

**THE BYLAWS OF THE
UNION COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

ARTICLE I

NAME

This Committee shall hereby be known as the Union County Local Emergency Planning Committee or the Union County LEPC.

ARTICLE II

PURPOSE

The purpose of the Union County LEPC ("LEPC") shall be set forth by the North Carolina State Emergency Response Commission ("SERC"), the Union County Board of Commissioners ("BOC"), and these Bylaws, not inconsistent with Title III of the Superfund Amendments and Reauthorization Act of 1986 ("SARA"). The purpose of the LEPC includes the following functions:

1. Develop and adopt the LEPC's Emergency Response Plan, including regular review and updating of such plan in accordance with SARA and all other applicable law;
2. Notify, as appropriate and as described in these Bylaws, the public of the LEPC's activities;
3. Conduct meetings to discuss the Emergency Response Plan;
4. Receive public comment regarding the Emergency Response Plan and respond to such comments;
5. Distribute the Emergency Response Plan as appropriate and required by law;
6. Establish procedures of reviewing and processing requests from the public for information regarding hazardous materials at covered facilities in Union County;
7. Designate an official to serve as a coordinator for information;
8. Collect and receive reports and other information from covered facilities in Union County;
9. Develop a chemical hazard/risk analysis;
10. Develop, as required, emergency response procedures for off-site emergency response practices and personnel;
11. Identify private/public sector resources available to deal with hazardous materials emergencies and petition private and public entities to obtain the resources necessary to implement the purpose of the LEPC;
12. Review emergency operations plans (EOP's) submitted by the subcommittees and make recommendations on revisions of the plans that may be necessary to ensure coordination of such plans with the plans of other agencies. Present final drafts of these plans to the BOC for implementation into the Union County Emergency Operations Plan;
13. Exercise Emergency Operations Plans and update them accordingly;
14. Engage in any other emergency operations planning deemed necessary by the LEPC, as allowed by applicable law; and
15. Assist, when authorized to do so, in compliance and enforcement activities.

ARTICLE III

MEMBERSHIP

Section 1: The LEPC shall consist of as many members as necessary to align with SERC policies and SARA Title III requirements, to ensure proper representation of all appropriate agencies and stakeholders in Union County. LEPC members will be nominated by the BOC and recommended for

approval by the SERC. The exact number of members of the LEPC is established based upon the recommendation of the BOC and approval of the SERC. Members appointed to the LEPC may designate an alternate from his/her agency to be present in his or her absence. The alternate may have the same authority as the LEPC member; however, if both the LEPC member and alternate are present, only the LEPC member may vote.

1. LEPC members must possess the ability, commitment, authority, and resources to make operational decisions for their particular agency.
2. The LEPC shall possess access to a wide range of expertise relating to certain agencies, certain occupational fields, the community, industrial facilities, transportation, and the emergency response planning community.
3. The LEPC must represent all elements of Union County with a substantial interest in reducing the risks posed by hazardous materials.
4. The membership composition of the LEPC must, at a minimum, meet the representation requirements of SARA. This includes representatives of elected officials, law enforcement, civil defense, firefighting, first aid, health, local environmental concerns, hospital, transportation, broadcast and print media, community groups, and owners/operators of facilities subject to SARA, Title III.

Section 2: Appointed members shall be considered inactive when they have missed more than two (2) consecutive meetings without notification to any LEPC officers. Any such notification shall include significant reason(s) why the member is unable to attend a meeting. If the member's designated alternate attends in the absence of the LEPC member, the LEPC member shall not be considered as having missed the meeting for the purposes of determining inactivity. An annual report listing members declared inactive will be provided to the BOC and SERC, requesting that those members be removed and replaced pursuant to this Article III.

Section 3: The BOC may ask the SERC to remove a member for any reason, including, without limitation, the member becoming inactive as set forth in Section 2 above.

Section 4: Vacancies shall be filled by nomination of the BOC, and approval by the SERC.

Section 5: The Union County Emergency Management Coordinator shall serve as the coordinator for information.

ARTICLE IV

OFFICERS

Section 1: The officers of the Union County LEPC shall consist of a Chair, Vice-Chair, and Secretary. The LEPC officers must be members of the LEPC.

Section 2: The BOC shall appoint the Chair of the LEPC, to serve at the pleasure of the BOC. At the first meeting of each calendar year, the LEPC shall elect from its own membership a Vice-Chair and Secretary, who shall each serve for one year, or until his or her death, resignation, retirement, removal, or disqualification.

Section 3: The Chair, Vice-Chair, and Secretary may be removed from such office by a majority vote of the LEPC. The removal of the Chair shall be approved by the BOC.

Section 4: Vacant officer positions shall be filled using the procedures set out in Section 2 of this Article.

ARTICLE V

DUTIES OF OFFICERS

Section 1: *Duties of the Chair-* The Chair shall preside over all LEPC meetings, preserve order, appoint subcommittees, and sign all minutes and other records requiring a signature from the LEPC, as well as provide reports to, and present the same before, the BOC regarding LEPC activities when requested.

Section 2: *Duties of the Vice-Chair-* The Vice-Chair shall fill the duties of the Chair in his/her absence or in the event of the inability or refusal of the Chair to act. He/she shall perform other duties from time to time as delegated by the Chair.

Section 3: *Duties of the Secretary-* The Secretary shall have charge of all books, records, papers, and other documents of the LEPC. He/she shall keep the minutes of all meetings of the LEPC. The position is also responsible for proper notification of all meetings and events to all LEPC members. Copies of minutes shall be distributed to all LEPC members no later than ten (10) business days following the particular meeting via the most efficient method available (which may include electronic distribution).

ARTICLE VI

MEETINGS

Section 1: *Regular Meetings-* The LEPC shall meet at least quarterly for regular meetings. The regular meeting schedule (including date, time and location of regular meetings) shall be filed with the County Clerk and Union County Emergency Management Director. The Secretary shall also cause the regular meeting schedule to be posted on Union County's website. An annual notice of the regular LEPC meeting schedule shall also be published in a newspaper of general circulation in Union County. Such published notice shall specify the meeting designated for receipt of public comments on the Emergency Response Plan. An agenda for a regular meeting will be made available by the Secretary to the public or the media, upon the receipt of such a written request for notice by any LEPC officer, no later than forty-eight (48) hours prior to the convening of the meeting. Any matters not on the agenda may be considered upon a favorable vote of a majority of the members present to do so.

Section 2: *Special Meetings-* The Chair may call a special meeting as deemed necessary to carry out the duties of the LEPC. Additionally, upon written request of the majority of the LEPC members, a special meeting may be called as deemed necessary to carry out the duties of the LEPC. The time, place, and purpose of the special meeting shall be stated in the notice. At least 48 hours' advance notice shall be given to members, as well as the public as required by North Carolina's laws related to the meetings of public bodies. Only business connected with the special meeting purpose may be considered at the special meeting.

Section 3: *Emergency Meetings-* The Chair, or a majority of the LEPC members, may call emergency meetings only because of generally unexpected circumstances that require immediate consideration. Only business connected with the emergency may be considered at a meeting to which notice is given for such an emergency meeting. Notice for such an emergency meeting shall be given as required by North Carolina's law related to the meetings of public bodies.

Section 4: *Closed Sessions*- The LEPC may hold closed sessions as provided by law. The LEPC shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on N.C.G.S. § 143-318.11(a)(1), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on N.C.G.S. § 143-318.11(a)(3), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The LEPC shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

Section 5: *Hearings*- The LEPC shall hold such hearings or public forums as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the LEPC. At least one such public hearing shall be held each calendar year for the purpose of discussing the LEPC's Emergency Response Plan with the public, receiving public comments, and responding to public comments. Such public hearing shall be noticed as required by Section 1 of this Article.

Section 6: *Quorum*- A quorum shall consist of a majority of LEPC members, excluding vacancies and those members declared inactive in accordance with Article III, Section 2 of these bylaws. Alternates attending for absent LEPC member shall be considered for purposes of establishing a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining a quorum. A quorum shall be required to transact business.

Section 7: *Agenda*- Any LEPC member may request that the Chair place an item on the agenda. If the Chair should decline to do so, a member may have such item placed on the agenda by submitting a written request to the Chair with supporting signatures from at least three other LEPC members. Agenda items to be considered at each meeting shall be given at least five (5) business days in advance to LEPC members.

Section 8: *Rules of Order*- The LEPC shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as it does not conflict with applicable law or the spirit of these rules.

ARTICLE VII

VOTING

- Each member, or designated alternate, including the Chair, shall have one vote for any action of the LEPC requiring a favorable vote of LEPC members, which includes, without limitation, all final LEPC actions, positions, and policy recommendations.
- A motion shall be adopted if approved by a majority of the votes cast with a quorum being present, unless otherwise required by these bylaws or applicable law.
- When a member sends a designated alternate to the meeting in their absence, the regular member has the responsibility to inform that person of current issues which may arise for discussion/motion. Any voting action by the alternate during that meeting will be considered official. If the regular member and alternate are present for a meeting, only the LEPC member vote shall count.
- No member shall vote by proxy (alternate voting as described in this Article is not considered a vote by proxy).

- Any member may choose to abstain on any vote, with such abstention being reflected in the minutes. Members are required to abstain from voting when an issue poses a conflict of interest.

ARTICLE VIII

REPORTS AND RECOMMENDATIONS

- An annual report shall be compiled by the Secretary and approved by the LEPC membership, describing the activities of the LEPC for the past calendar year. A draft of any proposed annual report shall be circulated to all members of the LEPC at least thirty (30) days prior to consideration by the full LEPC at a scheduled meeting. The final voted upon Annual Report shall be presented to the BOC.
- No report of any kind bearing the name of the LEPC shall be released unless it has been adopted by a favorable vote of the LEPC.
- The LEPC may make recommendations to government agencies within Union County regarding any ordinances or resolution that may affect the adopted Emergency Response Plan.
- The Emergency Response Plan, as adopted by the LEPC membership, will be developed in accordance with SARA, Title III, and any other applicable law. The Emergency Response Plan will address issues identified by the LEPC. Upon adoption, a copy of the Emergency Response Plan will be distributed to all agencies within Union County involved with emergency response, including the SERC.

ARTICLE IX

PUBLIC INFORMATION REQUESTS

- The LEPC will respond to public information requests within 45 days of submission per the requirements of the Emergency Planning Community Right-to-Know (EPCRA) Section 324: Public Availability of Plan, Data Sheets, Forms and Follow-Up Notice Requirements. Public information requests may be made on the Union County Emergency Management website under the Local Emergency Planning Committee tab.
- Once the request has been submitted, a staff member from Union County Emergency Management will facilitate with the requestor a time to view the document(s) during normal working hours at the Union County Emergency Services Center, 2258 Concord Avenue, Monroe NC 28110. A space will be provided for the requestor to review the information. The Chair of the Union County Local Emergency Planning Committee, or their designee, will serve as the coordinator for EPCRA information including receiving EPCRA reports from facilities and distributing information requested by the public.
- In most cases, records are provided electronically at no cost to the requestor. However, fees may be imposed for the actual costs to Union County of producing the records. Fees may also be charged for certified copies of documents. Further, when a records request response requires significant staff effort to process, clerical aid or information technology assistance, a special service charge will be applied pursuant to NCGS §132-6.2(b).
- The following information may be requested:
 - **Emergency Response Plans** (County Emergency Operations Plan- public version) (**EPCRA Section 303**)
 - **Follow-Up written reports on releases** (**EPCRA Section 304**)
 - Facilities are required to submit a follow-up report on any accidental releases of any Extremely Hazardous Substances (EHSs) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances for which they made an initial notification to the LEPC.
 - **Safety Data Sheets (SDS) or List of Hazardous Chemicals** (**EPCRA Section 311**)

- In the case of a hazardous substance that is stored in an amount less than 10,000 pounds and was present at the facility at any time during the preceding calendar year, a public information request must include the general need for the information. Toxic chemical release form, EPCRA Section 313.

- TRI information is publicly available on EPA's website

<https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools>

- **Tier II Inventory (EPCRA Section 312)**

- Requests for a hazardous chemical inventory form (Tier II) received under Section 312 will be made available to the public, however requests must specify the facility.
 - Toxics release inventory information is publicly available on the EPA's website <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools>.

Specific Tier II chemicals may not be made available if the facility has completed a confidential location form or there is concern for chemical storage/site security.

- **Meeting Minutes of the LEPC**

- If the LEPC does not have the requested SDS, Tier II, etc. the requestor should contact the facility directly to provide the information. The LEPC will advertise on the Union County Emergency Management website under Local Emergency Planning Committee (LEPC) when emergency plans, safety data sheets, and inventory forms have been submitted annually by facilities. The public is available to review any follow-up emergency notices that are issued to the LEPC.
- The SERC and the appropriate LEPC shall withhold the location of any specific Tier II chemical, for example if the facility has completed a confidential location form or there is concern for chemical storage/site security.
- The SERC policy and information on EPCRA public information request is available on the North Carolina Emergency Management Hazardous Materials website. See EPCRA Section 324: Public Availability of Plan, Data Sheets, Forms, and Follow-up Notices for additional information.

ARTICLE X

AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members present at any regular meeting of the LEPC, provided that any proposed changes have been circulated to all members no less than 30 days prior to any action thereon. Any amendments must be approved by the BOC.

ARTICLE XI

RATIFICATION PROVISION

The bylaws are duly adopted by a majority of the members of the Union County Local Emergency Planning Committee, the 5th day of February, 2025 in Monroe, North Carolina in Union County and shall supersede and replace all prior versions of the bylaws of the Union County LEPC.


Chair of Union County Local Emergency Planning Committee

Adopted by the Union County Board of Commissioners the _____ day of _____ 2025.

Chairman of Union County Board of Commissioners

Witness

Date