

Alaska Local Emergency Planning Committee (LEPC) Handbook

May 2013

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Section One: Introduction

History and Background

This handbook is designed for Local Emergency Planning Committees (LEPC) in the State of Alaska. The LEPC is a product of federal legislation passed in the wake of the 1984 Bhopal disaster in India, where thousands of people died due to an accident involving hazardous chemicals.

To prevent similar occurrences in our communities, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), in 1986.

EPCRA establishes requirements for businesses and for federal, state, and local governments regarding emergency planning and community right-to-know (CRTK) reporting for hazardous chemicals. The CRTK provision in EPCRA helped increase awareness about the presence of chemicals in their communities and releases of these chemicals into the environment.

The Alaska State Legislature also enacted CRTK laws consistent with federal law. As a result, Alaskan communities, working with industry, are better able to protect public health and the environment. Alaska Congress enacted EPCRA regulations to benefit communities. Two main goals of this law are to:

- Provide a basis for each community to develop and tailor a chemical emergency planning and response program to suit the community's needs, and
- Provide the public with a right-to-know attitude to identify, quantify, locate, and determine the physical and chemical properties of hazardous substances in the community.

Why this Handbook?

The Alaska Division of Homeland Security and Emergency Management, local agencies, and Alaskan industries are involved in cooperation with local communities to make EPCRA and related state laws effective. However, the ultimate responsibility for the success of EPCRA rests with the local jurisdictions and the LEPC's that serve them. The LEPCs are the link between citizens, industry, and the local government. Since LEPCs are often the most familiar with the hazards in their community, and because local citizens tend to be the first responders for chemical emergencies, LEPCs are in the best position to assist local governments in developing plans to respond to hazardous material emergencies. LEPC's have used this connection with their community to expand beyond hazardous material emergency planning to take an all-hazard approach to planning, recognizing that the response to one type of emergency will be very similar to the response to other emergencies. This handbook has been developed to provide LEPCs with the guidance needed to make EPCRA work.

Section Two: State Emergency Response Commission

Purpose

Federal legislation requires each state to have a State Emergency Response Commission (SERC) and outlines its duties. In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA) which deals with emergency response planning, and community right-to-know regarding hazardous materials (HAZMAT). SARA is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). It was enacted to prevent hazardous material tragedies, such as the chemical plant accident in Bhopal (India) and the nuclear power plant accident in Chernobyl (USSR), from occurring in the United States. SARA establishes requirements for federal, state, and local governments, Indian tribes, and industry regarding emergency planning and "Community Right-to-Know" (CRTK) regarding hazardous materials.

To comply with this Federal legislation, the Alaska Legislature passed [Alaska Statutes 26.23.071 and 26.23.073](#). These statutes establish a SERC, Local Emergency Planning Districts (LEPD), and Local Emergency Planning Committee's (LEPC).

SERC Chronology

Dates	Events
1986	The U.S. Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA), as Title III of the Superfund Amendments and Reauthorization Act (SARA). Section 301 mandated two levels of planning within each state: state emergency response commissions (SERCs) and local emergency planning committees (LEPCs). Governors were to establish SERCs by April 17, 1987; the SERCs were to establish local emergency planning districts (LEPDs) by July 17, 1987, and appoint members to LEPCs for each district by August 17, 1987.
1987	In accordance with SARA, Governor Cowper functioned as the SERC until he formally established that commission by Administrative Order 103 in 1987.
1990	The passage of Alaska House Bill (HB) 566 established the SERC's membership and duties in statute, and put the SERC and LEPCs under the purview of the Department of Environmental Conservation
November 1990	The SERC defined its mission: ". . .to protect public health, safety, property and the environment by ensuring effective and efficient use of resources to plan for and respond to natural and technological disasters. . . to foster coordination at the local, state and federal levels, and provide preparedness and response information to all interested persons" (Article II, SERC By-Laws).
1991-1994	In 1991 the SERC voted to use its combined expertise to look beyond the mandated oil and hazardous substance release threat and expanded its focus to include all hazards. This decision was based on the rationale (also expressed in reports from other states) that many of the considerations addressed for a hazardous substance release similarly apply to many other hazards. Because the SERC lacked the statutory authority to involve itself in all-hazards emergency management, and since the Oil and Hazardous Substance Release Prevention and Response Fund was only available for the SERC's activities relating to the management of oil and hazardous substance releases, the SERC's decision was put on the "back burner."
August 1994	The passage of Alaska Senate Bill (SB) 33 put the SERC and the LEPCs under the purview of the Department of Military and Veterans Affairs (DMVA) and broadened the SERC's authority to review and make recommendations regarding any area of the State's capability to respond to a catastrophic event.
April 1996	The SERC conducted internal strategic planning, revised its meeting administration and amended its mission statement: "The SERC exists to ensure State, Federal and local emergency planning and preparedness is established, integrated and mutually supporting."

Composition

AS [26.23.071](#), Alaska State Emergency Response Commission

(b) The commission consists of the commissioners of commerce, community, and economic development, environmental conservation, fish and game, health and social services, labor and workforce development, natural resources, public safety, and transportation and public facilities, or the designees of the commissioners, the adjutant general of the Department of Military and Veterans' Affairs or a designee, and seven members of the public appointed by the governor, two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly rural in character and two of whom must be members of a local emergency planning committee for an emergency planning district that is predominantly urban in character. Two of the other three members of the public who are appointed to the commission must be members of the governing body of, or the mayor of, a political subdivision that has a local emergency planning committee or a person who, in the opinion of the governor, is otherwise appropriate to represent the political subdivision. The United States Department of Defense - Alaska Command, the Federal Emergency Management Agency, the United States Environmental Protection Agency, and the United States Coast Guard may each appoint a representative to serve on the commission in an ex-officio, nonvoting capacity. To the extent practicable, the commission must include members with expertise in the emergency response field.

Roles and Responsibilities

AS [26.23.071](#), Alaska State Emergency Response Commission

(e) The commission shall:

- (1)** Serve as the state emergency response commission required under [42 U.S.C. 11001 - 11005](#);
- (2)** Facilitate the preparation and implementation of all emergency plans prepared by state agencies under other authorities; the statewide, interjurisdictional, and local plans prepared under this chapter; and the state and regional plans prepared under AS [46.04.200 - 46.04.210](#);
- (3)** Review plans described in (2) of this subsection according to the criteria established in AS [26.23.077](#) ;
- (4)** Designate, and revise as necessary, the boundaries of emergency planning districts under AS [26.23.073](#) ;
- (5)** Establish an LEPC under AS [26.23.073\(d\)](#) for each emergency planning district;
- (6)** Supervise and coordinate the activities of local emergency planning committees;
- (7)** Establish procedures for receiving and processing requests from the public for information under [42 U.S.C. 11044](#), including tier II information under [42 U.S.C. 11022](#); procedures established under this paragraph shall designate the Department of Environmental Conservation as the state agency to receive and process these requests on behalf of the commission;
- (8)** Review reports about responses to disaster emergencies and make recommendations to the appropriate parties involved in the response concerning improved prevention and preparedness;
- (9)** Perform other coordinating, advisory, or planning tasks related to emergency planning and preparedness for all types of hazards, community right-to-know reporting, toxic chemical release reporting, or management of hazardous substances;
- (10)** Recommend procedures to integrate, as appropriate, hazardous substance response planning under [42 U.S.C. 11001 - 11005](#), federal contingency planning under [33 U.S.C. 1321](#) and other federal laws applicable to hazardous substance discharges, and state, regional, and local planning under this chapter and AS [46.04.200 - 46.04.210](#);
- (11)** To the extent consistent with the constitution and law of the state, perform all other functions prescribed for state emergency response commissions under 42 U.S.C. 11001 - 11005; and
- (12)** Adopt regulations necessary to carry out the purposes of AS [26.23.071 - 26.23.077](#) and [42 U.S.C. 11001 - 11005](#).

SERC Committees and Subcommittees

The SERC has established the following as standing committees: Finance Committee, All-Hazards Plan Review Committee, Training Committee, Interoperable Communications Committee, Citizen Corps Committee, Alaska Intrastate Mutual Aid System Committee, and Disaster Search and Rescue Committee. The SERC may modify or eliminate these committees and establish such other committees as it determines is necessary. Each committee may adopt and modify its own internal procedures by majority vote of the members at a meeting at which a quorum is present. Each committee shall keep written notes showing action taken by the committee. Each committee may schedule meetings as necessary to conduct their business. Composition of committees is as identified in this manual. Committee chairs are appointed by the SERC. Other committee members are selected by the committee's chair. Committee members are normally members of the SERC or an LEPC. If unique expertise is required, the committee chair may select a member from other resources. When a vacancy occurs, the committee chair will solicit volunteers from the SERC or LEPC's. The committee's chair will inform the SERC of changes in membership. Unless there is an objection by a majority vote of the SERC, a committee member selected by a chair is approved without a vote of the SERC.

****For further information on SERC Committees and Subcommittees reference the *Policies and Procedures Manual of the Alaska State Emergency Response Commission and Local Emergency Planning Committees* by going to the following link:**

- [SERC/LEPC Web Page](#)



Then select the Policies and Procedures Manual from the list on the left side.

Section Three: Local Emergency Planning Committee Association

Purpose

Alaska's Local Emergency Planning Committee Association (LEPCA) was founded to create a forum of Local Emergency Planning Committees (LEPCs) throughout Alaska dedicated to improving communication and cooperation between LEPCs to enhance the local, regional and statewide disaster planning efforts. The LEPCs will work together to discuss issues of relevance to our efforts; to develop methods to present all of our positions accurately to the state government and others when we deem it necessary; and to help each other when possible.

Local Emergency Planning Committee Association Goals

- Seek full and direct grant funding to LEPCs through Alaska Division of Homeland Security and Emergency Management (DHS&EM).
- Enhance public awareness, i.e., "What are LEPCs" and "What are their powers and duties."
- Strive for statewide "Level A" response capabilities through agreements or contracts with qualified responders.
- Support the establishment of a statewide household hazardous waste program through Alaska's Department of Environmental Conservation (DEC).
- Increase local participation in training programs and exercises.
- Promote political subdivision equipment upgrades and replacements for emergency response purposes.
- Support statewide communications capability, i.e., emergency telephones, satellite telephones and radio interoperability.
- Encourage the development and maintenance of local community response teams.

****For further information on LEPC Association reference the *Alaska Local Emergency Planning Committee Association Resolution NO.2010-01* by going to the following link:**

- [LEPC Web Page](#)



Then Scroll down until you see LEPC Association and select Bylaws below that.

Section Four: Local Emergency Planning Committee

Purpose

Local Emergency Planning Committees (LEPCs) work to understand the hazards in the community, develop emergency plans in case of an accidental release or natural disaster, and look for ways to prevent accidents. The role of an LEPC is to form a partnership between local governments and industries to enhance all-hazards preparedness. The local government is responsible for response planning and training within their jurisdiction.

This includes:

- Ensuring the local hazard analysis adequately addresses all-hazard incidents;
- Incorporating planning for HAZMAT incidents into the local emergency management plan and annexes;
- Assessing capabilities and developing response capability using local resources, mutual aid and contractors;
- Training responders; and
- Exercising the plan

Industry must be a part of this planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for:

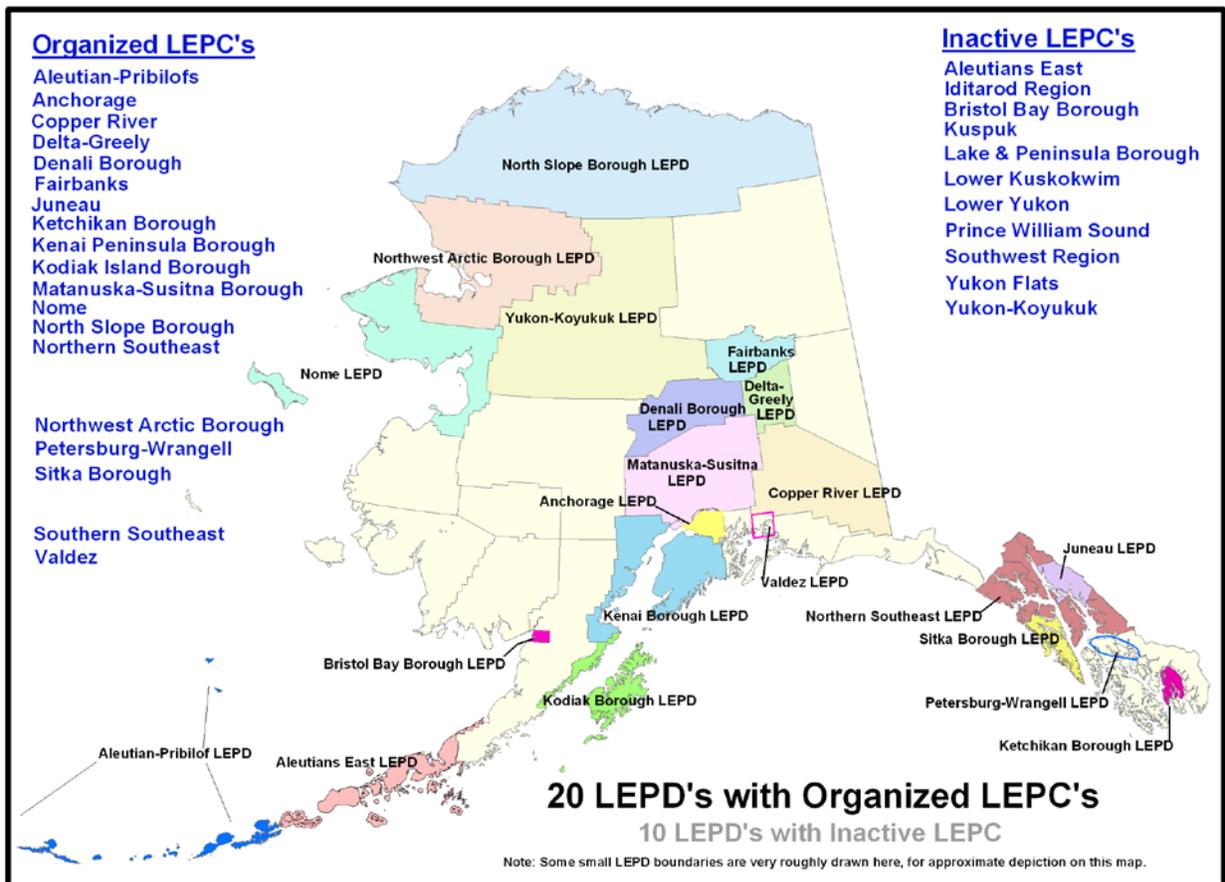
- Identifying a facility emergency coordinator;
- Reporting HAZMAT inventories annually to the State Emergency Response Commission (SERC), LEPC, and local fire department;
- Providing Safety Data Sheets (SDS) or a list of hazardous chemicals;
- Allowing local fire departments to conduct on-site inspection of HAZMAT facilities; and
- Providing annual report of toxic chemicals released to EPA and the State.

LEPCs are crucial to local hazard planning and community right-to-know (CRTK) programs. Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the district. The membership comes from the local area and should be familiar with factors affecting public safety, the environment, and the economy of the community. In addition to its formal duties, the LEPC serves as a focal point in the community for information and discussions about emergency planning and health and environmental risks. Communities will expect the LEPC to reply to questions about hazards and risk management. The following LEPCs and LEPCs are formally recognized by the SERC:

- | | |
|----------------------------------|-------------------------------------|
| • Aleutians East Borough LEPC* | • Lower Kuskokwim LEPC* |
| • Aleutian–Pribilof Islands LEPC | • Lower Yukon LEPC* |
| • Anchorage LEPC | • Matanuska–Susitna Borough LEPC |
| • Bristol Bay Borough LEPC* | • Nome LEPC |
| • Copper River Basin LEPC | • North Slope Borough LEPC |
| • Delta–Greely LEPC | • Northern Southeast LEPC (Skagway) |
| • Denali Borough LEPC | • Northwest Arctic Borough LEPC |
| • Fairbanks Area LEPC | • Petersburg–Wrangell LEPC |

- Greater Ketchikan Area LEPC
- Iditarod Region LEPC*
- Juneau LEPC
- Kenai Peninsula Borough LEPC
- Kodiak Island Borough LEPC
- Kuspuk LEPC*
- Lake and Peninsula Borough LEPC*
- Prince William Sound LEPC*
- Sitka LEPC
- Southern Southeast LEPC (Craig)
- Southwest Region LEPC*
- Valdez LEPC
- Yukon Flats LEPC*
- Yukon-Koyukuk LEPC*

* Denotes inactive or no LEPC



Roles and Responsibilities

As mentioned in Section I, the Emergency Planning and Community Right-to-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and planning activities for matters pertaining to hazardous materials. LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs are listed below. The citations are from [EPCRA-public law 99-499](#) and Alaska Statute [26.23.073](#)-Emergency Planning Districts and Committees.

AS [26.23.073](#). Emergency Planning Districts and Committees.

(g) Each local emergency planning committee shall

- (1)** Establish procedures for receiving and processing requests from the public for information under [42 U.S.C. 11044](#), including tier II information under [42 U.S.C. 11022](#);
- (2)** appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information;
- (3)** Prepare and periodically review an emergency plan in accordance with [42 U.S.C. 11003\(a\)](#) in a manner that includes coordination with the political subdivisions covered by the plan;
- (4)** Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and submit recommendations to the political subdivisions in the emergency planning district with respect to the resources that may be required and the means for providing the resources;
- (5)** To the extent consistent with the constitution and law of the state, perform all other functions prescribed for emergency planning committees in [42 U.S.C. 11001 - 11005](#);
- (6)** To the extent considered advisable by the committee, make recommendations to political subdivisions, representatives of interjurisdictional disaster planning and service areas, and state agencies about the preparation of local, state, and interjurisdictional plans; and
- (7)** Serve as an advisory committee to the political subdivisions within the emergency planning district or the interjurisdictional planning and service area established under AS [26.23.070](#) with respect to emergency planning, training, and response.

A state agency represented on the Commission shall, upon request, provide technical assistance to a Local Emergency Planning Committee in the performance of its duties under this section.

Additional LEPC Responsibilities

LEPC's:

- Shall appoint a chairperson, a project manager, and establish rules by which the committee shall function ([EPCRA-section 301\(c\)](#)) and ([AS 26.23.073\(g\)2](#)).
- Rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, and response to such comments by the committee. Other considerations the LEPC should make in rulemaking are:
 - Term of office
 - Removal from the LEPC
 - Authority of the LEPC

See Annex A for an Example of LEPC Bylaws

- Shall notify the SERC of nominations for changes in the LEPC membership. The LEPC shall notify the SERC of address changes for LEPC chairpersons.
- Shall annually publish a notice in local newspapers that the emergency management response plan, MSDS, follow-up release notifications, and that inventory forms have been submitted ([EPCRA-section 324\(b\)](#)).



- The LEPC shall notify the SERC of nominations for changes in the makeup of the committee. Nominations must be submitted in written form. A current membership list should be sent to the SERC on an annual basis to be considered “active”. Notify the SERC of address changes for LEPC Chairperson.

LEPC Structure

LEPC Membership: The LEPC, as is the case for the SERC, must have membership representation from a cross-section of the community it serves.

AS [26.23.073](#). Emergency Planning Districts and Committees.

(d) The commission shall appoint the members of a local emergency planning committee for each emergency planning district established under (a) and (b) of this section.....Except as provided in (e) of this section, each committee must include, at a minimum, representatives of each of the following seven categories:

- (1)** Elected local officials;
- (2)** Law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel;
- (3)** Broadcast or print media;
- (4)** Community groups;
- (5)** Owners and operators of facilities subject to the requirements of [42 U.S.C. 11001 - 11005](#);
- (6)** Representatives of a local or interjurisdictional disaster planning and service area if one has been established that includes part of the district; and
- (7)** Members of the public that are not described in (1) - (6) of this subsection.

(e) If advertisement and the commission's own initiative do not result in the acceptance of appointment to a committee by at least one person from a category under (d)(1) - (7) of this section, the requirement of (d) of this section that there be representation of that category on that committee is suspended until sufficient willing appointees become available.

A single member may represent more than one of the above groups or organizations. Likewise, a group may be represented by more than one member. There is no law regulating the maximum number of members on an LEPC. Ideally, members should be interested in emergency programs and community right-to-know activities. Because the LEPC's members represent the community, they should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise will be essential as the LEPC develops a plan tailored to the needs of the community.

Involving individuals who have expertise in areas of LEPC concerns as "at-large members" can be very effective. Although not official members, they can expand the LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

An LEPC should work with each political subdivision in the LEPC to maintain committee representation and membership that satisfies statutory requirements ([AS 26.23.073\(d\)](#) and [42 U.S.C. 11001\(c\)](#), discussed above) and that maximizes the expertise on the LEPC. The LEPC is responsible for advertising openings on the LEPC and submitting names of candidates for membership to the appropriate principal executive officer(s) within the LEPC for recommendation to the SERC.

LEPC Appointments

The LEPC shall appoint a chairperson and may appoint a vice-chairperson and other officers. A term of office should be set, but may vary in length according to the needs of each LEPC. The chairperson can be any LEPC member.

Some LEPCs have chosen political leaders; others have selected chairpersons from emergency management, environmental groups, industry, or civic organizations. Important factors to consider are the leader's availability, credibility, management skills, commitment to the program, and respect from other LEPC members and the community.

EPCRA requires the LEPC to appoint an information coordinator. In Alaska the duties associated with this position are normally filled by the LEPC project manager. The project manager/information coordinator's job is to process requests from the public for information under [EPCRA-section 324](#), including Tier II information under [EPCRA-section 312](#). The project manager can also assist other committee members.

Positions not required by law, but which have proven useful are: vice-chairperson, secretary-treasurer, and chairpersons of standing committees.

Involving individuals who have expertise in areas of LEPC concern as "at large members" can be very effective. Although not official members, they can expand the LEPC knowledge base significantly. These individuals need not be carried on official LEPC membership rosters.

All members of the LEPC are bound by State of Alaska ethics regulations.



The SERC is responsible for approving all LEPC appointments; the LEPC is responsible for maintaining a current list of member. Under [AS 26.23.073\(f\)](#) and [42 USC 11001\(d\)](#), any interested person may request the SERC to change the membership of an LEPC. The SERC must consider the recommendations of political subdivisions under [AS 26.23.070\(d\)](#), follow the requirements for representation of categories of groups in [AS 26.23.073\(d\)\(1\)-\(7\)](#), and will comply with the requirements of this manual for notification of its decision for LEPC appointments contained in these policies. The SERC will, within 30 days after the meeting at which the request is considered, issue its decision in writing to the petitioning individual, the affected LEPC, the affected LEPCs principal executive officers.

LEPC Subcommittees

Dividing the work among subcommittees can facilitate planning and data management. Subcommittees allow members to specialize and help the process move forward more quickly, because the LEPC can work on several projects at one time. The appointment of a subcommittee chairperson may help to ensure work progresses efficiently.

The number and type of subcommittees an LEPC creates depends solely on the needs of the LEPC and its members. Subcommittees may be formed and disbanded as occasions arise to accomplish initial and on-going tasks. Subcommittee membership need not be limited to LEPC members. The LEPC is encouraged to invite persons from various sectors of the jurisdiction for additional input and enhanced expertise.

In determining the type and number of subcommittees to establish, the LEPC should examine a number of factors regarding current LEPC status and future expectations and goals.

For example, LEPC members should try to answer the following questions:

- What are the goals of the LEPC this year?
- Do certain topics require significant discussion / research?
- Is it necessary to establish subcommittees, and if so, are there enough people, expertise, and leadership among LEPC members to maintain subcommittees?

In larger LEPCs, subcommittee chairpersons may sit on an executive committee with the LEPC chairperson. The LEPC might appoint subcommittees for the following:

- Gathering and reviewing existing community and facility emergency plans annually;
- Coordinating emergency response capabilities of LEPC member organizations;
- Checking existing response equipment in the community;
- Identifying financial resources;
- Coordinating with other LEPCs and the SERC;
- Conducting a hazard analysis;
- Managing and providing information for citizens;
- Providing information to facilities; and
- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public.

Suggested subcommittees for the LEPC are:

- A **planning subcommittee**, whose responsibilities may include:
 - Developing and assisting in the revision of the hazardous material response portion of the emergency operations plan;
 - Establishing a vulnerability zone determination methodology;
 - Reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with extremely hazardous substances (EHS); and
 - Reviewing the LEPC plan annually.
- A **public information subcommittee**, whose responsibilities may include:
 - Writing and publishing public notices;
 - Establishing an information retrieval system; and
 - Performing citizen/neighborhood outreach to inform them of plans and other information that is available.

- A **training and exercising subcommittee**, whose responsibilities may include:
 - Conducting a training needs assessment;
 - Requesting training grants to provide needed training;
 - Coordinating training programs; and
 - Establishing an exercise schedule.

Once an assessment has been done by the LEPC and basic subcommittees have been formed, the LEPC may desire to create additional subcommittees to respond to expand needs / ideas generated from the current LEPC membership. Some examples include:

- An **executive subcommittee**, whose responsibilities may include:
 - Appointing chairpersons for each subcommittee;
 - Developing LEPC long-term goals;
 - Tending to LEPC member needs;
 - Reviewing LEPC membership terms and soliciting volunteers to fill vacancies;
 - Being familiar with state, local, and federal laws which impact the hazardous material planning process; and
 - Developing a work plan with timetables for the other subcommittees.
- A **resource development subcommittee**, whose responsibilities may include:
 - Researching the community's resources for emergency response (e.g., various types of equipment, facilities, and expertise available);
 - Identifying alternative resources upon which the community may draw in time of emergency or disaster;
 - Updating the local resource inventory;
 - Assisting in the completion of the State GAP Analysis;
 - Identifying other volunteer or in-kind assistance contributions (e.g., private sources such as local business /industry, non-profit agencies, etc.), which may be used for various types of response.
- A **finance subcommittee**, whose responsibilities may include:
 - Management of the LEPC budget; and
 - Examining and recommending the use of funds.
- A **business/industry outreach subcommittee**, whose responsibilities may include:
 - Developing initiatives that will encourage active participation by the community's commercial businesses and industrial facilities.

Updating reports on sub-committee meetings can be made at the regularly scheduled LEPC meetings.

LEPC By-laws

Rules or by-laws for the LEPC should be established as set forth in Alaska State Statute [26.23.073](#) and [EPCRA-section 301](#), which states each LEPC is required by law ([AS 26.23.073\(g\)\(2\)](#) and [42 U.S.C. 11001\(c\)](#)) to appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public advertising of positions available on the committee, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information. In establishing their rules of operation, each LEPC should consider how it will perform its required duties listed in [AS 26.23.073\(g\)](#). To assist an LEPC, upon request SERC staff will provide example bylaws and/or rules of operation adopted by other LEPCs and assistance in adopting appropriate rules of operation. The by-laws should include the following minimum provisions:

- Public notification of committee activities;
- Public meetings to discuss the emergency plan;
- Public comment and response to these comments;
- Distribution of the emergency plan; and
- Election of officers.

A sample of LEPC bylaws is provided for your information in Annex A.

LEPC Meetings

The frequency of LEPC meetings is not mandated. In order to keep the LEPC functioning effectively, regularly scheduled meetings which address diverse issues and work toward progress on key concerns are essential. Circumstances may change frequently, along with key phone numbers and contacts. Regular meetings also offer the opportunity for the LEPC to broaden its role in the community.

A meeting of the LEPC is subject to the Alaska Open Meetings Act [AS 44.62.310](#). LEPCs should confer with their city or borough attorney on the requirements of Open Meetings, as appropriate. Meetings should follow an organized format, such as [Robert's Rules](#), or some other guidelines. A well-planned agenda is an important tool for conducting effective meetings. The agenda should identify specific issues to be discussed at the meeting.

If time constraints are a factor, each agenda item may be assigned a time limit. The key to this strategy is adhering to the time limit assigned for each issue. Each committee member should be sent, if feasible, a copy of the agenda one-to-two weeks prior to the scheduled meeting. Additionally, LEPC's could send any information pertinent to the upcoming meeting along with the agenda.

This way, members can prepare themselves for the meeting in advance and meetings should be more productive. Again, LEPC chairpersons should determine how requirements under state meeting rules apply to LEPC meetings. Posting of meeting times and locations, oral public comments, and recording of meeting minutes may all be subject to state rules.

LEPCs are encouraged to seek topics, speakers, invitations from facilities and response organizations and opportunities to expand knowledge from a wide variety of sources. While LEPCs should strive to establish a regularly scheduled meeting, LEPCs can also benefit from moving meetings to different locations and times. Some LEPCs meet at industry sites where a regular meeting is held, followed by a tour of the site's operations. This has proved to be a very successful LEPC activity for those LEPCs who have embraced the "facility visit" approach. Additionally, meetings may be held alternatively during the day and evening to accommodate the needs of committee members and the interested public.

Section Five: Local Emergency Planning Committee Activities

To satisfy the letter of the law, LEPCs need only to do what is listed in the section of this book about duties and responsibilities. But there is much more that needs to be done. Often, LEPCs are the only conduit in the community for issues concerning hazardous materials, which are a focal point for county or municipal government, industry, schools, and concerned citizens. Indeed, LEPCs can do much to safeguard the health and welfare of the citizens within their jurisdiction by undertaking projects or activities enhancing the public awareness of, and government's capability to respond to, hazardous materials incidents.

The following is a list of activities LEPCs across the state have undertaken, often at little cost, but all with large benefits. Also these projects are eligible for partial or full funding under the DHS&EM managed Hazardous Materials Emergency Preparedness (HMEP) federal grant program. The list of activities noted below is not all-inclusive, but does provide examples of useful projects.

Preparedness Activities

This category supports LEPCs baseline goals of increasing awareness of and planning for chemical and all-hazards events, well as helping their communities prepare and mitigate through planning and preparedness for potential events. This includes:

LEPC sponsored exercises: Tabletop exercises held in conjunction with a regularly scheduled LEPC meeting that test plans previously reviewed or in the process of review and approval by the state.

Hazards/Vulnerability/Capability Assessments: In its simplest form, a way to find out what/where the HAZMAT threat is, who is vulnerable, and what capability exists to respond to an incident.

Hazard/Threat Assessment: Includes local industry required to report under EPCRA, propane facilities, bulk fuel storage facilities, and other fixed facilities. Also, don't forget about the transportation related threats traveling along roads, railroads, and airports plot them on a map, determine the most hazardous chemical at that location, and what the worst case effects are of a release of that chemical. Then draw a circle around that facility equal to a distance a chemical "plume" or other effect like a blast shock wave would travel.

Vulnerability Assessment: Look at census data, or other information available to determine who and what lies within the vulnerability circles noted above. Look for any special cases like schools, nursing homes, shopping malls, as well as neighborhood populations.

Capability Assessment: Look at what the jurisdiction has to respond to the threat, Look at not only county or municipal assets like fire departments, HAZMAT teams, law enforcement,

emergency medical and other government owned assets, but also private industry may have response teams or equipment. Plot these on the hazards map.

Once all the plotting is completed, look at the whole picture to find any deficiencies in response. Then make plans to fix them.

Hazardous Materials Commodity Flow Studies: This is conducted to provide detailed information about the type, quantity, volume, and spatial distribution of hazardous materials traveling through your counties by over-the-road carriers and rail. This information is necessary for detailed emergency planning activities by your county's emergency response agencies. The first step is determining the routes to be studied. This can be a major highway through the county or city, or a heavily traveled road through high population areas. Railroad studies are also useful since they often run through high population areas and city centers. The second step is developing a survey schedule covering different days of the week, different times of day, and over a long enough period of time to ensure peak and off-peak traffic. The third step is to determine what methods you will use to collect the information. You can have teams stationed in safe locations along the routes using binoculars for placard surveys. You can also use vehicle manifest surveys, and train car manifest surveys. The fourth step is conducting the survey and compiling all of the information showing what types of hazardous materials, the quantities, frequencies and locations of where they are transported. A vulnerability study could also be done along your routes to determine what populations are at risk.

Facility Surveys/Visits: A program whereby LEPC members visit facilities to determine specifically where hazardous materials are located at the site, what response capabilities the facility has, access and exit routes, etc. This is particularly useful if members of the fire department servicing that facility participate. Also, facility surveys are useful to determine if that facility must report under EPCRA requirements.

Hazardous Materials Reference Libraries: Acquire and maintain reference materials concerning hazardous materials. Such publications as the NIOSH series of chemical guides handbooks of reactive chemicals, chemical desk references, NFPA HAZMAT Response Guidebooks, as well as many others provide an excellent reference source for your fire departments or HAZMAT team.

Establish and Maintain a Tier II Data Base: One EPCRA requirement is LEPCs must be a repository for chemical reports (Tier II forms) provided by those facilities that are required to report their holdings. A useful project is to keep an automated database of these reports which enables quick reference in case of an incident. The new CAMEO (Computer-Aided Management of Emergency Operations) software can be downloaded from the following website of the EPA's Emergency Management:

- <http://www.epa.gov/emergencies/content/cameo/index.htm>.

LEPC Sponsored Training: Certain preapproved, nonresponse training for the LEPC and the community held in conjunction with a regularly scheduled LEPC meeting.

Outreach and Information Activities

Public outreach activities equal preparedness activities in importance. The public also has responsibilities in all hazard response and they need to be reminded of what those responsibilities are, as well as informed of jurisdictional/ regional HAZMAT capabilities.

Note: The Outreach Category supports the committee's baseline goals of public involvement in the emergency planning process, CRTK, and all hazards awareness.

Brochures, Pamphlets and Videos: Media campaigns to increase awareness of chemical and all hazards: public service announcements, camera ready materials, website support, and newsletters. Annually publishing notice of public availability of CRTK data

Public Displays: Outreach activities and public events; booth displays; event backdrops or signs; displays and demonstrations; and informational materials such as brochures/flyers. An example of a display/demonstration is showing what a preparedness kit looks like for an individual, work, or family (small, medium, large).

Promotional Items: During outreach activities is a great opportunity to provide the community with promotional items that have the LEPC name and if possible the logo, phone contact, website, and/or sponsored by statement (see the Don't Forget note below). The following are examples of what is approved, requiring pre-approval, and not approved:

- Approved items: magnets, pens, pins, patches, whistles, plastic bags (carry brochures, promotional items), brochures, emergency guides, pamphlets, etc
- Items requiring pre-approval from DHS&EM: tote bag, water bottle, USB drive, flashlights or emergency key chain lights, vial of life, etc
- Items not approved: clothing, headwear, flashlights larger than keychain size, food, etc

Public Service Announcements (PSAs): Publishing notices of LEPC activities, and public notification of committee activities. Examples: Newspaper stories, and PSAs about LEPC activities, 'Hazardous Materials Tip of the Week' radio spots, etc.



Print advertising (brochures, pamphlets, videos, flyers, postcards, PSAs, etc.) should include the grant funding source ex: *This ad paid for by _____ LEPC with a grant from the State of Alaska, Division of Homeland Security and Emergency Management.*

LEPC Web Sites: Websites can be a great way to inform the public about the LEPC by posting LEPC meeting minutes, by-laws, brochure information, and links to other HAZMAT oriented sites. You could also have a portion of the site dedicated to industries to electronically file required EPCRA reports.

Hazardous Materials Amnesty Day: Sponsor an activity with community partners where the public can turn in HAZMAT or have it picked up. You might be surprised what the public has in their garages or storage buildings. Pesticides, explosives, and other dangerous substances are not unusual.

Group Presentations: Presentations to industry, civic organizations, school assemblies, nursing home staff, and many others are an excellent way of communicating the LEPC mission and HAZMAT specifics.

Planning Activities

Emergency Operations Plan (EOP): The ongoing plan maintained by various jurisdictional levels for responding to a wide variety of potential hazards. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines how all actions will be coordinated.

Emergency Evacuation Plan: Emergency evacuation plans are developed to ensure the safest and most efficient evacuation time of all expected residents of a structure, city, or region. A benchmark "evacuation time" for different hazards and conditions is established. These benchmarks can be established through using best practices, regulations, or using simulations, such as modeling the flow of people in a building, to determine the benchmark. Proper planning will use multiple exits, contra-flow lanes, and special technologies to ensure full, fast and complete evacuation. Consideration should be made for personal situations which may affect an individual's ability to evacuate. These may include alarm signals using both aural and visual alerts. Regulations such as building codes can be used to reduce the possibility of panic by allowing individuals to process the need to self-evacuate without causing alarm.

Continuity of Operations Plan (COOP): Continuity of Operations, as defined in the National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (NSPD-51/HSPD-20) and the National Continuity Policy Implementation Plan (NCPIP), is an effort within individual executive departments and agencies to ensure Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies.

All-Hazards Mitigation Plan: An All-Hazards Mitigation Plan covers all hazards that could potentially impact the community during a disaster. Risk assessments are accomplished to determine how great of an impact each hazard is on the community and for each type disaster that could occur. The goal of this type plan is to establish mitigation measures to reduce the impact of that hazard during a disaster.

Alaska Assessment: The Alaska Assessment is designed to assist emergency planners, managers, experts, first responders, LEPC members, etc., on pinpointing capabilities on hand and shortages within the community. The goal is to improve operational readiness and reduce disaster impacts by identifying, reducing and/or eliminating shortages that exist between requirements, standards and

performance versus the response or short-term recovery capabilities. The Alaska Assessment is a great tool used to ensure the above plans cover all functional capabilities in the community.

Section Six: Local Emergency Planning Committee Grant

Purpose

Local Emergency Planning Committee (LEPC) Grant Program is intended to support, sustain, and enhance LEPCs in order to perform their statutory responsibilities under state and federal law and to perform all hazards planning projects that support the LEPC mission of increasing awareness of chemical and all hazards in their communities as well as preparing and mitigating for all hazards through planning activities.

The following link provides Guidance, the required forms (Application, Performance and Financial Progress Reports, Signatory Form, etc), Instructions for completing the Financial Progress Report, etc:

- [LEPC Grants](#)

Required Baseline Activities

Baseline funding is awarded if the LEPC is active and its performance is acceptable. If performance is not acceptable, the SERC Finance Committee may reduce, reallocate, or not award funds to an LEPC. The following activities are required to maintain grant program compliance:

- Establish an LEPC and maintain membership
- Establish and maintain rules (bylaws) to include:
 - Provisions for public notification of committee activities
 - Public meetings to discuss emergency plan
 - Receive public comments and response to such comments
 - Distribution of emergency plans
- Annually publish notice of public availability of CRTK data
- Establish procedures for receiving and processing requests from the public for MSDS and Tier II information
- Review emergency plans once a year
- Evaluate need for resources to develop, implement, and exercise the emergency plan
- Make recommendations to DHS&EM and SERC regarding resources required for plan execution
- Act as an advisory committee to the political subdivisions within the LEPC
- Attend scheduled LEPC Association and SERC meetings
- Submit timely quarterly reports to DHS&EM in accordance with the LEPC Obligor Grant Award Document
- Maintain a current list of all facilities within the LEPC Required to complete a Tier II report

Eligible Baseline Expense Categories

There are three expense categories eligible for grant funding: Management, Outreach, and Preparedness. The details are in the LEPC Grant Program Guidance found on the link below:

➤ [LEPC Grants](#)

Remember, expense items must support the intent of the LEPC purpose and follow state statutes and federal regulations. While there are many eligible expenses there are those that require preapproval and some that are ineligible.

Examples of Expense Items Requiring DHS&EM **prior** approval:

- Item (s) with a value of \$1,000.00 or more
- Capital equipment purchases such as computers, printers, faxes, copy machines, etc
- Travel for face-to-face LEPC meetings (some jurisdictions have members that must travel a distance to attend their LEPC); or sending extra LEPC members to the LEPCA or SERC meetings
- Non-response training held during a regularly scheduled LEPC meeting intended for the LEPC and the community

Examples of Expense Items **Not Eligible** for Grant Funding:

- Travel or training that has not been pre-approved by DHS&EM
- Late fees
- Interest fees
- Janitorial fees
- Food items
- First responder training and response equipment
- Clothing/headgear
- Software
- Activities not related to the intent of LEPCs

There are also general award provisions listed in the LEPC Grant Program Guidance. It covers general guidelines on applying for the grant, expending the funds for activities during the SFY only, and has other stipulations to ensure compliance with state statutes and federal regulations.



LEPCs who fail to send a representative to all LEPCA meetings (without prior approval from DHS&EM of the absence) in the prior grant year will be recommended for reduction in LEPC grant funding. Attendance at LEPCA meetings is a grant assurance on the obligating award document.

NOTE: There are two LEPCA and SERC meetings annually held during DHS&EM's Bi-annual Preparedness Conferences

ANNEX A: Sample LEPC Bylaws

BYLAWS

INTRODUCTION

The Superfund Amendment and Reauthorization Act (SARA) was enacted by Congress on October 17, 1986. SARA contains Title III – Emergency Planning and Community Right-to-know Act (EPCRA) appears as 42 USC 11001-11050.

EPCRA establishes requirements that federal, state, and local governments and industry must implement regarding emergency planning and community right-to-know reporting on hazardous materials.

The Alaska State Emergency Response Commission (SERC) was formed pursuant to SARA Title III and Alaska Statute 46.13.010. The SERC has designated Local Emergency Planning Districts (LEPD) and Local Emergency Planning Committees (LEPC) within the district.

ARTICLE I

Goals of the LEPC

1. Maintain complete membership with representatives from all areas of the district as mandated by 42 USC 11001(c) and AS 26.23.073 and Section 1d in the SERC Policies and Procedures Manual;
2. Identify facilities within the LEPC's jurisdiction that contain hazardous substances as defined by Alaska Statute 46.08.900(6) that exceed planning threshold quantities established by the Alaska Department of Environmental Conservation (DEC);
3. Formulate an information system to collect and keep accurate Material Safety Data Sheets (MSDS), Tier I and Tier II forms, and hazardous material information from facilities as required by Sections 311, 312, and 313 of SARA Title III.
4. Give public notice of meeting, the availability of emergency response plans, MSDS, forms, and follow up notices pursuant to 42 USC 11044;
5. Analyze and assess the risks and hazards associated with hazardous substances in the community as a first step to developing an emergency response plan;
6. Develop an emergency response plan pursuant to 42 USC 11003 and AS 26.23.070;
7. Define and describe a training program for LEPC members and emergency response personnel tailored to suit the needs determined by the risk assessment;
8. Receive comments and opinions offered by members of the public;
9. Receive and process requests from the public for information pursuant to 42 USC 11044(b), including Tier II information pursuant to 42 USC 11022(c);
10. Enter into agreements with other entities, public and private, to further the above goals and the overall preparedness and response capability of the LEPD.

ARTICLE II
Membership

1. The Committee will be controlled by members under direction from the State of Alaska Division of Homeland Security and Emergency Management (DHS&EM). Any community government, person, partnership, committee, association, or other legal entity may request to be a Member of the LEPC. There is no limitation on the number of Members of the LEPC. Membership interests are not transferable. No Member shall hold more than one membership in the Committee. Membership is open to all communities and cities within the boundary of the LEPC. The LEPC must, at a minimum, include a representative from each of the following categories:
 - i. Elected local officials;
 - ii. Law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital, and transportation personnel
 - iii. Broadcast or print media
 - iv. Community groups
 - v. Owners and operators of facilities subject to the federal Community Right-to-Know Act
 - vi. Representatives of a local or inter-jurisdictional disaster planning and service area (if applicable)
 - vii. Members of the public not described above
2. Available positions must be publicly advertised for a minimum of three weeks in any of the following forms: local newspaper, public service announcement, radio or television, or posted notices where no local news media exists. The LEPC will document and retain evidence of all advertisement efforts.
3. The LEPC shall review submitted applications and recommend to the Chief Elected Official the name(s) of the candidate(s) for LEPC membership and the category in which each wishes to participate. The City Manager shall recommend LEPC membership from the names submitted by the LEPC to the SERC which must approve membership.
4. LEPC seats must be filled within 90 days of a vacancy. If the LEPC has advertised a position for three consecutive months with no one willing to be appointed, the LEPC will continue to function with that vacancy and will notify the SERC that it has no one to recommend for the position.
5. The LEPC shall maintain a membership book listing the name and address of each member. Supporting documents from each agency will also be maintained in the membership book. The book shall also contain the date membership ceases as needed. The membership book will be kept in the principal place of business of the LEPC.
6. Members serve two year terms. Continuation of membership will be determined by vote. Members may serve an unlimited number of terms.

7. An appointed Member's membership interest or an entity's membership in the LEPC shall terminate on the occurrence of any of the following events:
 - a. Upon receipt by an officer or Director of a Member's written resignation of membership;
 - b. Upon death of a Member if a natural person or the dissolution of the Member if a committee, partnership, or association;
 - c. If, after being given an opportunity to be heard, the Board of Directors for the Committee finds that a Member has engaged in conduct that violates the purposes for which the committee was formed, or has breached the duty of good faith owed to the LEPC to such a degree that the Member's membership interest in the committee should be terminated, or if the Member breaches the Code of Ethics followed by all members;
 - d. Upon receipt of a letter from the appointing entity terminating a member's appointment or replacing the member;
 - e. Upon a change in eligible community, city, or entity as determined by the State of Alaska DHS&EM.

ARTICLE III

Officers

1. The officers of the LEPC shall consist of a Chair, a Vice-Chair, and a Secretary. Terms shall be one year beginning January 1 and ending December 31. Elections will be held in November by majority vote.
 - a. The Chair shall preside at all meetings; be responsible for preserving order and decorum; submit recommendations and information they feel is important and proper concerning the business, affairs, and policies of the committee; recommend an agenda for all meetings; schedule meetings; sign all minutes and documents related to the LEPC; represent the LEPC to the SERC; direct the LEPC to form an emergency response plan in accordance with SARA Title III (303); direct the LEPC to annually review and update hazardous materials incident plan to the SERC; initiate requests for grant money to support and promote LEPC functions; and oversee the other officers. Any of these duties may be delegated to the Vice-Chair or Secretary.
 - b. The Vice-Chair will perform all duties of the Chair in absence of the Chair or as delegated by the Chair.
 - c. The Secretary's duties shall be to keep accurate minutes and records of the LEPC meetings; maintain an accurate file of the minutes and correspondence pertaining to the LEPC members; maintain a membership and attendance list; coordinate with the Chair and Vice-Chair on written responses to public comments; provide public notice of LEPC meetings in accordance with AS

- 44.62; prepare budget documents; prepare requests for grants under direction of the Chair.
2. Other officers may be added when needed by the LEPC at the recommendation of the Chair. Such officers may include a Treasurer or Coordinator of Information.

ARTICLE IV **Meetings**

1. Meetings shall be held on a regular basis, at least 4 times during each fiscal year.
2. Notice at least 7 days in advance of meetings shall be provided to all LEPC members and the public.
3. Special meetings may be called by the Chair upon written request of two Committee members or by another designated officer. A special meeting shall be held within one week of request and at least 2 days notice shall be given to members and the public.
4. A quorum shall consist of a simple majority of currently approved membership and is required to conduct business. Quorum must be maintained throughout meeting for business to continue.
5. Meetings of the LEPC shall be conducted in the following order of business:
 - a. Welcome and Introductions
 - b. Approval of Previous Meeting Minutes
 - c. Approval of Current Agenda
 - d. Public Comment
 - e. Reports of Subcommittees
 - f. Old Business
 - g. New Business
 - h. Next Meetings
 - i. Adjournment
6. Meetings will conducted according to Robert's Rules of Order.
7. The voting on all questions coming before the LEPC shall be by yea or nay, or a show of hands, unless action is taken for a roll call vote. If a roll call vote is approved, the roll call vote will be recorded in the meeting minutes. Each LEPC member is entitled to one vote. Members are encouraged to abstain from items which may pose a conflict of interest for them.
8. Members of the public are encouraged to attend meetings and may speak before the LEPC but do not hold voting rights unless appointed as a member.
9. Accurate minutes of all meetings shall be maintained by the Secretary.

ARTICLE V
Subcommittees

1. The LEPC Chair may appoint and dissolve subcommittees composed of members of the committee and community. Subcommittees do not have to be composed entirely of LEPC members. Subcommittees will study and report on matters relevant to the LEPC. Non-LEPC members of subcommittees shall have full voting rights on the subcommittee to which they belong.

ARTICLE VI
Amendments

1. The bylaws of the LEPC may be amended by roll call vote. All proposed amendments must be submitted in writing to the LEPC members at least 30 days prior to the vote and read in its final form at the meeting at which the proposed amendment is voted upon.
2. Signed original documents shall be filed in the LEPC office. A copy of the bylaws and any amendments to the bylaws shall be provided to the governing body, the SERC, and any person who requests a copy.

ARTICLE VII
SERC Policies

1. Policies adopted by SERC will be kept on file with the LEPC bylaws. Sanctioned SERC policies that differ substantially from LEPC bylaws will be incorporated into LEPC bylaws as soon as possible. SERC policies shall have precedence over LEPC Bylaws where they differ.
2. Amendments or additions of SERC policies to LEPC bylaws will be added following the amendment procedures of Article VI.

ANNEX B: Alaska State Emergency Response Commission Bylaws

Adopted November 2, 1990;
Amended October 25,
1994, May 2, 1995,
April 8, 1996; May 14,
2009

ALASKA STATE EMERGENCY RESPONSE COMMISSION BYLAWS

Article I

NAME

This organization shall be known as the Alaska State Emergency Response Commission, hereinafter referred to as the "SERC."

Article II

MISSION

The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.

Article III

PURPOSES

The duties and activities of the SERC are those set forth by Alaska Statute (AS) 26.23, which establishes the SERC to implement the requirements of the "Emergency Planning and Community Right-to-Know Act of 1986," enacted by the U.S. Congress, and hereinafter referred to as the "Act" and planning for all hazards which may threaten the people, property or environment of the State of Alaska as defined in AS 26.23. The SERC is designated as the State Emergency Response Commission as defined in the Act, and shall perform all of the duties required of it under the Act and AS 26.23.

Article IV

MEMBERSHIP

Section 1. Members. To the extent practicable, the SERC shall be comprised of individuals with expertise in the emergency response field. The SERC shall consist of the following members:

(1) Seven public members appointed by the Governor:

Two of whom must be members of a rural Local Emergency Planning Committee (LEPC); Two of whom must be members of an urban LEPC;

Two of whom must represent a political subdivision with an LEPC;

One member who need not be any of the above, but who could represent any of the LEPC membership categories;

(2) The Adjutant General of the Department of Military and Veterans Affairs (DMVA) or the Adjutant General's designee (SERC co-chairperson);

(3) The Commissioner of the Department of Environmental Conservation (DEC) or the Commissioner's designee (SERC co-chairperson);

and the following commissioners or their designees:

Development;

- (5) The Commissioner of the Department of Fish and Game;
- (6) The Commissioner of the Department of Health and Social Services;
- (7) The Commissioner of the Department of Labor and Workforce Development; (8)

The Commissioner of the Department of Natural Resources;

- (9) The Commissioner of the Department of Public Safety; and
- (10) The Commissioner of the Department of Transportation and Public Facilities.

- (11) Representatives of the following state & federal agencies as ex-officio, nonvoting members:

Department of Administration

Department of Education and Early Development

U.S. Department of Defense - Alaskan Command;

Federal Emergency Management Agency (FEMA);

U.S. Environmental Protection Agency (EPA); and

U.S. Coast Guard (USCG).

Section 2. Inactive Members. Appointed members shall be considered inactive when they have missed more than two consecutive SERC meetings without notification to the SERC chairperson or staff of significant reasons why they were unable to attend the meetings.

Section 3. Removal of Members. Members of the SERC serve at the pleasure of the governor and may be removed by the governor without cause.

Section 4. Terms. Members other than those from the designated state departments serve staggered terms of three years.

Section 5. Vacancies. Vacancies in membership of the SERC shall be filled by the governor for the remainder of the unexpired term.

Article V

OFFICERS AND DUTIES

Section 1. Named. The officers of the SERC shall consist of two co-chairpersons. The adjutant general of the DMVA or the adjutant general's designee and the commissioner of the DEC or the commissioner's designee shall serve as co-chairpersons of the SERC.

Section 2. Duties of the DMVA co-chairperson. The DMVA co-chairperson shall, in cooperation with the DEC co-chairperson, recommend an agenda for each meeting, preside at all meetings of the SERC, preserve order during its meetings, appoint the chairperson of each committee of the SERC, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the SERC requiring such signature, and be responsible for implementing the policies and actions adopted by the SERC.

Section 3. Duties of the DEC co-chairperson. In cooperation with the DMVA co-chairperson, recommend an agenda for each meeting. In the absence of the DMVA co-chairperson, or in the event of the DMVA co-chairperson's inability or refusal to act, the DEC co-chairperson, unless otherwise determined by the SERC, shall perform the duties of the DMVA co-chairperson, and when so acting shall have all the powers of the DMVA co-chairperson. The DEC co-chairperson shall exercise such other duties as from time to time may be assigned by the DMVA co-chairperson or the SERC.

Article VI

MEETINGS

Section 1. Regular Meetings. The Commission shall meet at least two times a year for regularly scheduled meetings. One of these meetings may be held via teleconference. Meeting dates are at the call of the co-chairpersons. Meetings shall be held in a location determined by the SERC unless otherwise noticed.

Section 2. Special Meetings. The DMVA co-chairperson may call such special meetings as may be deemed necessary to carry out the duties of the SERC. Upon written request of at least five members, the DMVA co-chairperson shall call a special meeting within 10 days. If the DMVA co-chairperson fails to call the special meeting, the DEC co-chairperson shall call it.

Section 3. Teleconference Meetings. The SERC may hold teleconference meetings as necessary. One of the two regular meetings may be held via teleconference, based on the recommendation of the SERC co-chairpersons. When a teleconference is held primarily to discuss and approve LEPC appointments, a simple majority must be on-line to take action on these appointments. The appointments may be approved by consent agenda or individually.

Section 4. Public Comment Meetings. The SERC shall hold such public comment meetings as it may deem necessary and desirable at such times and places as it may be determined by a majority vote of the SERC in regular meeting.

Section 5. Quorum. A quorum shall consist of a simple majority of SERC voting members. A quorum shall be required to be present to transact business.

Section 6. Agenda. Any member may request the co-chairpersons to place an item on the agenda. If the co-chairpersons should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the DMVA co-chairperson with supporting signatures of three members. Any other person wishing to place an item on the agenda for SERC consideration may request the DMVA co-chairperson to place the item on the agenda. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so.

Section 7. Notice of Meeting. Notice of the time, place, and agenda items to be considered at each meeting shall be given in writing by the staff to all members at least two weeks prior to each meeting. Notice of special meetings and intended agenda items shall be given to all SERC members in writing, via fax, email (including referral to the SERC website), or by phone at least seven days in advance of any special meeting. Notice to the public of all SERC meetings shall

be made in accordance with AS 44.62.310, Government Meetings Public. Notice of the meeting shall be posted at the offices of the co-chairpersons and at the meeting site.

Section 8. Rules of Order. The SERC shall adopt in its policies an order of business to be used for each meeting. The deliberation of all meetings of the Commission and its various committees shall be governed by Robert's Rules of Order, Newly Revised, when not inconsistent with these bylaws, or with special rules of order adopted by the SERC.

Section 9. Minutes of Meetings. Accurate minutes of all SERC meetings shall be maintained by the DMVA. Accurate minutes shall include, but not be limited to a record of all SERC actions, a record of attendance at meetings, and a summary of SERC discussion. Minutes of meetings shall be made available to any person who requests a copy. Agenda, minutes, and general information regarding the SERC are also available on the following website for public access:

<http://www.ak-prepared.com/serc/SERC_Home.htm>

Section 10. Participation of Members of the Public. Members of the public shall be encouraged to attend all regular, special, and public comment meetings. An opportunity shall be provided at the beginning and end of each meeting for members of the public to address the SERC. The SERC may enter into dialogue with representatives of groups represented in order to come to a vote on a matter. Members of the public speaking before the SERC must use microphones provided, state for the record their name, and who they represent if anyone other than themselves.

Article VII
VOTING

Section 1. One Vote Each. Each SERC member, including the Chairperson, is entitled to one vote.

Section 2. Ex-Officio Members. Ex-Officio members may not vote.

Section 3. Proxy Votes. No member shall vote by proxy.

Section 4. Abstentions. Members may register their abstention on any vote which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest as described in AS 39.52, Alaska Executive Branch Ethics Act.

Section 5. Conflict of Interest. Members will be familiar with AS 39.52., and its regulations. Section 6.

Roll Call Votes. At the discretion of the chairperson, during a teleconference meeting, upon call of any member, any SERC action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.

Article VIII
COMMITTEES

Section 1. Establishment. The SERC may establish committees as it deems necessary to accomplish its duties. When a committee is established, the categories of membership shall also be established and maintained by the SERC coordinator. The DMVA co-chairperson shall appoint the chair of each committee of the SERC, with powers, membership, and purposes as specified by the co-chairperson or the SERC, subject to approval by the SERC at its next regularly-scheduled meeting. The chair of each committee shall select the members of the committee, and shall report each selection to the SERC at the SERC's next regularly-scheduled meeting at which the SERC may approve or disapprove the selection.

The following are standing committees established by the SERC:

- All Hazards Plan Review Committee
- Finance Committee
- Work Plan Committee
- Training Committee
- Disaster Search and Rescue (DSAR)
- Citizen Corps
- Interoperable Communications Committee

Section 2. Membership. The DMVA co-chairperson of the SERC may appoint additional persons other than SERC members or their designees to serve on committees. At least one committee member shall be a member (or a designated representative) of the SERC.

Section 3. Travel and Per Diem. Members of committees shall serve without compensation, but are eligible to receive per diem and travel expenses authorized by AS 39.20.180 for boards and commissions.

Section 4. Staff Support. The DMVA shall serve as staff to the SERC. SERC staff shall provide technical support to and serve committees in an advisory capacity.

Section 5. Motions, Resolutions and Reports. Committee motions, resolutions, and reports shall be presented in writing or verbally to the SERC. Reports and minutes of the SERC meetings shall document the actions, decisions, and participation of committee members.

Section 6. Working Groups. The DMVA co-chairperson may appoint working groups to study special topics. At least one SERC member (or a designated representative) shall be on each working group.

Article IX
RESOLUTIONS, REPORTS AND RECOMMENDATIONS

Section 1. Resolutions. All resolutions received for consideration by the SERC shall first be referred to SERC staff to present to the SERC with any background information necessary for SERC action.

Section 2. Work Plan. The SERC shall develop a biennial (once every two years) work plan describing its intended activities. The final work plan shall include a review and comment process by all local emergency planning committees and the public to ensure coordination and implementation of the Act and AS 26.23.

Section 3. Report. The SERC shall prepare a biennial (once every two years) report describing its activities for the preceding two years. Upon approval by the SERC, the report shall be transmitted by the co-chairpersons to the governor and then made available to the legislature, State and local agencies, local emergency planning committees and political subdivisions. The report shall be made available to the general public upon request.

Section 4. Legislative Recommendations. The SERC may make recommendations under its name to the governor for new or revised legislation which bears upon the duties and responsibilities of the SERC. Such recommendations shall not be considered final until approved by a majority of the members following a reasonable period of review. The SERC may designate one of its members to represent the SERC's position as the legislation is developed. Upon request of the governor, the SERC shall, in its name, formulate, and make recommendation for new or revised legislation.

Article X
AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the SERC at any regular meeting of the SERC provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.

ANNEX C: Alaska State Emergency Response Commission Work Plan

State Emergency Response Commission (SERC) Fiscal Year 2013/2014 Work Plan July 1, 2012

MISSION

The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.

GOALS

Each local community (single or multi-jurisdictional) has a local emergency operations plan (EOP) which is regularly reviewed and exercised to ensure each community's operational readiness to respond to disasters.

Each State and federal agency in Alaska has an agency specific EOP which is regularly reviewed and exercised to ensure each agency's operational readiness to respond to disasters.

Community, industry, State, and federal disaster plans are integrated under a single unified Incident Command System (ICS) maintained by the Division of Homeland Security and Emergency Management (DHS&EM).

Communities in geographic areas which have been unable to establish a single or multi-jurisdictional planning organization are served by State agencies under the leadership of the Division of Homeland Security and Emergency Management (DHS&EM).

Active programs are established at State and local levels to raise public awareness of natural and technological hazards, as well as stress individual and family preparedness and risk reduction.

SERC COMMITTEES

- All Hazards Plan Review Committee (AHPRC)
- Finance Committee
- Interoperable Communications Committee
- Training Committee
- Work Plan Committee
- Disaster Search and Rescue Committee
- Citizen Corps
- Statewide Mutual Aid Compact 2

SERC TASKS (including proponent)

1. Participate in finding solutions to statewide domestic preparedness issues. (SERC, DHS&EM)
2. Facilitate communication between state and local emergency planners. (SERC, DHS&EM, AHPRC)
3. Develop a public education program on government disaster readiness responsibilities and plans. (SERC, DHS&EM)
4. Participate in finding solutions to statewide emergency communications issues. (SERC, DMVA)
5. Develop a training program for local and state agency participants in disaster and emergency response incidents. (Training Committee, DHS&EM)
6. Develop and sponsor, as funding allows, a continual series of Alaska Emergency Management Conferences, each with specific topics in support of the SERC mission statement. (SERC, DHS&EM, LEPC Association, Industry)

STANDING SERC TASKS (including proponent)

1. Promote the adoption of the National Incident Management System (NIMS) and the use of the Incident Command System (ICS) to facilitate interaction with State, local and industry response to all hazards, multi-agency and multi-jurisdictional disasters and emergency incidents. (SERC, DHS&EM)
2. Maintain an active SERC membership. (SERC Coordinator)
3. Approve Local Emergency Planning Districts (LEPD) changes. (SERC Coordinator, DHS&EM, Finance Committee).
4. Approve appointments to Local Emergency Planning Committees (LEPC). (SERC)
5. Provide technical and financial assistance to maintain active LEPC's. (DHS&EM, DEC, Finance Committee)
6. Encourage LEPC's to maintain an active membership. (DHS&EM)
7. Re-evaluate the purpose and membership of all SERC standing and ad hoc committees with a view toward eliminating those that are no longer necessary or creating new ones as needed. (SERC, SERC Committee Chairs)
8. Review and comment on emergency response plans prepared by local, State and federal agencies. (AHPRC)
9. Provide technical and financial assistance for the preparation and implementation of local emergency operations plans. (DHS&EM, DEC, AHPRC, Finance Committee)
10. Maintain the SERC and LEPC Association web-sites. (SERC Coordinator)
11. Identify funding sources for State and local emergency response preparedness. (DHS&EM, Finance Committee, LEPC Association)
12. Manage the LEPC grant process. (SERC, DEC, DHS&EM, Finance Committee)

Acronyms:

AHPRC All Hazards Plan Review Committee
DEC Department of Environmental Conservation
DHS&EM Division of Homeland Security and Emergency Management
DMVA Department of Military and Veterans Affairs
EOP Emergency Operations Plan
ICS Incident Command System
LEPC Local Emergency Planning Committee
LEPD Local Emergency Planning District
NIMS National Incident Management System
SERC State Emergency Response Commission

ANNEX D: Alaska Local Emergency Planning Committee Association Resolution

Introduced by: Co-Chair Vakalis
Co-Chair Sunderland
Requested by: LEPCA
Drafted by: Sec./Treas. Dvorak
Introduced on: 03/26/10

**ALASKA LOCAL EMERGENCY PLANNING COMMITTEE ASSOCIATION RESOLUTION
NO. 2010-01**

**A RESOLUTION OF THE LOCAL EMERGENCY PLANNING COMMITTEE
ASSOCIATION OF THE STATE OF ALASKA**

WHEREAS, It is good policy for public organizations to periodically review their mission statements, goals and bylaws in order to ensure that their efforts meet the needs of the citizens that they serve; and,

WHEREAS, The Local Emergency Planning Committee Association (LEPCA) has not substantially reviewed or amended its goals and bylaws since 1994; and,

WHEREAS, The role of the LEPCA has evolved considerably since 1994, requiring the LEPCA to balance community "right-to-know" grant requirements with an all-hazards approach to community preparedness planning; and,

WHEREAS, The LEPCA now wishes to consider amendments and revisions to the LEPCA goals and bylaws in order to more accurately reflect its mission and purpose in the present day;

NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA LOCAL EMERGENCY PLANNING ASSOCIATION (LEPCA) that:

Section One.

The LEPCA goals are hereby amended as follows:

- 1 Promote community "right-to-know" programs.
- 2 Promote Emergency Planning in all Local Emergency Planning Districts.
- 3 Seek full and direct grant funding to LEPC's through Alaska Division of Homeland Security and Emergency Management (DHS&EM).
- 4 Promote public awareness, i.e., "What are LEPC's" and "What are their powers and duties", and how they benefit their communities.
- 5 Support the establishment of household hazardous waste programs around the state.
- 6 Increase local participation in training programs and exercises.

7 Promote political subdivision equipment upgrades and replacements for emergency response purposes.

8 Support statewide communications capability, i.e., emergency telephones, satellite telephones and radio interoperability.

9 Encourage the development and maintenance of local community response teams.

10 Promote all-hazards preparedness through outreach and education.

Section Two.

The LEPCA Bylaws are hereby amended as follows:

Mission: The LEPCA is an organization founded to create a forum of Local Emergency Planning Committees (LEPC's) throughout Alaska dedicated to improving communication and cooperation between LEPC's and to enhance local, regional and statewide disaster planning efforts. The LEPCA will work together to discuss issues of relevance to our efforts, to develop methods to present all of our positions accurately to the state government and others when the LEPCA may deem it necessary, and to help member LEPC's when possible.

Membership: All LEPC's within Alaska are members unless they officially request not to belong to the organization. LEPC's still forming, representing a distinct area in the state, will be considered full members of the Association.

LEPC Association Representation: The chair of any LEPC, or their designated representative, may represent that LEPC at any LEPC Association meeting, with voting rights. Each LEPC will have one vote, unless a co-Chair is from a represented LEPC. In that case an LEPC may designate a second representative from their LEPC who will hold the LEPC's voting rights.

LEPC Association Structure: The LEPCA will elect by majority vote of those present two co-Chairs, and one Secretary/Treasurer for the Association. Election of officers shall take place during the first annual meeting of the year with office to take effect upon the close of that meeting. Officers will be authorized to speak for the organization. Officers will be elected for a term of two years. There is no limit on the number of terms. Co-Chairs will serve staggered terms.

LEPC Association Positions: Votes will be taken on issues, when appropriate, among the LEPC's which are in attendance at any meeting. There is no quorum requirement. When opinions are unanimous, it will be so stated, with a detail of which LEPC's were officially involved in the vote. When there is dissent, both opinions will be presented, with a breakdown of which LEPC's favor which opinions. Copies of the minutes will be forwarded to all LEPC's after any Association meeting. LEPC's not represented at any meeting will have an opportunity to add a dissenting opinion or agree with the group, if they wish to do so when they receive the minutes, in a timely fashion. Nothing within the Association is intended to decrease the rights of all LEPC's to represent their opinions whenever they deem it necessary, and, in fact, all LEPC's are encouraged to do so.

LEPC Association Meetings: To be held in conjunction with SERC meetings, with time on the agenda allocated to discussion of any items on the SERC agenda of significance to the LEPC's. Teleconferences may be held whenever any LEPC, requests and there is consensus of the officers. Meetings will be consistent with the Alaska Open Meetings Act and its requirements, according to state law.

LEPCA Funds: Any funds possessed by the LEPCA will only be expended by a consensus of the elected officers and with the goals of the LEPCA in mind.

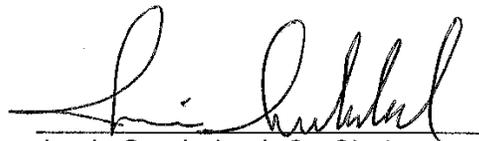
ADOPTED BY THE ALASKA LOCAL EMERGENCY PLANNING COMMITTEE
ASSOCIATION THIS 8 DAY OF April 2010

ALASKA LEPCA



George Varkalis, Co-Chair

ALASKA LEPCA



Jamie Sunderland, Co-Chair

ATTEST:



Duane Dvorak, Secretary-Treasurer

ANNEX E: List of Acronyms

CGC: Continuity Guidance Circular
COOP: Continuity of Operations Plan
CPG: Comprehensive Preparedness Guide
CRTK: Community Right-to-Know

DEC: Alaska Department of Environmental Conservation
DHS&EM: Division of Homeland Security and Emergency Management
DMVA: Department of Military and Veterans Affairs

EHS: Extremely Hazardous Material
EOP: Emergency Operations Plan
EPA: Environmental Protection Agency
EPCRA: Emergency Planning and Community Right-to-Know Act

FEMA: Federal Emergency Management Agency

HAZMAT: Hazardous Materials
HMEP: Hazardous Materials Emergency Preparedness
HSPD: Homeland Security Presidential Directive

ICS: Incident Command System

LEPC: Local Emergency Planning Committee
LEPD: Local Emergency Planning District
LEPCA: Local Emergency Planning Committee Association

SDS: Safety Data Sheets

NFPA: National Fire Protection Association
NIMS: National Incident Management System
NIOSH: National Institute for Occupational Safety and Health
NRT: National Response Team
NSPD: National Security Presidential Directive

PMEF: Primary Mission Essential Function
PSA: Public Service Announcement

SARA: Superfund Amendments and Reauthorization Act
SERC: State Emergency Response Commission

ANNEX F: Reference Materials

State of Alaska Division of Homeland Security and Emergency Management Grants Management Handbook

The *Grants Management Guide* serves as a primary reference manual safeguard grant funds and ensure funds are used for the purposes for which they were awarded. This Guide should serve as a day-to-day management tool for Division of Homeland Security and Emergency Management (DHS&EM) award sub recipients in administering grant programs.

- <http://ready.alaska.gov/grants.htm>.

Comprehensive Preparedness Guide 101 Version 2

Comprehensive Preparedness Guide (CPG) 101 provides guidelines on developing emergency operations plans (EOP). It promotes a common understanding of the fundamentals of risk-informed planning and decision making to help planners examine a hazard or threat and produce integrated, coordinated, and synchronized plans. The goal of CPG 101 is to make the planning process routine across all phases of emergency management and for all homeland security mission areas. This Guide helps planners at all levels of government in their efforts to develop and maintain viable all-hazards, all-threats EOPs. Accomplished properly, planning provides a methodical way to engage the whole community in thinking through the life cycle of a potential crisis, determining required capabilities, and establishing a framework for roles and responsibilities. It shapes how a community envisions and shares a desired outcome, selects effective ways to achieve it, and communicates expected results. Each jurisdiction's plans must reflect what that community will do to address its specific risks with the unique resources it has or can obtain

- http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf

Continuity Guidance Circular (CGC) 1

Continuity Guidance for Non-Federal Entities (States, Territories, Tribal, and Local Government Jurisdictions and Private Sector Organizations), was approved by the FEMA Administrator on January 21, 2009. CGC 1 supersedes the Interim Guidance on Continuity of Operations Planning for State and Local Governments, and provides operational guidance for implementing NSPD-51/HSPD-20 for non-Federal entities. CGC 1 provides guidance for developing continuity plans and programs for the sustainment of essential functions and services to our nation's citizens, under all conditions.

- http://www.fema.gov/pdf/about/org/ncp/cont_guidance1.pdf

Continuity Guidance Circular (CGC) 2

Continuity Guidance for Non-Federal Entities: Mission Essential Functions Identification Process (States, Territories, Tribes, and Local Government Jurisdictions), was approved July 22, 2010, by the Assistant Administrator of National Continuity Programs. CGC 2 provides planning guidance to assist non-Federal entities and organizations in identifying their essential functions. Additionally, CGC 2 describes the use of a systematic Business Process Analysis, Business Impact Analysis, and the development of risk mitigation strategies.

- http://www.fema.gov/pdf/about/org/ncp/coop/cont_guidance2.pdf

ANNEX G: Additional Resources for Local Emergency Planning Committees

National Association of SARA Title III Program Officials

WHITE PAPER

“The Practical Evaluation of Local Emergency Planning and Preparedness”
by Tim Gablehouse, NASTTPO President, July 2007

The objective of this paper is not to simply restate the requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA). Rather it is intended to make observations on the practical aspects of local emergency planning and preparedness. It is assumed that the reader has some background in the provisions of EPCRA and those will not be restated here.

Local Emergency Planning Committees (LEPCs) are the backbone of EPCRA. They are typically a collection of volunteers made up of local government employees, first response agencies, facility representatives and members of the public. While EPCRA does contain a list of desired membership background and representation, most LEPCs do not have members in all those categories. Rarely will an LEPC have a staff and even less often will that staff be either paid or applied to LEPC functions on a full-time basis.

The typical LEPC functions without a budget or with only a small amount of money frequently in the form of grants from the State Emergency Planning Commission (SERC). The chair and LEPC members often provide support from their own pockets or with discretionary funds from their employer’s budgets.

LEPCs are frequently organized within the offices of a first response agency or local government office of emergency management. In such cases it can be difficult to identify where the parent agency’s activities end and the LEPC’s begin. The functions are obviously complementary and therefore that distinction is frequently misleading or of little importance in the day-to-day planning and preparedness of the community.

Planning

A limited reading of EPCRA gives the impression that the LEPCs are supposed to develop emergency response plans for hazardous substances. This can create a conflict if it is routine for such plans to already exist within first response agencies and local emergency management offices. An LEPC that is housed within one of these agencies will have typically been involved in its planning activities. More independent LEPCs will frequently be active in providing information and input to these agencies in order to help them improve the plans.

In some communities the LEPC has become a broader all-hazards emergency planning agency within the community. This happens when the cooperation and resources available within the LEPC make this the most efficient approach for that community. While not all SERCs have adopted policies on the coordination between LEPCs and other planning agencies, most encourage whatever arrangement is most productive for the community.

Most LEPCs consider and adopt projects based upon core missions they feel are important in the community. These may involve any variety of matters, but are generally focused on a desire to protect first responders and the public through better information and awareness of risks in the community.

Consideration must be given to the resources available and the interests of the members. Most SERCs will support a vast range of LEPC activities as long as they have some relationship to the intent of EPCRA.

The greatest tool available to an LEPC is its very substantial information gathering power. However, most SERCs encourage LEPCs to do more than just collect boxes of paper. Many LEPCs focus their activities on information requests that bring facilities into closer cooperation with the first responder community. Examples are fire department approval of contingency plans, exercise organization and public awareness of expected behavior during an emergency.

LEPCs also perform a generalized role in community-wide efforts to improve public awareness of risks and preparedness for emergencies. They will encourage the very basic things such as 72-hour emergency kits, first aid training, and household safety. Often they will work on projects such as household hazardous waste collection, school lab chemical safety and the hazards of methamphetamine labs.

Most SERCs will encourage LEPCs to think expansively as there are a myriad of other activities that may be useful in a community. The late Jim Makris – widely called the “father” of EPCRA once said that it’s best to think of LEPCs as local “environmental” protection committees as he saw them working more broadly to improve conditions in their communities.

Organization and Membership

LEPC membership is approved by the SERCs. Once an LEPC is established, SERCs will have some procedure or policy by which the committees are responsible for advising the SERCs of their membership changes and seeking approval. Whether or not an LEPC has “officers” beyond a chair is a matter of state practice and policy. The chair typically functions as the point of contact for the SERC, the public and for regulated facilities.

Broad membership is encouraged. While there is a list of membership types in EPCRA, SERCs recognize that it is not realistic to find all of those types of people in every community. On the other hand, membership should not be limited. Anyone with an interest, a desire to assist with projects, and good manners should be encouraged to join and participate.

By-laws are not required in most states, but they are commonly used. The function of by-laws is primarily to provide some structure to membership decisions and the election of the chair. As a practical matter LEPCs tend to function in a consensus fashion rather than using a formal vote process. Exceptions would be the rare event when the LEPC intends to pursue legal enforcement of its information requests under EPCRA.

Dealing with Facilities

The power of LEPCs is to obtain information relevant to emergency planning. Both owners and operators of facilities are responsible for providing this information. While some reports, Tier II for example, are automatic under EPCRA and state laws, the real power in LEPC information requests is the ability to focus the request on the specific facility and community involved.

LEPCs should articulate why they are asking for information beyond the routine Tier II form. There are, of course, many potential reasons. The point is that when asking a facility for additional information it should be clear to that facility that the information is important to the community.

LEPCs will often look to provide facilities with the opportunity to demonstrate their good corporate citizenship. Many facilities try hard to reduce risks and support first responders. Through exercises, public meetings, and other activities it is important for LEPCs to recognize and reward these activities.

Dealing with the Public

As a general rule, all EPCRA-related information in the possession of an LEPC is publically available. Requests for information, such as Tier II data and CAA Sec. 112r Risk Management Plans, can come to an LEPC. They should have procedures in place to notify the public that this information is available and instructions on how it can be obtained.

LEPCs should encourage the public to participate with the LEPC. If members of the public have questions about preparedness or facility safety, it is always appropriate to ask the public to attend a meeting to discuss their concerns. Often an LEPC will refer facility-specific inquiries directly to the facility. While this can be effective in improving facility/public relations in many cases, it is equally true that the involvement of the LEPC will be useful in creating some context for the discussion.

Accident prevention is primarily the responsibility of facilities. Nonetheless, LEPCs and first responder organizations are just as responsible to the public as the facility when it comes to community preparedness. Assurances of accident prevention programs only address part of the overarching community planning and preparedness equation. Effective preparedness involves the facility, the community, and individuals merging answers to these three key questions:

What are the accident risks of this facility and how are they being prevented? What are the plans and capabilities of the community should an accident happen? What do I do to protect myself and those I am responsible for during an emergency?

The Broader Mission

One of the most difficult tasks faced by an LEPC is creating a public awareness of risks and improving community preparedness. LEPCs should look for opportunities through the schools, civic groups, youth programs, churches, and any other organization active in the community to accomplish this mission.

This means that LEPCs must embrace a broader sense of community responsibility for accident prevention and preparedness. It is not appropriate to be a passive collector of information. With this in mind the following “Golden Rules” are proposed for the broader community.

Preferably it is the LEPCs that should lead the process of addressing the goals stated in the Golden Rules, but that really is not the complete point. Whether or not an LEPC exists, leadership within a community needs to be focused on these issues. Leadership comes from various places depending upon the community it may be elected leadership, first response agencies or community groups. Whether or not called an LEPC, the functions must exist or no community will be adequately involved in accident prevention or preparedness.

State and federal agencies along with facilities should have an expectation that communities will address these issues. They cannot be passive in this regard. The risk is shared and the responsibility is equally shared. Preparedness cannot be imposed on a community nor can it be provided from outside. All stakeholders have a responsibility to find and encourage appropriate leadership within the community.

The era of passivity in accident prevention and community preparedness is gone. Whether facility, government, first response agency, or members of the public, all are connected and all have a role. The best examples of local emergency planning and preparedness focused on trying to follow the Golden Rules will have the following attributes:

- A close relationship between emergency planners and first response agencies.
- A close relationship between facilities and these agencies and the public.
- Information sharing on hazards, accident prevention efforts and emergency response.
- Public involvement in developing expectations for public behavior during an emergency.
- Repeated exercises of emergency response plans including public education.
- Generalized all-hazards preparedness efforts developed with public involvement.

We are mindful that in the past the regulatory environment has tended to create an adversary relationship between communities and facilities. From topics as diverse as land use planning and environmental permitting through emergency response, the relationship is often confrontational. LEPCs are not regulatory agencies. They have the capacity to break through this barrier for the greater good of their communities.

Golden Rules for Communities

- While the primary responsibilities lie with the industry, there are important responsibilities for stakeholders at the local level. An important aspect of making the facilities safer to the community in which they exist is the communities' involvement with prevention and preparedness objectives.
- Be aware of the risks in your community and know what to do in the event of an accident. Members of communities near hazardous installations, and others that might be affected in the event of an accident should make sure that they understand the risks they face and what to do in the event of an accident to mitigate possible adverse effects on health, the environment and property (e.g., understand the warning signals and what actions are appropriate). This involves reading and maintaining any information they receive, sharing this information with others, and seeking additional information as appropriate.
- Communicate and co-operate with other stakeholders on all aspects of accident prevention, preparedness, and response. The community should not pressure the industry, but instead there should be an open policy between the community and the industry, and a shared objective of reducing the likelihood of accidents. The potentially affected public should receive information needed to support prevention and preparedness objectives, and should participate in decision making related to hazardous installations, as appropriate.
- Participate in decision-making relating to hazardous installations. The laws in many communities provide opportunities for members of the public to participate in decision-making related to hazardous installations, for example by commenting on proposed regulations or zoning decisions, or providing input for procedures concerning licensing or siting of specific installations. Members of the public should take advantage of these opportunities to present the perspective of the community. They should work towards ensuring that such opportunities exist whenever appropriate, and that the public has the information necessary for effective participation.
- Know the hazards and risks at installations in your community where there are hazardous substances. The community should undertake, in co-operation with other stakeholders, the hazard identification and risk assessments needed for a complete understanding of the risks to the public, the environment, and

property in the event of an accident. Hazard identification and risk assessments should be undertaken from the earliest stages of design and construction, throughout operation and maintenance, and should address the possibilities of human or technological failures, as well as releases resulting from natural disasters or deliberate acts (such as terrorism, sabotage, vandalism, or theft). Such assessments should be repeated periodically and whenever there are significant modifications to the installation.

- Prepare for any accidents that occur. It is important to recognize that it is not possible to totally eliminate the risk of an accident. Therefore, it is critical to have appropriate preparedness planning in order to minimize the likelihood and extent of any adverse effects on health, the environment, or property. The community should conduct, in cooperation with other stakeholders, any off-site planning including provision of information to the potentially affected public.
- Co-operate with local authorities, and industry, in emergency planning and response. Representatives of the community should take advantage of opportunities to provide input into the emergency planning process, both with respect to on-site and off-site plans. In addition, members of the public should co-operate with any tests or exercises of emergency plans, following directions and providing feedback, as appropriate.
- Assist other stakeholders to carry out their respective roles and responsibilities. The community should co-operate with management and employee representatives and public authorities in order to promote communication and involvement from all stakeholders involved.