EMERGENCY PLANNING COMMITTEE BYLAWS

ARTICLE I - NAME

The following Bylaws shall establish and govern the operation of the Emergency Planning Committee for Region _____.

SECTION 1. NAME OF THE COMMITTEE:

The name of the committee shall be the "Region _____ Emergency Planning Committee".

SECTION 2. MAILING ADDRESS AND TELEPHONE NUMBER.

The official mailing address and telephone number of the committee for the planning effort shall be:

Region _____ Emergency Planning Committee
(Street/P.O. Box) _____
(City)____, Iowa (ZIP) _____
Telephone: _____

ARTICLE II - LEGAL STATUS

SECTION 1. STATUS OF COMMITTEE.

The Region ____ Emergency Planning Committee is appointed by the State Emergency Response Commission and is granted the powers necessary to carry out the functions and duties specified in Chapter 30 of the Iowa Code, and the Emergency Planning and Community Right-to-know Act of 1986.

ARTICLE III - MEMBERSHIP

SECTION 1. MEMBERS.

In as much as possible, the membership of the committees should consist of a representative from each of the following groups or organizations:

1. elected State and local officials
2. law enforcement personnel
3. emergency management personnel
4. fire fighting personnel
5. first aid personnel
6. health personnel
7. local environmental personnel
8. hospital personnel
9. transportation personnel
10. broadcast and print media
11. community groups
12. owners and operators of facilities

SECTION 2. Membership may never drop below two members. All members must be nominated by the Regional Planning Committee and appointed by the State Emergency Response Commission.

SECTION 3. TERM OF MEMBERSHIP

All members shall serve for a two (2) year term from the date of appointment by the Iowa Emergency Response Commission. Members in good standing will automatically be appointed to successive terms. Polling of the membership concerning tenure and review of appointments shall take place during the Annual Meeting.

SECTION 4. ATTENDANCE AT MEETINGS

All members are required to attend at least fifty percent of all meetings of the committee held in any twelve month period unless excused by the Chair person. A committee member will be excused from a meeting for good cause upon notification to the Chair person or Vice Chair person.

SECTION 5. FILLING VACANCIES AND ADDING NEW MEMBERS

Vacancies may be filled and new members added to the committee by forwarding nominations to the State Emergency Response Commission. The State Emergency Response Commission must also accept any resignations.

ARTICLE III - OFFICERS

SECTION 1. OFFICERS

The officers of the Committee shall be the Chair, Vice Chair and Secretary/treasurer.

SECTION 2. CHAIR

The Chair shall preside at all meetings of the Committee, using parliamentary procedures. The Chair shall sign or delegate to the vice Chair the authority to sign, all official documents of the committee. The Chair shall also insure that an agenda of each Committee meeting is mailed or delivered to all members.

SECTION 3. VICE CHAIR

The Vice Chair shall perform the duties of chair person in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair person until such time as the committee shall elect a new Chair. The Vice Chair shall have the authority to sign official documents of the committee.

SECTION 4. SECRETARY/TREASURER

Secretary/Treasurer shall be responsible for keeping minutes, receiving mail, filing, maintain databases and keeping financial records.

SECTION 5. ELECTIONS

Elections the officers shall be elected to serve for a period of two (2) years.

SECTION 6. VACANCIES

Should the office of Chair or Vice Chair become vacant, the Committee shall elect a successor from the Committee membership for the unexplored portion of the term with in 90 days of the occurrence of the vacancy.

ARTICLE IV -- SUBCOMMITTEES

SECTION 1. APPOINTMENT OF SUBCOMMITTEES

The Chairman may appoint subcommittees to carry out tasks of the committee. The membership of the subcommittees do not have to be members of the Regional Planning Committee.

ARTICLE IV - MEETINGS

SECTION 1. OPEN MEETINGS LAW

Committee business shall be conducted in compliance with the Iowa Code chapter 21, "Official Meetings Open to Public," and Iowa Code Chapter 22, "Examination of Public Records."

SECTION 2. FREQUENCY

The Regional Planning Committee shall meet as frequently as deemed necessary by the chair. The Vice Chair may also call a meeting upon the request of the membership. The Regional Planning Committee is required to meet at least annually to review the emergency response plans, procedures and ensure the actions required are properly administered with in the Emergency Planning District.

SECTION 3. AGENDA

An agenda shall be prepared and will be distributed to the membership prior to the meeting. The agenda shall be posted in accordance with Chapter 21 of the Iowa Code.

SECTION 4. QUORUM

The quorum shall consist of the members present at any meeting. Unless specified in these by-laws, all votes shall pass by a simple majority of those present.

ARTICLE V - PARLIAMENTARY AUTHORITY

SECTION 1. Roberts Rules of Order shall be the reference for parliamentary procedures in conducting meetings.

ARTICLE VI - AMENDMENTS

SECTION 1. AMENDMENTS TO BYLAWS

The bylaws of the Committee may be amended by an affirmative vote of three fourths (3/4) of everyone present.

Any proposed amendment must be submitted in writing. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and distributed with the agenda for the meeting at which the amendment is to be voted on.

SECTION 2. FILING OF BYLAWS AND AMENDMENTS

The bylaws shall be recorded with the county recorder and a copy of the bylaws shall be forward to the State Emergency Response Commission to be kept on file.

ARTICLE VII - SEVERABILITY

SECTION 1. Invalidation of any provision or application of these bylaws shall not affect other provisions or applications

ARTICLE VIII - DISSOLUTION

SECTION 1.

The committee shall not be dissolved by an action other than that caused by changes in federal and state laws dissolving or significantly reorganizing the organization, structure and operational processes. The LEPC may dissolve to merge into a regional multi-county LEPC.

SECTION 2

Upon dissolution of this administration, all assets of the Committee shall become property of _____ who liquidate and distribute as they see fit.

ADOPTED BY REGION _____ EMERGENCY PLANNING COMMITTEE,
THIS _____ DAY OF _____, 20__.

Chairperson

Vice Chair

Merging or Adding a County with an Established Region Emergency Planning District

**CHECKLIST FOR ADDING A COUNTY TO AN
EXISTING REGIONAL EMERGENCY PLANNING DISTRICT**

For the purpose of EPCRA, individual counties have been designated by the Iowa Emergency Response Commission (IERC) as “planning district”. County LEPCs may petition the IERC to form into Regional Emergency Planning Districts. The petition shall include the following:

- _____ Resolution of support from Board of Supervisors from the county that wants to join an existing Region.
- _____ Petition to merge from the county that wants to join an existing Region. (Not the same as the resolution above)
- _____ Minutes of LEPC meeting to dissolve and merge into a region.
- _____ Minutes of the meeting of the Regional District accepting the new county.
- _____ Resignations from all LEPC members from dissolving LEPC. Individual LEPC members from the dissolved LEPC may submit nomination to IERC to serve on the Regional Emergency Planning Committee.
- _____ Nominations for all persons who wish to serve on the regional committee. May include LEPC members from the dissolved LEPC.
- _____ Identification of any 28E agreements or other agreements or contracts that the dissolved LEPC may have had.
- _____ A representative must attend a regularly scheduled IERC meeting (or be available via conference call) to present the proposal to merge into a regional planning district.
- _____ An understanding that the hazardous materials plan (ESF-10) will be maintained as a part of the county comprehensive emergency plan after the merger.
- _____ Regional Emergency Planning District assumes responsibility of the dissolved LEPC.

Guidance to the Checklist for Adding A County To An Existing Regional Emergency Planning District.

1. Resolution of support from Board of Supervisors.

In 1986, there was no existing structure to appoint persons to county LEPCs. The Iowa SERC, like many other states, originally charged the individual County Boards of Supervisors with the responsibility of nominating persons to be appointed to the LEPCs. The reasoning was that County Boards of Supervisors would know local persons who could serve on the LEPC, and also, are ultimately, responsible for the safety of the people who elect them. In most cases, the BOS was more than glad provide a list of persons willing to serve; otherwise, they themselves would have to be the LEPC.

A resolution of support is intended to ensure, beyond any doubt, that County Boards of Supervisors have officially recognized and support the initiative for the LEPC that they had a hand in forming, to become a part of a larger, hazardous materials planning effort.

2. Petitions to merge from the LEPC.

This requirement comes directly from the IERC rules which indicates that "two or more local emergency planning districts" . . . "may petition the IERC to amend modify or combine their districts." The LEPC should clearly demonstrate to the IERC that not only do the LEPC members agree to resign and dissolve as a body, but that it is their intent to re-form as a part of a larger regional body. Although the Board of Supervisors has submitted a resolution, a statement needs to come from the LEPC. If an LEPC has become inactive, it is acceptable for the County Board of Supervisors to act as the LEPC if the organized LEPC has become ineffective and no members are available to petition.

3. Minutes of LEPC meetings to dissolve and merge into a region.

This is important to show that the LEPC has voluntarily disbanded. The minutes from any final LEPC meeting must clearly state who was present. The minutes must clearly indicate two things: 1. that the LEPC is merging with the proposed regional planning district and, 2. that the LEPC is disbanded at the close of the meeting.

The minutes must be accompanied by evidence that compliance with the Chapter 21 of the open meetings law has taken place. Public notices of the meeting must be posted prior to the meeting in accordance to Chapter 21, along with an agenda.

If the LEPC is inactive and it is unlikely that a quorum of members could be called together, the Board of Supervisors may act as the LEPC. It would be preferable if the Board of Supervisors adjourn as a Board, and call the meeting to order as the LEPC and include these actions in separate minutes. An expedient alternative would be if the Emergency Management Coordinator is a member of LEPC, he or she could post the meeting in accordance to Chapter 21, conduct the meeting and provide the resulting minutes to the IERC, even if no one else shows up.

4. Minutes of the meeting of the Regional District accepting the new County. Minutes of the meeting in which the Region is accepting the new county as a part of their region must be provided. The minutes must reflect that the Region accepts the responsibilities of the new county LEPC as a part of their Region, including any 28E agreements or other agreements or contracts that come with the new county (if any). And that it is understood the new county will

be responsible for maintaining the hazardous materials plan (ESF-10) as a part of the county comprehensive emergency plan, after the merger. The Region should update their bylaws or procedures to reflect the change.

5. Resignations from all LEPC members. Individual LEPC members may submit nominations to the IERC to serve on the Regional Emergency Planning Committee. The IERC must accept resignations

Resignations must be consistent with SERC records.

In lieu of individual resignations, a letter from the chair (or surviving member of the LEPC) listing all the members and resigning the LEPC members en mass.

This criterion has the purpose of closing out the records, files and data bases and provides a record that the individual LEPC member acknowledges that the county LEPC no longer exists.

6. Nominations for all persons who wish to serve on the regional committee. Please provide nomination forms for anyone who wants to represent the dissolved LEPC on the Regional Committee. Please use the SERCform provided.

7. Any 28E or other agreements or contracts. Please list any 28E agreements or other agreements and contracts that the dissolved LEPC holds. If there are none, please so state.

8. A representative must attend a regularly scheduled IERC meeting.

The reason for this is to answer questions about the merger if needed. HSEMD may present the petition and supporting documents, but someone from either the dissolving LEPC or the accepting Region should be available for questions if needed. They may participate by conference phone.

9. Maintain the hazardous materials plan (ESF-10) in the County Comprehensive Emergency Plan.

- May be a resolution from the Regional Emergency Planning District officers
- May be developed in the procedural rules
- May be in the minutes.

10. Regional Emergency Planning District assumes responsibility of the dissolved LEPC.

- May be a resolution from the Regional Emergency Planning District officers
- May be developed in the procedural rules
- May be in the minutes.

Seceding from an Established Region Emergency Planning District

CHECKLIST FOR SECEDING FROM A REGIONAL EMERGENCY PLANNING DISTRICT

For the purpose of EPCRA, the Iowa Emergency Response Commission (IERC) has granted the formation of multi-county Regional Emergency Planning Districts. An individual member county may wish to petition the IERC to leave the Regional Emergency Planning District and be recognized as an individual county Local Emergency Planning District. The petition shall include the following:

County:

_____ The Board of Supervisors of the county that wishes to secede must provide a resolution of support for this secession. (SEE SAMPLE RESOLUTION)

_____ The Emergency Management Commission must provide nominations to the proposed County Local Emergency Planning District: (SEE SERCFORM)

_____ The _____ County specific Hazardous Materials plan will be required to be maintained in the County Comprehensive Emergency Response Plan after the secession.

_____ The _____ County assumes the LEPC responsibilities.

_____ All 28E agreements and mutual aid agreements or obligations that was specific to _____ County under the _____ Regional Emergency Planning District will be extended or satisfied.

Regional Emergency Planning District:

_____ Provide minutes in which the motion is carried to release _____ County from their Region.

_____ Members from _____ County must provide the IERC with their Resignation(s) from the _____ Regional Emergency Planning District. (SEE SERCFORM)

_____ Resolution from _____ Regional Emergency Planning District officers that it is understood that _____ County has satisfied all 28E/mutual aid agreements and that those agreements are no longer binding.

SAMPLE PETITION TO SECEDE

To the Iowa Emergency Response Commission:

The _____ County Board of Supervisors petitions the Iowa Emergency Response Commission to secede from the _____ Regional Emergency Planning District and establish a county Local Emergency Planning District.

The area of the _____ Local Emergency Planning District will be consistent with the established boundaries of _____ County.

The reason for the secession is _____

_____.

We would like for this change to take place by _____ (date).

_____ name _____, Chairperson _____ County Board of Supervisors)

Date _____

Sample Resolution for Secession

RESOLUTION

WHEREAS, Title III, Section 301 of the Emergency Planning and Community Right-to-know Act (EPCRA) of 1986 establishes the Local Emergency Planning Committee (LEPC); and

WHEREAS, The _____ County formed an LEPC as required; and

WHEREAS, The _____ County LEPC has disbanded and merged with the _____ Regional Emergency Planning District in 19XX; and

WHEREAS, _____ County wishes to withdraw from the _____ Regional Emergency Planning District and form a county Local Emergency Planning District.

THEREFORE BE IT RESOLVED, that we petition the Iowa Emergency Response Commission to approve planning district boundary changes; to allow our delegates to the _____ Regional Emergency Planning Committee to resign; accept nominations to the _____ County Emergency Planning Committee. Our County is relieved of all agreements with the _____ Regional Emergency Planning District. It is understood that the County must continue to develop and maintain a Comprehensive Emergency Response Plan to include a hazardous materials response plan.

Passed this _____ day of _____ 20XX.

Chair of the Board of Supervisors:

ATTEST:
