

# **Pitt County Local Emergency Planning Committee (LEPC)**

## **Rules of Operations**

### **ARTICLE I            Name**

The name of this organization shall be the "Pitt County Local Emergency Planning Committee," hereinafter referred to as "LEPC."

### **ARTICLE II           Purpose**

The duties and activities of the LEPC are those set forth by, but not limited to, the Superfund Amendment and Reauthorization Act of 1986 (SARA), also known as the Federal Emergency Planning and Community Right-to-Know Act (EPCRA)

- A.    Establish procedures for reviewing and processing requests for the public for information under Section 324 of the SARA Act.
  - 1.    In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II forms or the Material Safety Data Sheets (MSDS) otherwise in the possession of the LEPC shall be made available to any person submitting a request under this section, subject to any withholding provisions of EPCRA. If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.
  - 2.    All photocopied information requested by the public shall be provided at the sole expense of the requestor(s) at a cost set forth in the Pitt County Policies and Procedures Manual of Fees. This cost assessment may be waived under certain circumstances as enumerated by the LEPC in writing.
  - 3.    All written requests for information shall be complied with in accordance with the Freedom of Information Act.
  - 4.    All requests from the public for information will be handled by the Pitt County Emergency Management Office on behalf of the LEPC.
  - 5.    The Pitt County Emergency Planner/ LEPC Secretary will serve as the Public Information Coordinator.
  
- B.    Establish procedures for receiving and handling Material Data Safety Sheets (MSDS), and Tier I and Tier II information submitted by facilities.
  - 1.    The State Emergency Response Commission has approved E-Plan, an electronic database managed by The University of Texas at Dallas (UT Dallas), for the submission of Tier I and Tier II reports. E-Plan is funded by the U.S. Department of Homeland Security and is a secure web-based program pass word protected.

2. Pitt County Emergency Management has approved the use of E-Plan for the submission of Tier I and Tier II reports from Facilities that need to report and for First Responders to retrieve data concerning these facilities.
    - a. Facilities will create their facility profile with E-Plan and will be allowed only to submit and retrieve Tier II information as it pertains to their facility.
    - b. First Responders will request user rights to E-Plan for the ability to view information submitted by the facilities within Pitt County and will be granted user rights by the approval of the Pitt County Authorizing Authority.
  3. The Pitt County Emergency Management Director and Pitt County Emergency Management Planner are recognized as the Pitt County Authorizing Authority and grant permission to the approved First Responders for their access to the information submitted by facilities within Pitt County.
  4. First Responders may still request a hard copy of the Tier I and Tier II reports from facilities within their jurisdiction, if the First Responder Agency does not have internet access.
- C. The Pitt County Emergency Operations Plan (EOP) is an all hazards plan that has been developed and approved by the Pitt County Board of County Commissioners (BOCC). The EOP is use during times of a disaster or events within Pitt County. (note -- Municipalities within Pitt County may have an adopted EOP or may function under the County's EOP) The Pitt County EOP is reviewed and updated at least annually by Pitt County Emergency Management and any operational changes to the EOP are submitted to the BOCC for their final approval. The role of the LEPC is to work with industry within Pitt County to ensure industries that handle, use, store, manufacture, or transport hazardous materials in Pitt County have been identified and these industries have developed a plan for a hazardous materials incident. The Industry's plan should be consistent with the Hazardous Materials Annex of the Pitt County EOP.
- D. The Pitt County LEPC is not a policy making organization and has no authority except for the authority granted by the Pitt County Board of County Commissioners. The Pitt County LEPC functions as an advisory organization that upon request by a facility, will review the facility plans submitted by the industry and make suggested revisions to the facilities plan to ensure coordination with the Hazardous Materials Annex of the Pitt County EOP. The Pitt County LEPC should assist in some of the following:
1. Identification of facilities that handle hazardous substances and hazardous materials transportation routes.
  2. Review EHS Facility emergency response procedures for on-site and off-site personnel and equipment.
  3. Ensure each industry designates a Facility Coordinator.
  4. Reviews the emergency notification procedures for each industry for reporting any reportable quantity (RQ) releases or incidents to Pitt County Emergency Management.

5. Establish methods for determining the occurrence of a release and the probable affected area and the Hazard/Risk analysis for the facility.
6. Description of community and industry emergency equipment and facilities, and the identity of persons responsible for them.
7. Evacuation plans for the industry.
8. Methods and schedules for facility to exercise their emergency response plans.

### **ARTICLE III          Membership**

#### **Section 1          Members**

The Pitt County Local Emergency Planning Committee shall include, at a minimum, representatives from the following groups or organizations. These members may assign a designee to represent their organization and this designee's will have all rights as the original member.

Elected Official - Pitt County Board of Commissioner  
 County Law Enforcement -- Pitt County Sheriff's Office (PCSO)  
 Municipal Law Enforcement -- Greenville Police Department (GPD)  
 State Law Enforcement -- North Carolina State Highway Patrol (NCSHP)  
 Emergency Management -- Pitt County Emergency Management Office  
 Emergency Planner -- Pitt County Emergency Management Planner  
 Fire Service -- Pitt County Fire Marshal  
 Emergency Medical Services (EMS) -- Pitt County EMS Coordinator  
 Rescue -- Greenville Fire and Rescue (GFR)  
 Public Health/Environmental -- Public Health  
 Hospital - Pitt County Memorial Hospital (PCMH)  
 Transportation -- North Carolina Department of Transportation (NCDOT)  
 Information/Media -- Pitt County Public Information Office (PIO)  
 Community Group -- Pitt County Red Cross  
 Utilities - Greenville Utilities Corporation (GUC)  
 Industry/Business -- Pitt County Industrial Commission  
 Industry/Business - DSM  
 Industry/Business -- Coastal Agro Business  
 Agriculture -- Pitt County Extension Service

#### **Section 2          Appointment and Term**

Members shall be recommended to the Pitt County Board of Commissioners annually by the LEPC to ensure representation of the above groups or organizations. The Pitt County Board of Commissioners will approve and submit the positions/names to the NC State Emergency Response Commission (SERC). Members shall serve a one-year term and may be reappointed for additional terms at the discretion of the appointing authority on an annual basis.

Section 3 Inactive Members

Appointed members shall be considered inactive when they miss more than two consecutive LEPC meetings without notification to the Chairperson or staff liaison.

Section 4 Removal of Members

Members of the LEPC may be removed by the Executive Committee upon recommendation of the Chairperson after having missed more than two consecutive LEPC meetings without notification to the Chairperson or staff.

Section 5 Designated Representatives

An absent member may request approval from the Chairperson to name a replacement representative having full voting rights.

Section 6 Ex-Officio Members

Any member in this category will be exempt from attendance requirements and will not have voting rights. They will be included on the LEPC as an important resource based on the elected positions that they hold.

Section 7 Performance

The Chairperson shall make various task assignments. Members may be removed from the LEPC upon recommendation to the Chairperson, following a majority vote of the Executive Committee, for failure to perform assigned tasks in a satisfactory manner.

**ARTICLE IV      Officers**

Section 1 Named

The officers of the LEPC shall consist of a Chairperson (Director of Emergency Management or designee), a Vice Chairperson, and a Secretary.

Section 2 Election and Term

At the first meeting of each calendar year, the LEPC shall elect from its own membership a Vice Chairperson, and Secretary who will serve a one-year term or until his/her death, resignation, retirement, removal, disqualification, or until a successor has been elected and qualified.

Section 3 Vacancies

The LEPC shall fill vacant officer positions to serve the remainder of the unexpired terms.

**ARTICLE V            Duties of the Officers**

Section 1            Duties of the Chairperson

The Director of Pitt County Emergency Management (or designee) shall serve as the Chairperson of the Pitt County LEPC. The Chairperson shall preside at all meetings of the LEPC, preserve order during its meetings, appoint all subcommittees, serve as an ex-officio member of such committees, and sign all documents connected with the work of the LEPC requiring signatures.

The Chairperson pending appropriate County government approval will accept all grants and donations to the LEPC.

Section 2            Duties of the Vice Chairperson

In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson, and when so acting, shall have the powers of the Chairperson. He/she shall exercise such duties as from time to time may be assigned to him by the Chairperson or the LEPC.

Section 3            Duties of the Secretary

The secretary shall have charge of all books, paper, records, and other documents of the LEPC and keep a summary of all meetings of the LEPC. In the absence of both the Chairperson and Vice Chairperson, he/she shall perform the duties of the Chairperson, and when so acting, shall have all the powers of the Chairperson.

**ARTICLE VI            Meetings**

Section 1            Regular Meetings

The LEPC should meet at least once a calendar quarter for regular meetings. (First Tuesday of the second month of each quarter)

Section 2            Special Meetings

The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the LEPC.

Section 3            Quorum

A quorum shall consist of voting members present at a regular meeting, but should be no fewer than six voting members including the Chairperson. A quorum shall be required to transact business.

Section 4      Agenda

Any member may request the Chairperson to place an item on the agenda. If the Chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with supporting signatures of three members.

Section 5      Rules of Order

Robert's Rules of Order shall govern the deliberations of all meetings of the LEPC and its various subcommittees.

Section 6      Notice of Meetings

Notice of the time, place, and agenda items to be considered at each meeting as well as the meeting summary of the previous LEPC meeting shall be given in writing and sent to all members prior to each meeting.

Any matters not appearing on the agenda may be considered upon a favorable vote of a majority on the members present to do so. Notice of special meetings and intended agenda items shall be sent to all LEPC members in writing or by phone at least seven days in advance of any special meeting. Notice to the public shall be in accordance with North Carolina law.

Section 7      Program

Efforts will be made to provide a fifteen to twenty minute informative program each meeting that deals with topics of interest.

**ARTICLE VII                      Reports and Recommendations**

Section 1      Annual Report

The LEPC shall produce an annual report every January describing its activities for the preceding calendar year. A copy of the report will be provided to the Pitt County Board of Commissioners and the State Emergency Response Commission (SERC).

Section 2      Review of Draft Reports

A draft of any proposed report shall be circulated to all the LEPC members prior to consideration by the members at a regular scheduled meeting.

Section 3      Issuance of Reports

No reports of any kind shall be released in the name of the LEPC unless and until it has been duly adopted by a favorable vote of a majority of the members of the LEPC.

**ARTICLE VIII**

**Amendments**

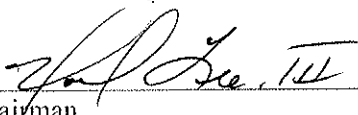
The LEPC may make suggestions or recommendations for Amendments to the Pitt County LEPC Rules by a vote of a simple majority (51%) of the members present at a duly called meeting, where there has been advertisement that the rules would be discussed for amendments.

**ARTICLE IX**

**Ratification Provisions**

These Rules are duly adopted by the Pitt County Local Emergency Planning Committee this the 1st day of February, 2011 in Greenville, North Carolina and replaces all prior versions.

Pitt County Local Emergency Planning Committee

  
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Chairman

Date: 2-1-11