

AIKEN COUNTY LEPC

BY-LAWS

(Revised 26-Jun-01)

ARTICLE I

NAME AND PURPOSE

Section 1 – Name. The name of this organization shall be the “Aiken County Local Emergency Planning Committee” hereinafter referred to as the “LEPC”.

Section 2 – Purpose. The purpose of the LEPC shall be:

- A. To carry out for the county of Aiken those responsibilities required of the LEPC pursuant to public law, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, and related regulations including, but not limited to
 - 1. Development, training, and testing of a hazardous substances emergency response plan for the county of Aiken.
 - 2. Development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA Title III.
 - 3. Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of SARA Title III.
 - 4. Provide for public notification of committee activities.
- B. To implement such other and further related activities as may hereinafter be legally required by the Federal Government, the State Emergency Response Commission (SERC) or the Aiken County Council.

ARTICLE II

QUALIFICATIONS, MEMBERSHIP, MEETINGS

Section 1 – Qualifications. The organization shall consist of those members appointed by the Aiken County Council, and approved by the SERC. Members of the LEPC shall be residents of or conduct business in Aiken County, South Carolina.

Section 2 – Classes of Membership. The membership of the Aiken County LEPC shall consist of community and industrial members, as designed by SARA Title III.

- A. Appointed Members: Such members shall consist of duly elected or appointed officials of local, state, and federal governments with jurisdiction over any part of the area served by the LEPC; local police, fire fighting, rescue and emergency services; communications media, health professionals; environmental groups; citizens groups; and industry.
- B. Facility Representatives: Industrial members shall be those persons named by owners or operators of companies within the LEPC boundaries as their facility representatives under provisions of Section 301C of SARA Title III.

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Section 3 – Officers. Officers shall be responsible to conduct meetings, appoint subcommittees, keep minutes of meetings, and to otherwise accomplish the work of the committee.

Section 4 – Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled in accordance with Article II, Section 1. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the Chairman.

Section 5 – Meetings. There shall be at least five (5) regular meetings of the committee per year. Special meetings of the LEPC may be called by the Chairman at such time and place as the Chairman may determine. The Chairman must call a special meeting of the LEPC upon the written request of four (4) members. The special committees shall meet as the work under their grouping proceeds.

Section 6 – Quorum. The presence of ten (10) members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of three (3) members shall constitute a quorum for the transaction of business.

Section 7 – Voting. All appointed Members and Facility Representatives shall be entitled to vote on all matters presented for a decision by the LEPC. Multiple representatives from the same facility will be awarded only one vote.

ARTICLE III

OFFICERS

Section 1 – Enumeration of Officers. The Officers of the LEPC shall be the Chairman and the Vice-Chairman who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

Section 2 – 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 Chairman and Vice Chairman. The election shall be by ballot, except that when there is only one nomination for each office, the election may be by voice vote. These officers shall be selected by a majority of the members of the LEPC present and voting at the meeting.

Section 3 – Term of Office. The term of the Officers shall be for a period of two years. The term of the officers elected shall expire on June 30 of each odd year with the current term expiring on June 30, 2001.

Section 4 – Chairman. The Chairman 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

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accomplish the goals of the LEPC. The Chairman shall be empowered to create such other Ad Hoc committees as necessary to accomplish the goals of the LEPC.

Section 5 – Vice-Chairman. Upon resignation or death or in the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall act as Chairman of the Executive Committee and perform such other duties as may be assigned by the Chairman.

Section 6 – Secretary. The Secretary shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary shall keep a record of the proceedings of all meetings and provide the minutes of the most recent LEPC meeting to the overall group at or prior to the next LEPC meeting. This position shall be appointed by the Chairman with the approval of a simple majority vote by the LEPC.

ARTICLE IV

COMMITTEES

Section 1 – Executive Committee. The Executive Committee will consist of the LEPC Chairman, LEPC Vice-Chairman, Secretary, Technical Committee Chairman, and Chairman of the Standing Committees as described below. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

In addition, the Executive Committee will be responsible for overseeing the preparation of a proposed annual activity agenda, formulating a plan to finance the activities of the LEPC, and other matters as may be assigned by the Chairman.

Section 2 – Technical Committee. The Technical Committee (TECCOM) will consist of a Chairman and volunteer LEPC members. At a minimum, representation on the TECCOM will be required from Aiken County Emergency Services and/or Emergency Preparedness, industry LEPC representatives, South Carolina Department of Health and Environmental Control (SC-DHEC), and Savannah River Site (or its prime contractor). Additional membership for the TECCOM may be sought at the request of the TECCOM Chairman.

The TECCOM will meet at least as often as the LEPC group and act to provide an agenda for each LEPC meeting and prepare the annual activity agenda. In addition, the TECCOM will also conduct an annual review of the county's emergency plan and the structure of the LEPC making recommendation to the LEPC as needed. The TECCOM will perform any tasks as requested by the LEPC Chairman.

Section 3 – Standing Committees. The following Standing Committees shall be established and/or disbanded as required by the LEPC Chairman:

- A. Finance Committee. The Finance Committee will consist of a Chairman and members of the Executive Committee. This committee will meet once per quarter with

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responsibilities to develop a firm budget program to project and fund future projects and operational monies.

- B. Communications Committee. This committee shall be responsible for the development and implementation of a program establishing an emergency notification and information system for the County of Aiken, and other matters related to SARA Title III as may be assigned by the Chairman.
- C. Community Awareness Committee. This committee shall be responsible for the formulation and implementation of a program to inform the inhabitants of Aiken County about the activities of the LEPC, the emergency notification and information system, the Aiken County Emergency Plan, and other matters related to SARA Title III as may be assigned by the Chairman.
- D. Emergency Response Committee. This committee shall be responsible for planning and conducting drills to practice the Aiken County Emergency Plan, recommend programs to improve emergency response capabilities, and other matters related to SARA Title III as may be assigned by the Chairman.
- E. Transportation Committee. This committee shall be responsible for the development and implementation of a program to address issues related to the transportation of hazardous materials through Aiken County, and other matters related to SARA Title III as may be assigned by the Chairman.

Section 4 – Meetings. Meetings of the Standing and Ad Hoc Committees may be called by the Chairman of the LEPC or the individual committee Chairmen as deemed necessary.

Section 5 – Chairmen of the Standing Committees. The Chairmen of the Standing Committees shall be nominated by the LEPC Chairman and elected by a majority of the members of the LEPC present and voting at the meeting.

Section 6 – Membership of Standing Committees. All LEPC members are qualified to act as members of any Standing Committee. Membership in these committees is voluntary, but can be changed to mandatory at the direction of the Executive Committee to ensure enough manpower is sufficient to carry out assigned tasks.

Section 7 – Ad Hoc Committees. The LEPC Chairman may create Ad Hoc Committees as necessary with concurrence of the Executive Committee. Chairmen of the Ad Hoc Committees shall be appointed by the LEPC Chairman.

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ARTICLE V

MISCELLANEOUS PROVISIONS

Section 1 – Fiscal Year. The fiscal year shall be considered to run from July 1 to June 30.

Section 2 – Indebtedness. All expenditures incurred by the LEPC shall be approved by full LEPC. In addition, the LEPC Chairman will approve all payments before they are made from any account originating from the LEPC.

Section 3 – Approval of By-Laws. These by-laws shall become effective upon approval by a majority of those in attendance at the time of the vote.

Section 4 – Disqualification. Any member with five or more absences, in any calendar year, is subject to being disqualified at the request of the LEPC to the SERC.

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 proposed amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting.

ARTICLE VII

RULES

SARA Title III 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”.

Section 1 – Adoption of Rules: Publication of Proposals. The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under Title III and related applicable regulations. Any such rules must first be published for ten days in proposed rule and a statement of basis and purpose on a public bulletin board or similar as designated by the Aiken County Council. (The proposed rule together with the statement of basis and purpose are hereafter referred to as “notice of proposed rulemaking”.) Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the ten (10) day period.

The LEPC Chairman is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.

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Section 2 – Method of Initiating Proposed Rulemaking. Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee approves a proposed rule by majority vote, it shall thereafter proceed to publication as provided in the preceding section.

Section 3 – Method of Adopting Final Rules. Following the expiration of the ten (10) day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised, 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 LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

Section 4 – Notice of Adoption. Upon adoption of any rule by the LEPC, the Secretary shall publish the LEPC's response to comments received on any changes to the proposal. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

Section 5 – Emergency Rules. In response circumstances, to be determined by the LEPC, rules may be adopted prior to public notice and comment, provided that no such rule remain in effect for more than ninety (90) days.

ARTICLE VIII

PARIAMENTARY AUTHORITY

Section 1 – Parliamentary Authority. The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these by-laws.