

# **Montgomery County Local Emergency Planning Council Constitution and By-Laws**

## **ARTICLE I: NAME**

The name of this committee is the Montgomery County Local Emergency Planning Council (hereinafter referred to as the LEPC). The LEPC operates in accordance with federal, state, and local law and in concert with the Maryland State Emergency Response Commission (hereinafter referred to as the SERC) as defined by the provisions of the US Environmental Protection Agency's Superfund Amendments and Reauthorization Act of 1986 (SARA), specifically, SARA Title III, entitled the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter referred to as EPCRA) and other Federal requirements.

## **ARTICLE II: FEDERAL, STATE AND LOCAL LAWS**

The following Federal, State and Local laws are applicable to the LEPC: Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C 11001(c). The State of Maryland Community Right-to-Know Fund Regulation COMAR 26.26.01 and Montgomery County Fire Safety Code, Chapter 22, as amended by Montgomery County Executive Regulation 3-12 AM.

## **ARTICLE III: PURPOSE AND OBJECTIVES**

### **SECTION 1 – The purpose of the LEPC**

Consistent with the provisions of EPCRA, in order to protect emergency responders and the public, the LEPC shall:

- a) Use an all hazards approach to emergency response and preparedness for the planning district of Montgomery County, Maryland;
- b) Ensure that public information and education responsibilities are met, to include receiving and processing requests for information from the public;
- c) Notify the public and regulated businesses on all LEPC activities and meetings;
- d) Make appropriate emergency response information publicly available;
- e) Ensure that reports and information are received as specified in EPCRA and in accordance with state and local hazardous materials reporting law;
- f) Advise the county regarding the adoption of technologies that provide consequence management solutions; and
- g) Focus on inter-agency and county-wide resources as subject matter experts in collaboration with Montgomery County and as appropriate, neighboring jurisdictions.

The LEPC will advise the Office of Emergency Management and Homeland Security (OEMHS) regarding the Hazardous Materials Use Permit program and ensure that OEMHS conducts appropriate hazards analysis using the information and reports received from facilities operating within the planning district. Information on all facilities with reportable quantities as well as Extremely Hazardous Substances (EHS) will be included in the information routinely provided to responders. All LEPC meetings, except those specified by the Chair and announced in advance, are open to the public.

**SECTION 2 – The Objectives of the LEPC are:**

- a) Promote public health and safety.
- b) Support and promote preparedness of members of the public, industries and government.
- c) Provide local subject matter expertise to emergency planning and response agencies by serving as a venue for communication and consultation among a diversity of stakeholders.
- d) Operate under the duties set forth by the Montgomery County Codes and Regulations, and the Montgomery County Executive.
- e) Operate as an advisory council to the Fire Chief, Director of OEMHS, County Executive, and County Council in matters relating to the management and use of hazardous materials.
- f) Provide subject matter experts for any emergency requiring assistance in the County as applicable.
- g) Ensure that public information requests are received and processed in accordance with EPCRA and SERC requirements.
- h) Ensure compliance with the rules and requirements outlined in EPCRA.
- i) Coordinate their activities with the SERC.
- j) Appoint appropriate Standing and Task-Specific Committees to assist the LEPC in its duties and responsibilities.
- k) Participate in the preparation and maintenance of relevant sections of appropriate emergency response plans (e.g., the Emergency Operations Plan).
- l) Participate in review and testing of appropriate response and/or operations plans and procedures for private, state, volunteer agencies, and/or local partners.
- m) Review the capabilities and responses of the Montgomery County Hazardous Incident Response Team (HIRT) and other response resources within the County as appropriate.
- n) Promote heightened preparedness for potential disasters with an emphasis on improved emergency response and best practices that mitigate the risk of emergency incidents. Encouraging the use of e.g., Assessment Tools (Hazard/threat vulnerability and emergency readiness assessments), Human and Physical Resource Catalogue (emergency response/recovery assets), Planning Tools (Customized, hazard-specific contingency plans for emergency response or pre-built standard operating procedure templates/checklists), Geo-mapping and Situational Awareness Tools (for mission planning, asset tracking, and

training/exercises), and Communication and Alert Tools (Risk surveillance and event prediction and real-time alert dissemination).

#### **ARTICLE IV: LEPC MEMBERSHIP**

##### **SECTION 1 – Composition of the LEPC**

The LEPC will be comprised of representatives from a variety of backgrounds and must include representatives from emergency management and fire/rescue, as well as representatives from a variety of other sectors (e.g., business, law enforcement, public health, hospitals, educational facilities, Federal installations, community organizations). The LEPC will consist of the 4 officers described in section 2 a), b), c), and d) below plus 5 additional voting members chosen from among the sectors listed in Annex A.

##### **SECTION 2 – Appointments and Duties of the LEPC and Officers**

Membership in the LEPC is open to individuals with an interest in hazardous materials emergency planning and public safety concerns within Montgomery County. A variety of organizations/agencies should be represented on the LEPC, in accordance with the spirit of EPCRA requirements. Members should identify an alternate to ensure representation at each meeting. Alternates should be identified in advance and should be knowledgeable of LEPC business.

Individuals requesting appointments shall submit a letter of interest to the Chair of the LEPC through OEMHS. Subsequent approval is granted at the discretion of the LEPC Chair in consultation with the voting members.

Officers of the LEPC are identified to preside over the affairs of the LEPC and to provide order to meetings and for information management. The roles and responsibilities of these officers are:

- a) **Chair** – The Chair of the LEPC is the director of OEMHS. The Chair also serves as the LEPC representative/liaison to the Montgomery County Government. This individual is also tasked with preserving order during LEPC meetings, and making appointments to all technical committees. The Chair or his/her designee oversees all hearings held before the LEPC, signs all official findings and documents resulting from LEPC actions, and coordinates all findings and actions with authorities representing the Montgomery County Government.
- b) **Vice-Chair** – The Vice-Chair of the LEPC is nominated and elected by the LEPC membership. The Vice-Chair serves the role of the Chair during his/her absence or inability to serve. This position will have a two-year term limit.
- c) **LEPC Facilitator** – The LEPC Facilitator is an OEMHS staff member appointed by the Chair of the LEPC. This individual is responsible for assuring that LEPC meeting minutes are taken and distributed, for collecting

reports from the various subcommittees, developing the agenda and facilitating the conduct of the LEPC meetings.

- d) **Community Right-to-Know Coordinator** – The Community Right-to-Know Coordinator is an OEMHS staff member appointed by the Chair of the LEPC and is responsible for maintaining the records of the LEPC and facilitating public access (See Article 5, Section 6 – Public Information Requests).
- e) **Subcommittees**
  - i. **Standing Committees** - will be established by a majority vote of the LEPC. Standing committees address general functioning of the LEPC and perform assigned work on an ongoing basis.
  - ii. **Task-Specific Committees** - will similarly be established by a majority vote of the LEPC, but are formed to complete a specific task and are temporary. The duration and tasking will be determined upon the formation of the committee. The duration may be extended at the discretion of the LEPC Chair.

### **SECTION 3 – Membership Terms**

The LEPC Chair, LEPC Facilitator and Community Right-to-Know Coordinator correspond to specific OEMHS positions and are therefore limited by employment rather than tenure. The Vice-Chair will have a two-year term as specified in ARTICLE IV SECTION 2 b) above.

The additional voting members specified in ARTICLE IV SECTION 1 above will have two-year terms. However, in the first year following approval of this Constitution and By-Laws, they will be appointed to a one-year term in order to stagger their terms with that of the Vice-Chair.

Members may be re-appointed to their respective positions at the discretion of the LEPC Chair in consultation with the voting members.

### **SECTION 4 - Filling of Vacancies**

Vacancies may occur in the general membership of the LEPC due to resignations or removal actions, and at the conclusion of existing members' terms. Recruitment procedures will be initiated to fill the position in accordance with the provisions of ARTICLE IV SECTION 2 above.

### **ARTICLE V: JURISDICTIONAL BOUNDARY**

**The LEPC's Jurisdictional Boundary:**

The Montgomery County LEPC's jurisdictional boundary is all of Montgomery County, Maryland.

### **ARTICLE VI: POWERS AND DUTIES**

## **SECTION 1 – Powers**

Under EPCRA, the LEPC will have the authority to adopt bylaws pertaining to its operation. Acting in consultation with the LEPC, OEMHS has the authority to establish, recommend and carry out enforcement activities; identify additional facilities within the planning district who are subject to the hazardous materials plan and reporting requirements; and draft Executive Regulation(s) for dealing with facilities within the planning district under Montgomery County Fire Safety Code, Chapter 22, as amended.

## **SECTION 2 – LEPC Meetings**

### **A. Regular Meetings**

The LEPC will meet quarterly. A minimum of 72 hours notice will be given to all members of the LEPC, and a public announcement of the meeting date, time, location and the draft agenda will be made in advance of all regularly scheduled LEPC meetings. Minutes of these meetings will be taken, distributed to the membership, and a report will be maintained by OEMHS with the official LEPC records.

### **B. Special Meetings**

The LEPC Chair will have the authority to call a special meeting of the LEPC if he/she determines that a need exists. Minutes of these meetings will be taken, distributed to the membership, and a report will be maintained by OEMHS with the official LEPC records.

OEMHS may conduct a hearing in accordance with Montgomery County Fire Safety Code, Chapter 22, as amended, or Montgomery County Executive Regulation 3-12 AM, to address circumstances related to an identified release of a hazardous material and/or violation of the provisions of Montgomery County Fire Safety Code, Chapter 22, as amended, or Montgomery County Executive Regulation 3-12 AM. In that event, the LEPC will be briefed by OEMHS on the hearing and its outcome within 90 days after a final determination is made. A Special Meeting may be called for this purpose.

## **SECTION 3 – Quorum**

A simple majority of the voting members of the LEPC will constitute a quorum for the purpose of conducting a formal regular meeting.

Standing and Task-Specific Committee meeting quorums will be at the discretion of the Chair of the committee.

## **SECTION 4 – Voting**

**Voting will be conducted in accordance with Roberts Rules of Order (Newly Revised). The Chair or in the absence thereof, the Vice-Chair, shall make a final ruling on all respective decisions. A simple majority verbal vote will carry or defeat a motion. Members may request a written ballot prior to the initial vote.**

#### **SECTION 5 – Removal of a Member**

**Failure of any voting LEPC member or alternate to attend at least 50% of the regular meetings, without an approved excuse by the Chairman, in a twelve (12) month period, will result in notification of termination of appointment.**

**The LEPC Chair may recommend removal of an LEPC member for just cause. A copy of the recommendation will be given to all voting members including the member recommended for removal. Any member subject to removal for just cause has the right to address the LEPC, and shall be given notice prior to the meeting at which a vote for removal would be cast. Removal of the member will be subject to a vote of the majority of the voting members of the LEPC.**

#### **SECTION 6 – Public Information Requests**

**Acting on behalf of the LEPC, OEMHS will provide access to public information as required under SARA Title III during normal office hours. Requests for access shall be in writing. Under the provisions of the Maryland Public Information Act and Montgomery County Executive Regulation 3-12 AM, OEMHS has 30 days within which to respond to such requests. The Community Right-to-Know Coordinator will provide updates to the LEPC at the regular meetings.**

### **ARTICLE VII; FUNDING**

#### **SECTION 1- Handling of Funds**

**All funds, including grants and gifts, received on behalf of the LEPC, shall be accepted and maintained in accordance with County regulations. The LEPC shall be authorized to collect donations to promote its general purposes, training and education, exercises, and other activities. All donations shall be maintained in an account as specified in County regulations.**

#### **SECTION 2 – Grant Applications**

**OEMHS shall be responsible for making grant applications to the SERC and other granting agencies on behalf of the LEPC. OEMHS will make reports regarding the status and acceptance of grants to the LEPC at the regular meetings.**

#### **SECTION 3 – Purchase and Accountability of Goods and Services**

Any goods and services purchased with LEPC funds shall be accounted for in accordance with methods and procedures of Montgomery County. All items purchased or donated to the LEPC will be accounted for and properly marked as LEPC property in accordance with established County procedures and applicable federal and state grant regulations. A listing of all property will be maintained by OEMHS.

## **ARTICLE VIII: PARLIMENTARY AUTHORITY**

### **SECTION 1 – Rules of Order**

The rules contained in Roberts Rules of Order (Newly Revised) shall govern generally the conduct of LEPC meetings and all standing and task-specific committee meetings.

## **ARTICLE IX: AMENDMENTS**

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his/her request in writing to the LEPC through the LEPC Facilitator at OEMHS. Requests shall be made a minimum of 72 hours prior to a regular meeting, stating the portion(s) of the document which he/she wishes to discuss. The requesting member will present their requested change at the meeting. The recommended changes will be posted and will be voted upon at the following regular meeting.

To be approved, amendments must receive a two-thirds majority vote of the voting members present.

**THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE MONTGOMERY COUNTY LOCAL EMERGENCY PLANNING COUNCIL (LEPC), ADOPTED AT THE REGULAR MEETING OF THE LEPC, ON THIS XXth DAY OF OCTOBER, 2017.**

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**EARL STODDARD**  
**LEPC CHAIR**

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**DATE SIGNED**

**Approved as to form and legality:**

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**COUNTY ATTORNEY**

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**DATE SIGNED**