

**BY-LAWS of the District #1 Local Emergency Planning Committee  
Chittenden County, Vermont**

as adopted August 9, 2004  
Housekeeping Amendments: 10/12/04  
Housekeeping Amendments: 11/09/04  
Membership Amendment 9/9/08  
Updated and approved on 06/13/2017

**Mission Statement 1-1-0**

To provide resources and guidance to the Chittenden County community through education, coordination and assistance in emergency planning to assure public health and safety.

**LEPC Requirements 1-2-0**

Authority 1-2-1

In accordance with Title 20 VSA and the Superfund Amendment & Reauthorization Act of 1986, Title III Emergency Planning and Community Right to Know Program (SARA Title III, EPCRA), the governor of Vermont appoints the State Emergency Response Commission (SERC). The SERC has divided the state into 10 local emergency planning districts, and has appointed a Local Emergency Planning Committee (LEPC) for each district. LEPC District #1 is the emergency planning district for Chittenden County.

Public Notice 1-2-2

LEPC #1 shall provide public notice of its activities, shall hold public meetings to discuss emergency planning, and to distribute information regarding emergency planning. LEPC shall make hazardous materials information received from reporting entities available to the public consistent with sections 11044 and 11022 of the EPCRA.

LEPC Membership 1-2-3

As provided for in applicable federal law, each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of EPCRA.

Additionally, representation from the following groups are encouraged:

- Volunteer Organizations (i.e. American Red Cross, Medical Reserve Corps, Community Emergency Response Teams)
- Elementary/Secondary/Collegiate Educational Facilities
- Local, State & Regional Planners
- Vermont Division of Emergency Management and Homeland Security
- Employees (administrators, public works, etc.) of Chittenden County municipalities
- Vermont State Guard
- Army National Guard / Air National Guard
- Environmental Protection Administration
- U.S. Department of Homeland Security
- County Residents

Chittenden County municipalities include:

Bolton	Essex	Milton	Underhill
Buel's Gore	Essex Junction	Richmond	Westford
Burlington	Hinesburg	St. George	Williston
Charlotte	Huntington	Shelburne	Winooski
Colchester	Jericho	South Burlington	

### Membership Termination

If a member's actions or behavior interfere with effective and efficient Committee operations, and if reasonable attempts to remedy that should fail, then upon majority vote in open session, that member may be removed by the Committee for just cause, where continued participation adversely affects the Committee's ability to conduct its meetings or do its work.

### Resignation

A member of the committee may resign by presenting a letter to that effect to the Chair. Resignation will be effective upon acceptance by the Committee.

**Officers 2-1-0**

Secretary 2-1-1

- Prepares and distributes meeting agendas and minutes of LEPC meetings, along with other supporting documents or information helpful to the Committee or assures that such tasks are carried out by Another appropriate party.
- Maintains roster of LEPC #1 members or assures that such tasks are carried out by LEPC employees, subcontractors or agents.

Treasurer / Budget Administrator 2-1-2

- Provide financial statements to the LEPC as requested/directed or assures that such tasks are carried out by an appropriate party.
- Ensure that all financial transactions are properly supported, and approved by the LEPC membership or its Chair. Be co-signer of all checks when two signatures are required.
- Make such dispersals and transactions as may be directed.

Assistant Chair (or Co-Chair) 2-1-3

- Acts on behalf of the chair in their absence or direction.
- Assists the chair in accomplishing duties assigned.

Chair 2-1-4

- Responsible to the State Emergency Response Commission for the operation, administration, and development of the LEPC.
- Chairs LEPC meetings.
- Represents the District at the state level.
- Consults and coordinates with the heads of local government, emergency services and Emergency Management.
- Upon notification of an incident, ensures the plan has been implemented.
- Serves as point of contact to provide information about the day-to-day business of LEPC#1 to the public, LEPC members and operators of hazardous materials facilities, or ensures that someone such as the CCRPC staff liaison assigned to LEPC #1 can serve these roles.

## **Election of Officers: 2-2-0**

The Committee shall elect the following officers by majority vote from within LEPC #1 each year at the Annual Meeting in June: Chair, Assistant Chair (or Co-Chair), Treasurer, Secretary. Upon election, the Chair shall agree to serve as Coordinator, or appoint someone to that role.

Terms of office will run annually, from July 1 of that year and extending through June 30 of the following year. There is no limit to the number of terms a member may serve in any one of these positions.

## **Subcommittees 2-3-0**

If deemed helpful or necessary, the Chair or the Officers may appoint subcommittees of the membership to help accomplish LEPC #1 objectives. These may include Training Coordination, Emergency Response Planning, Citizen Corps Council, bylaws/nominations, or others as needed.

Committees will typically be members of LEPC #1, but may include others whose experience and expertise may be helpful. Subcommittees shall report to the Chair and the membership on their progress and accomplishments.

## **Administrative 3-1-0**

### Meetings 3-1-1

A regular meeting schedule shall be determined by the LEPC #1 membership, and ratified each year at the Annual Meeting in June. Agendas, meeting minutes, and other relevant documents shall be distributed timely and in accordance with applicable law.

Meetings will be run by consensus until such a time as any member requests governance by Robert's Rules of Order. General business of the Committee will be conducted in open session. Any member may request an executive session, in accordance with applicable law.

### Record Maintenance 3-1-2

The Secretary or Chair's designee will maintain records in accordance with applicable law.

## **Financial 3-2-0**

The Treasurer shall oversee all financial transactions of the District.

### Income 3-2-1

Funds received and or accepted by LEPC #1 will be forwarded to the Treasurer, or fiscal agent, and deposited into the LEPC #1's account.

Reimbursements to LEPC: Legally recoupable expenses, incurred in the performance of incident mitigation, or normal LEPC business, will be billed by the LEPC to the party accountable. These costs include, but are not limited to: unused LEPC disbursements; cost of materials, equipment, personnel used; overhead expenses incurred.

### Expenditures 3-2-2

Expenditures of funds shall be approved by a majority vote of LEPC #1 members present at a monthly meeting, except that the Chair may approve minor or regular expenditures, such as refreshments for monthly meetings and/or staff time for the administrator/fiscal agent at CCRPC, so as to assure efficient performance of the duties of the LEPC as well as any tasks required for any contracts or grants awarded to the LEPC.

Reimbursement to members: LEPC members or their agents may be reimbursed without approval at a monthly meeting of the District #1 LEPC Executive Board for official expenditures of less than \$100, including mileage traveled to meetings but only if adequate documentation is supplied and the expense is consistent with the objectives of the LEPC or tasks specified in a grant or project implemented and the reimbursement. The Chair, Vice-Chair or Treasurer may authorize such reimbursements.

Cash Advances: Cash advances to facilitate the business of the LEPC without impacting financially upon its members or employees are acceptable with the prior approval of the LEPC for specific projects.

Fiscal Year: The fiscal year will be the same as that used by the State of Vermont.

Audit: The financial records of this LEPC shall be made available to the Commissioner of Public Safety or to the SERC as defined in the SERC Bylaws. Records shall be maintained for a minimum of five years unless the SERC amends this requirement.

LEPC Equipment: 3-2-3

Equipment purchased by and for the LEPC is the property of the LEPC. Authorization for usage and storage does not constitute rendering of ownership. Should the LEPC be dissolved, all owned equipment will be equitably distributed to the District, or sold and the cash returned to the SERC. The Secretary shall maintain the inventory.

**Bylaw Amendments 3-3-0**

These by-laws may be amended by a majority of LEPC #1 members present at the Annual Meeting. Proposed amendments must be submitted in writing to the chair 20 days prior to the vote and made known to the general membership at least 10 days prior to the vote. Changes to the bylaws take effect upon adoption.

Validity and Severability 3-3-1

If any section or provision of this bylaw is found to be invalid, it shall not affect the validity of the bylaw as a whole, nor any statement or section other than that found to be invalid.

**Liability 3-4-0**

As specified in 20 VSA Chapter 1, Emergency Management:

- a) Except in the case of willful misconduct or gross negligence, the state, any of its agencies, state employees as defined in 3 VSA Section 1101, political subdivisions, local emergency planning committees, or individual, partnership, association, or corporation involved in emergency management activities shall not be liable for the death of or any injury to persons or loss or damage to property resulting from an emergency management service or response activity, including the development of local emergency plans and the response to those plans. Nothing in this section shall exclude the state, its agencies, political subdivisions, or employees from the protections and rights provided in chapter 189 of Title 12.
- b) Any individual, partnership, association, corporation or facility that provides personnel, training or equipment through an agreement with the local emergency planning committee, the state emergency response commission or local emergency response officials is immune from civil liability to the same extent provided in subsection (a) of this section for any act performed within the scope of the agreement.

**Appendix A**

## **Highlights of the Emergency Planning and Community Right-to-Know Act (EPCRA)**

### Responsibilities

#### Emergency Planning (Sections 301-303)

- The Governor of Vermont appoints the members of the state emergency response commission (SERC).
- SERCs establish emergency planning districts and appoint, supervise, and coordinate local emergency planning committees (LEPCs).
- LEPCs develop local emergency response plans and review them at least annually.
- LEPC's oversee the Citizen Corps Council activities
- Facilities notify SERCs and LEPCs if they have extremely hazardous substances present above "threshold planning quantities," and participate in emergency planning.

#### Emergency Release Notification (Section 304)

- Facilities notify SERCs and LEPCs immediately of accidental releases of hazardous substances in excess of "reportable quantities" and provide written reports on actions taken and on medical effects.
- SERCs make accidental release information available to the public.

#### **Hazardous Chemical Reporting (Sections 311-312)**

- Facilities submit new or updated Safety Data Sheets (SDSs) or lists of hazardous chemicals (above "threshold quantities"), ideally by using the Tier2 Submit system, to SERCs, LEPCs, and local fire departments.
- Facilities submit emergency and hazardous chemical inventory forms (amounts and locations of chemicals) to SERCs, LEPCs, and local fire departments.
- SERCs and LEPCs make hazardous chemical information available to the public in the following manner:
  - Each Tier II report, emergency response plan, material safety data sheet, list described in section 11021(a)(2) of EPCRA, inventory form, toxic chemical release form, and follow-up emergency notice shall be made available to the general public, consistent with section 11042 of EPCRA, during normal working hours at the following location: Chittenden County Regional Planning Commission, 110 West Canal Street, Suite 202, Winooski, VT 05404
  - 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 EPCRA to be contained in an inventory form as Tier II information.
  - LEPC #1 shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted

under this section. The notice shall state that follow-up emergency notices may subsequently be issued. 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 CCRPC offices as described above.

Toxic Chemical Release Reporting (Section 313)

- Covered facilities submit annual reports on yearly toxic chemical releases to states and EPA.
- EPA establishes a national toxic chemical release inventory based on facility reports.
- States and EPA make release information available to the public and communities, EPA makes the information accessible on a national computerized database, and by other means.

## **Appendix B**

### **Community Emergency Response Plan**

What are the required elements of a community emergency response plan (EPA.GOV)?

- Identification of facilities and transportation routes of extremely hazardous substances
  - Description of emergency response procedures, on and off site
  - Designation of a community coordinator and facility emergency coordinator(s) to implement the plan
  - Outline of emergency notification procedures
  - Description of how to determine the probable affected area and population by releases
  - Description of local emergency equipment and facilities and the persons responsible for them
  - Outline of evacuation plans
  - A training program for emergency responders (including schedules)
  - Methods and schedules for exercising emergency response plans
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- Use the information provided by industry to identify the facilities and transportation routes where hazardous substances are present.
  - Establish emergency response procedures, including evacuation plans, for dealing with accidental chemical releases.
  - Set up notification procedures for those who will respond to an emergency.
  - Establish methods for determining the occurrence and severity of a release and the areas and populations likely to be affected.
  - Establish ways to notify the public of a release.
  - Identify the emergency equipment available in the community, including equipment at facilities.
  - Contain a program and schedules for training local emergency response and medical workers to respond to chemical emergencies.
  - Establish methods and schedules for conducting "exercises" (simulations) to test elements of the emergency response plan.
  - Designate a community coordinator and facility coordinators to carry out the plan.
  - The plan may be reviewed upon request of the LEPC contact at CCRPC. The LEPC will consider reasonable methods by which to educate the public about this plan.