ARTICLE I—NAME AND BOUNDARIES
Section 1. Name
This organization is known as the Pierce County Local Emergency Planning Committee (LEPC), hereinafter referred to as the “Committee.”

Section 2. Boundaries
For delimiting the scope of its activities, the Committee uses the established territorial boundaries of Pierce County, Washington, excepting the Puyallup Indian Reservation and Joint Base Lewis-McChord (JBLM).

ARTICLE II—AUTHORITY
Section 1. Designation
As authorized by Section 301 of the Emergency Planning and Community Right-to-Know Act, as amended (Pub. L. No. 99-499, 100 Stat. 1728), hereinafter referred to as “EPCRA,” the Washington State Emergency Response Commission (SERC), hereinafter referred to as the “Commission,” has designated Pierce County as an emergency planning district.

Section 2. Purpose
The purpose of the Committee is to implement the mandate of EPCRA at the community level, as well as any other lawful purposes assigned to it by the Commission. Specifically, the Committee provides a forum for community groups, governments, industry, businesses, and the general public to voice their opinions in addition to generating awareness of and cooperatively planning for potential incidents involving hazardous chemicals produced, used, stored, and/or transported inside the emergency planning district.

Section 3. Committee Responsibilities
(a) Recruit and retain a diverse membership reflective of the communities within the emergency planning district, and the organizations that serve them.

\[^{1}\text{RCW 36.04.270}\]
\[^{2}\text{42 U.S.C. §11001/WAC 118-40-050}\]
\[^{3}\text{42 U.S.C. §11001(c)/WAC 118-40-160}\]
(b) Select officers to lead the Committee and establish rules (these Bylaws) by which the Committee must operate.\textsuperscript{4} (c) Receive and catalogue notifications and reports from facilities subject to the requirements of EPCRA. Specifically, one-time emergency planning notifications under Sections 302(c) and 303(d),\textsuperscript{5} emergency release notifications under Section 304(b),\textsuperscript{6} initial and updated Safety Data Sheet (SDS) reporting under Section 311(a),\textsuperscript{7} and annual inventory reporting under Section 312(a).\textsuperscript{8} As authorized by Section 326(a)(2) of EPCRA, the Committee reserves the right to commence civil actions against an owner or operator of a facility for failure to provide information as required by Sections 303(d) and 312(e)(1).\textsuperscript{9} (d) Receive and process public records requests for any of the information specified in section 3(c) of this Article.\textsuperscript{10} (e) Develop and maintain a hazardous materials emergency response plan specific to the emergency planning district.\textsuperscript{11}

ARTICLE III—MEMBERSHIP

Section 1. Appointment of Members

(a) Committee members are appointed upon the recommendation of either the Director of the Pierce County Department of Emergency Management (DEM), or the Chair of the Committee, and approved by the Pierce County Executive.\textsuperscript{12}

(b) Committee members are volunteers and serve without remuneration. However, the Commission may decide to cover for the reasonable costs a member incurs for travel or registration to relevant training opportunities and conferences.

(c) The Committee must annually submit a

\textsuperscript{4} 42 U.S.C. §11001(c)/WAC 118-40-160
\textsuperscript{5} 42 U.S.C. §§11002(c), 11003(d)
\textsuperscript{6} 42 U.S.C. §11004(b)
\textsuperscript{7} 42 U.S.C. §11021(a)
\textsuperscript{8} 42 U.S.C. §11022(a)
\textsuperscript{9} 42 U.S.C. §11046(a)(2)
\textsuperscript{10} 42 U.S.C. §11044/WAC 118-40-170
\textsuperscript{11} 42 U.S.C. §11003/WAC 118-40-170
\textsuperscript{12} WAC 118-40-150
Section 2. Organizations Represented

(a) Committee membership must include, at a minimum, representation from each of the following groups or types of organizations:

1. state and local officials;
2. law enforcement agencies;
3. emergency management agencies;
4. firefighting agencies;
5. first aid organizations;
6. public health agencies;
7. local environmental organizations;
8. hospitals;
9. transportation organizations;
10. news media;
11. community groups;
12. owners and operators of facilities subject to the requirements of Section 302(b) of EPCRA; and
13. schools (primary and secondary) and institutions of higher education.

(b) Members can concurrently represent multiple groups or organizations on the Committee.

(c) The committee member from Pierce County DEM representing emergency management is responsible for providing administrative support to the Committee, such as: creating preliminary meeting agendas, managing the Committee’s website, records management, monitoring the Committee’s email inbox, and forwarding public records requests or general correspondence.

Section 3. Length of Membership

Membership duration is at the discretion of each committee member or the organization that they represent.

Section 4. Removal of Members

In order to maintain a quorum for conducting business, members lose their membership for inactivity if they are absent from three consecutive regular meetings without providing written notice to the

13 WAC 118-40-160
14 42 U.S.C. §11001(c)/WAC 118-40-160
ARTICLE IV—MEETINGS

Section 1. Frequency of Meetings
(a) Regular meetings of the Committee occur on the second Tuesday of every quarter in a calendar year from 1:30 p.m. to 3:30 p.m.

(b) Special meetings of the Committee may occur at the discretion of the Chair, or as directed by the Commission.

Section 2. Notice of Meetings
The Committee provides public notification of meetings by posting preliminary meeting agendas on the Committee’s website at least 24 hours prior to the start of the meeting.\(^\text{15}\)

Section 3. Conduct of Meetings
(a) All meetings of the Committee must occur in person at a physical location.

(b) Committee meetings must adhere to the requirements of the Washington State Open Public Meetings Act.\(^\text{16}\) The latest edition of Robert’s Rules of Order Newly Revised governs the conduct of committee meetings, including the format of meeting agendas.

Section 4. Location of Meetings
The locations of all committee meetings must reside within the territorial boundaries of Pierce County, Washington or the incorporated Cities and Towns therein.

Section 5. Quorum and Voting
(a) A quorum of committee members is required for conducting business and consists of a simple majority of the members of the Committee.

(b) Upon achieving a quorum, the primary method of voting on a motion is by voice vote: wherein, following any debate, the Chair puts the motion to a vote and asks those in favor to say “aye” and those opposed to say “no.” A show of hands is used when the Chair believes a voice vote has produced an

\(^{15}\) 42 U.S.C. §11001(c)

\(^{16}\) Chapter 42.30 RCW
inconclusive result.  
(c) Votes are apportioned by member, not organization: wherein each committee member has one vote, and can either vote for, vote against, or abstain from voting on a motion. Contingent on the future extent of the Committee’s membership, the members may determine that reapportionment of votes by either proportional or equal representation of the organizations constituting the Committee is necessary.
(d) A committee member may appoint a proxy to vote on their behalf. Such appointments must:
1. be in writing;
2. specify the duration of the appointment; and
3. be submitted to the committee officers at least 24 hours prior to the start of a meeting.
(e) If unable to achieve a quorum at a regular meeting, the Chair may preside over online voting after the meeting using a medium as they deem appropriate, but only for conducting routine business not expressly described in these Bylaws, such as approving meeting minutes or updating the hazardous materials emergency response plan.
(f) When voting on motions, the Chair votes after all other members have voted and only if their vote will affect the result: thus, their vote serves to break a tie.
(g) The Secretary is responsible for recording the results of a vote in the meeting minutes.

ARTICLE V—OFFICERS

Section 1. Composition
(a) The officers of the Committee are the Chair, the Vice-Chair, and the Secretary.
(b) Committee officers are volunteers and serve without remuneration. However, the Commission may decide to cover the reasonable costs an officer incurs for travel or registration to relevant training opportunities and conferences.

Section 2. Qualifications for Office
(a) Officers must be duly appointed mem-
bers under Article III, Section 1(a) of these Bylaws.

(b) Officers must be residents of, or conduct business within, the territorial boundaries of Pierce County, Washington or the incorporated Cities and Towns therein.

(c) Officers cannot be affiliated with organizations that lobby on behalf of the chemical industry.

**Section 3. Election of Officers**

Committee officers are chosen through direct election, and the electorate consists of all duly appointed members under Article III, Section 1(a) of these Bylaws. General elections of committee officers occur every even calendar year, at the fourth quarter regular meeting. During this meeting, the incumbent Chair accepts nominations from the members for the offices of Chair, Vice-Chair, and Secretary. A candidate may run for multiple offices. The method of voting in elections is by secret write-in ballot. A quorum of committee members is required, and plurality voting determines the outcome: voters indicate on a ballot the candidate of their choice, and the candidate who receives the most votes is elected. In the instance of a tie, run-off voting occurs between the two candidates that received the most votes.

**Section 4. Term of Office**

Committee officers serve for a term of two years, beginning on the first day of the calendar year following a general election. There is no term limit. Any officer may be removed from office for cause by either a supermajority of committee members, qualified as two-thirds of the members of the Committee, or as directed by the Commission.

**Section 5. Vacancy in Elective Office**

In the instance an office becomes vacant, a special election occurs at the next scheduled regular meeting to elect a successor. The successor serves for the remainder of their predecessor’s term.

**Section 6. Duties of Officers**

(a) Chair: The Chair presides over all committee meetings, performs such duties as necessary to accomplish the responsibilities of the Committee, and
is the Committee’s primary representative to other organizations. The Chair is empowered to create ad hoc subcommittees, as necessary, to accomplish the responsibilities of the Committee. As a committee member, the Chair retains one vote; however, as the presiding officer over committee meetings, the Chair votes on motions after the other members have voted and only if it will affect the result.

(b) Vice-Chair: The Vice-Chair becomes the Committee’s Acting Chair upon the resignation or in the absence of the incumbent Chair. As Acting Chair, the Vice-Chair assumes all the powers and duties of the Chair until the election of a new Chair. The Vice-Chair performs such other duties as may be requested by the Chair.

(c) Secretary: The Secretary creates the official written record of what was done at all committee meetings. The Secretary is responsible for preparing meeting minutes and distributing to the committee members for review. The Secretary ensures that all records created by the Committee are managed properly.

ARTICLE VI—EMERGENCY PLANNING

Section 1. Plan Development

(a) Under Section 303 of EPCRA, the Committee must complete the preparation of a hazardous materials emergency response plan. In completing the plan, the Committee’s duties are the following:

1. forming a local planning team;
2. designating a team leader;
3. evaluating the resources needed to develop, implement, and exercise the plan;
4. identifying existing emergency response equipment and personnel;
5. conducting a needs assessment of emergency response equipment and personnel requirements; and,
6. providing oversight for preparation...
of the plan by the local planning team.

(b) The Emergency Support Function (ESF) #10—Oil and Hazardous Materials Response Annex to the Pierce County Comprehensive Emergency Management Plan (CEMP) is the hazardous materials emergency response plan for the emergency planning district.

Section 2. Plan Provisions

(a) The hazardous materials emergency response plan must include, at a minimum, the requirements of EPCRA, the national response team guidelines, and the concepts of the Washington State CEMP as written.¹⁸

(b) As specified in Section 1433 of “America’s Water Infrastructure Act” (Pub. L. No. 115-270, 132 Stat. 3765), the Committee will coordinate with community water systems when preparing or revising the emergency response plan.¹⁹

Section 3. Review and Distribution

(a) Committee members must annually review the plan at a regular meeting and update as appropriate. The Committee must submit such changes to the Commission for their review. If there are no changes to the plan, the Committee must provide written notification to the Commission within 30 days after completing its review of the plan.²⁰

(b) The Committee provides public notification of meetings to discuss the plan by specifying such on the Committee’s website.²¹ Any member of the public can comment on the plan under the provisions contained in Article VII, Section 2 of these Bylaws.

(c) Once the Committee promulgates the plan, the primary method of distribution is by posting the plan on the Committee’s website.²²

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¹⁸ 42 U.S.C. §11003(c)/WAC 118-40-180
¹⁹ 42 U.S.C. §3001-2
²⁰ 42 U.S.C. §11003(e)/WAC 118-40-180
²¹ 42 U.S.C. §11001(c)
²² 42 U.S.C. §11001(c)
ARTICLE VII—COMMUNITY RIGHT-TO-KNOW

Section 1. Public Records Requests

(a) Under Section 324(a) of EPCRA, information reported by facilities to the Committee must be made available to the general public upon request, with the exception of trade secrets as defined in Section 322.23

(b) The Committee must adhere to the requirements of the Washington State Public Records Act when responding to public records requests.24

(c) Public records maintained by or on behalf of the Committee have a retention schedule of not less than six years, as required by Washington State law.25

(d) The Committee designates Pierce County government to serve as coordinator for public records requests.26 Any person may request records maintained on behalf of the Committee, in writing, to the below email address.

e) Pierce County government will use its procedures for public records requests for setting-up a reading room, establishing hours of operation, determining whether copies of the reports can be made, and determining whether service fees will be charged.

Section 2. Notice of Public Availability

(a) Under Section 324(b) of EPCRA, the Committee must annually publish a notice in local newspapers confirming submittal of the hazardous materials emergency response plan and receipt of facility information. This notice must include an invitation for the public to provide input, during a 90-day comment period, on the plan or any aspect of the Committee’s activities.27

(b) During the comment period, the Committee accepts written comments

23 42 U.S.C. §11044(a)
24 Chapter 42.56 RCW
25 Chapter 40.14 RCW
26 42 U.S.C. §11001(c)/WAC 118-40-170
27 42 U.S.C. §11044(b)
sent to either the email address specified in section 1(d) of this Article, or the below mailing address for Pierce County DEM:

Pierce County LEPC
2501 South 35th Street, Suite D
Tacoma, WA 98409

(c) Following the conclusion of the 90-day comment period, the committee officers review each comment from the public and prepare a single statement for responding to all legitimate comments received. This statement must specify what changes, if any, are put into consideration in response to such comments. Once approved by committee members during a regular meeting, the statement is posted on the Committee’s website.

ARTICLE VIII—AMENDMENTS

Section 1. Mode of Amendment
These Bylaws may be amended by a quorum of committee members at any regular meeting, provided that proposed amendments to these Bylaws are submitted to all committee members in writing at least one week prior to the meeting. The committee member from Pierce County DEM representing emergency management is responsible for posting proposed amendments on the Committee’s website, upon receipt. The method of voting on proposed amendments is by recorded vote: wherein the Secretary calls the roll of committee members in attendance by name, and each member individually responds with either “yea” if in favor or “nay” if opposed. Following the call, the Secretary counts the votes and the Chair announces the results. Committee members must review these Bylaws for currency at a regular meeting at least once every five years.

ARTICLE IX—ADOPTION

Section 1. Notice of Adoption
The Committee must notify the Commission upon adopting these Bylaws, or amendments thereof. Additionally, The

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28 42 U.S.C. §11001(c)
29 42 U.S.C. §11001(c)
Pierce County Local Emergency Planning Committee

1. Committee member from Pierce County DEM representing emergency management is responsible for posting these Bylaws on the Committee's website, once adopted.

Section 2. Preemption

Nothing in these Bylaws can conflict with any additional provision of federal or state statute which are not explicitly or implicitly referred to herein. If any part of these Bylaws, or the application thereof, is hereafter held in conflict with a higher law, the remainder is not affected thereby, and only the conflicting portions are preempted.

Section 3. Approval

Having been duly approved by a quorum of committee members at a regular meeting convened on January 14, 2020, these Bylaws are hereby adopted and in effect once signed by the Chair of the Committee.

Adopted this 28th day of February, 2020 in Tacoma, Washington.

ATTEST:

Jody Ferguson
Director of Emergency Management

Todd M. Kilpatrick
Acting Chair