

# LEPC Handbook

A Guide to the Foundation and Operation of a Local Emergency Planning Committee



State Emergency Response Commission  
NEBRASKA EMERGENCY MANAGEMENT AGENCY



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## Purpose

Local Emergency Planning Committees (LEPCs) were organized under Federal Law in 1987 and Nebraska Statute (81-15,191 to 81-15,235) in 1997 under the Nebraska Emergency Planning and Community Right to Know Act (NEPCRA). They were organized to provide two major services to the citizens of their emergency planning districts:

- To develop and exercise a plan to identify and coordinate the local response to an incident involving hazardous materials
- To provide information to the citizens of the district on the hazardous substances stored and used in their communities and to help define the risk those substances pose to the communities

## Relationship to the State Emergency Response Commission

The State Emergency Response Commission (SERC) is charged by the legislature to supervise and coordinate the activities of the LEPCs. The SERC designates each county or, where appropriate, multiple counties to form the emergency planning districts.

Members of an LEPC are appointed for terms of two years by the SERC. New members must complete a membership application, which must be signed by the chairperson of the LEPC. The application form can be found in Appendix B. The application form must be completed again upon the expiration of the term of appointment.

The SERC meets on a quarterly basis in January, April, July and October, typically on the second Tuesday of each month. The meetings are announced in the Omaha World Herald for public distribution. They are open to the public and LEPC members are encouraged to attend.

## Membership

The membership of an LEPC is defined in both State and Federal Law. To the extent possible, the LEPC membership should include at a minimum a representative from each of the following interest groups:

- State and local elected officials
- Public health
- Local environmental protection
- Hospitals
- Firefighters
- Local emergency management
- Law enforcement
- Transportation
- Broadcast and print media
- Neighborhood and community organizations
- Owners and operators of facilities subject to NEPCRA

## Officers

Each LEPC is required to annually elect a chairperson. The chairperson presides over the LEPC meetings and recommends new members for appointment by the SERC.

The LEPC must also designate an official to serve as the coordinator of information. The coordinator is not required to be an elected position and is commonly filled by the local emergency manager of the county. The coordinator of information receives safety data sheets, Tier II inventory forms, and responding to public information requests.

Other positions common to LEPCs are a secretary to take meeting minutes and a vice chairperson to preside over meetings in the absence of the chairperson.

## Requirements for Operations

### Powers and Duties

- Establish rules (bylaws) governing the functioning of the committee consistent with the Open Meetings Act. An example of bylaws can be found in Appendix C. The bylaws must include by are not limited to the following:
  - procedures for public notification of meetings and activities
  - reception of public comments and responses regarding the emergency plan
- Establish procedures for receiving and processing requests for public information through the coordinator of information. Responses for requests for Tier II information must be made no later than 45 days after the receipt of the request.
- Annually publish a notice in a local newspaper that the emergency response plan and Tier II forms have been submitted and that members of the public who wish to review the plan or Tier IIs may do so at a location designated by the LEPC. The notice shall state that follow-up emergency notices may subsequently be issued.
- Annually complete a review of the emergency plan, which consists of the Annex F, Appendix 1 Hazardous Materials Response in the county Local Emergency Operations Plan (LEOP).
- Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan and make recommendations with respect to additional resources that may be required and the means for providing such additional resources.
- Designate a public library in each county as a depository for the emergency plan and update the plan as necessary.
- Provide the emergency plan to the governing bodies having jurisdiction in the district for review prior to submitting the plan to the SERC.

### Emergency Plan

The plan must meet certain requirements under Federal and State Laws. Under NEPCRA, it must include the following information at a minimum:

- 1) Identification of facilities containing an extremely hazardous substance in an amount which exceeds the threshold planning quantity established for such substance that are within the emergency planning district, identification of routes likely to be used for the transportation of extremely hazardous substances, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this section;
- 2) Methods and procedures to be followed by facility owners and operators and local emergency response and medical personnel to respond to any release of extremely hazardous substances;

- 3) Designation of a community emergency coordinator and identification of facility emergency coordinators who will make determinations necessary to implement the plan;
- 4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan and to the public that a release has occurred. Notification procedures shall be consistent with the notification requirements of section 81-15,222;
- 5) Methods for determining the occurrence of a release and the area or population likely to be affected by the release;
- 6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the Nebraska Emergency Planning and Community Right to Know Act and an identification of the persons responsible for the equipment and facilities;
- 7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;
- 8) Training programs, including schedules for training of local emergency response and medical personnel; and
- 9) Methods and schedules for exercising the emergency plan.

This emergency plan is required to be provided to the governing entity for the county (board of supervisors of commissioners) for review prior to submission to the SERC through the Nebraska Emergency Management Agency (NEMA).

### Facility Information

The LEPC can request information and the owner/operator of a facility shall promptly provide information to the LEPC necessary for development and implementing the emergency plan.

The local fire department with a facility in the jurisdiction that files inventory forms the facility owner/operator shall allow the fire department to conduct an onsite inspection of the facility and shall provide to the fire department specific locations on hazardous chemicals at the facility.

### Annual Meetings and Reports

Each LEPC shall hold an annual public meeting to prepare a report for the SERC. This meeting will also have an election for chairperson and any other officer positions required in the LEPC bylaws. The county LEOP will also be reviewed at this meeting and updates made. Updates will be submitted to the county government prior to submission to NEMA.

This meeting must be publicly advertised in a local newspaper with notice that the LEOP has been reviewed, safety data sheets and Tier II forms have been submitted and that subsequent emergency notices may be issued. The notice must also announce that members of the public who wish to review any of the information may do so at a location designated by the LEPC.

The annual report to the SERC will also be completed and approved at this meeting. It must contain an accounting for any gifts, bequests, grants, or other contributions or donations received from public or private sources by the LEPC. The annual report should also include a review of the LEPC's membership, the areas they represent, and note any terms that have expired. It should also indicate the members elected as officers. The SERC is also interested in the number of Tier II reports received and any special projects that took place that could be highlighted for distribution among other LEPCs. A sample annual report can be found in Appendix D.

## Hazardous Materials Emergency Preparedness Grant

NEMA is the recipient of the U.S. Department of Transportation's Hazardous Materials Emergency Preparedness (HMEP) Grant. The money for the grant comes from fees paid by hazardous materials shippers such as trucking companies, railroads and pipelines. The fees are handed back to the states for use in developing hazardous materials planning and training.

In Nebraska, a portion of the funds are set aside for use by LEPCs and local emergency managers to conduct training and planning within their jurisdictions. The grant can only be used for training and planning activities related to the transportation of hazardous materials. Detailed information on allowable expenses under the HMEP grant can be requested by contacting the SERC Coordinator or by viewing <https://nema.nebraska.gov/>

# LEPC Member Application

## STATE EMERGENCY RESPONSE COMMISSION



New LEPC members are to submit this form to the State Emergency Response Commission (SERC) at least 10 business days prior to the next regular scheduled meeting of the SERC. The form must be completed in its entirety or it will be sent back for resubmission. The form must be signed by the LEPC chairperson and by doing so the LEPC attests to the character and intent of the new member.

LEPC \_\_\_\_\_ County (for regional LEPCs) \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_

Employer/Organization \_\_\_\_\_  
*Organization to be represented (e.g. volunteer fire department, CERT) if other than employer*

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E Mail \_\_\_\_\_

Occupation/Organizational Position \_\_\_\_\_  
*Position in organization (e.g. fire chief, EMS captain, safety officer) if not place of regular employment*

Representing \_\_\_\_\_  
*Affiliated group (e.g. industry, firefighters, law enforcement, public health, media, community organizations)*

Please note that the membership term will begin on the date of approval by the SERC and will automatically expire two years after the SERC approval date.

Based upon the character, interest and expertise, the above named person is recommended to the SERC for membership in the above named LEPC.

\_\_\_\_\_  
Signature of LEPC Chair

\_\_\_\_\_  
Date

Send completed forms to the SERC at 2433 NW 24<sup>th</sup> St, Lincoln, NE 68524 or faxed to (402) 471-4733

State Emergency Response Commission

Nebraska Emergency Management Agency

2433 NW. 24<sup>th</sup> Street      OFFICE (402) 471-7421      FAX (402) 471-7433

Lincoln, Nebraska 68524

[nema.nebraska.gov](http://nema.nebraska.gov)

Updated 10/03/17

**BYLAWS OF THE \_\_\_\_\_ COUNTY**  
**LOCAL EMERGENCY PLANNING COMMITTEE**

Article I

This organization shall be known as the \_\_\_\_\_ County  
Local Emergency Planning Committee.

Article II

Purposes

The purposes of the LEPC are those set out in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Nebraska Emergency Planning and Community Right to Know Act (NEPCRA) of 1997, and any other lawful purposes which are assigned to it or permitted by the \_\_\_\_\_ County Commissioners and/or the State Emergency Response Commission (SERC). In keeping with the intent of SARA, Title III, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The Committee's responsibilities will include:

- Annual review and updating of the Hazmat section of the \_\_\_\_\_ County LEOP in accordance with Section 303 of SARA, Title III and NEPCRA section 81-15, 217(1)(c);
- Receipt of reports and other information from covered facilities and other agencies;
- Community right to know activities, including providing public access to information, and designation of a public library as a depository for the emergency plan in accordance with Section 324 of SARA, Title III and NEPCRA section 81-15, 217;
- Assessment of resources necessary to implement the plan, and making of recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan in accordance with NEPCRA section 81-15, 217(1)(d).

## Article III

### Membership

Section 1, Members. The committee members will be nominated by the Chairperson for appointed by the SERC. Membership will to the extent possible include at a minimum representatives from interest groups in accordance with NEPCRA section 81-15, 215 and the application process set up by the SERC. A listing of current membership including officers, mailing address, phone numbers, interest group they represent, and when term expires will be updated and provided to the SERC annually by April 30<sup>th</sup>.

Section 2, Terms of Membership. A membership term is two years from the SERC appointment date in accordance with NEPCRA Section 81-15, 215.

Section 3, Vacancies. Vacancies in membership of the committee shall be filled using the process set out in Section 1 of this article and in accordance with NEPCRA section 81-15, 215.

## Article IV

### Officers

Section 1. The officers of the committee shall consist of a Chairperson, Coordinator of Information in accordance with NEPCRA sections 81-15, 216 and 81-15, 217(1)(b), and a Secretary.

Section 2, Election. Officers terms will be for one year. The Committee shall elect the officers from its own membership.

## Article V

### Duties of the Officers

Section 1, Duties of the Chairperson. The Chairperson shall preside at all meetings of the Committee; preserve order during its meetings; appoint all sub-committees, after consultation with the membership; serves as ex-officio member of such sub-committees; and sign any documents connected with the work of the Committee requiring signature.

Section 2, Duties of the Coordinator of Information. The Coordinator of Information shall be responsible for each emergency response plan, material safety data sheet (NEPCRA section 81-15, 223), chemical list (311), inventory form

(NEPCRA section 81-15, 224), and follow up emergency notice received by the Committee. The Coordinator of Information shall file this information in an area available to the public during normal working hours.

The Coordinator of Information shall ensure that the Local Emergency Planning Committee annually publish a notice in the local newspaper that the emergency response plans, material safety data sheets, and inventory forms have been submitted and may be reviewed by the public at a specific location.

Section 3, Duties of the Secretary. The Secretary shall have charge of all the books, papers, records, and other documents of the committee; shall keep the minutes of all meetings of the committee; shall sign all minutes; shall distribute minutes to the members within ten business days after the meetings; shall conduct all correspondence pertaining to the committee; shall compile statistics and other data as required for the use of the members of the committee; and shall perform such duties as may be directed by the Chair of the committee.

Section 4, All books, papers, records, documents, minutes shall be kept in accordance with Public Records laws, sections 84-712 to 84-712.09 by the Coordinator of Information.

## Article VI

### Meetings

Section 1, Regular Meetings. The Committee shall meet bi-monthly on the first Thursday of the month for informational and training purposes, as well as one Public Meeting to be held annually in March in accordance with NEPCRA section 81-15, 216. The annual meeting will be held for the purpose of electing Committee officials, reviewing the emergency plan (NEPCRA Section 81-15, 217(1)(c)), annual Tier II reports, with the public, and allowing the public to make comments and the Committee to respond to the public comments. All meetings shall be conducted in accordance with Public Meeting laws, sections 84-1408 to 84-1414.

Section 2, Special Meetings. The Chairperson or at the request of any three members, may call such special meetings as may be deemed necessary to carry out the duties of the Committee in accordance with NEPCRA section 81-15, 216 and Public Meeting laws.

Section 3, Rules of Order. The Deliberations of all meetings of the Committee and its various sub committees shall be governed by Robert's Rules of Order.

Section 4, Notice of Meetings. Notice of time, place, and agenda items to be considered at each meeting shall be given in writing to all members at least two weeks prior to each meeting by the Secretary, and to the Clerk of the \_\_\_\_\_ County Board of Commissioners. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so. Notice of special meetings and intended agenda shall be given to all Committee members and the Clerk of the \_\_\_\_\_ County Board of Commissioners in writing or by phone at least seven days in advance of any special meetings.

An annual notice of the regular meeting schedule of the Committee shall be published in a newspaper(s) with regular circulation in \_\_\_\_\_ County in accordance with SARA Title III, NEPCRA section 81-15, 217(1)(a), and Public Meeting laws sections 84-1408 to 84-1414. This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

## Article VII

### Voting

Section 1, One Vote Each. Each Committee member, or designated representative, including the Chairperson shall be entitled to one vote.

Section 2, Proxy Votes. No member shall vote by proxy.

Section 3, Abstentions. Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them.

## Article VIII

### Reports and Recommendations

Section 1, Annual Report. By April 30 of each year, the Committee shall make a report describing its activities for the preceding calendar year to the Chairperson of the \_\_\_\_\_ County Board of Commissioners and the State Emergency Response Commission.

Section 2, Issuance of Reports. No report of any kind shall be released in the name of the Committee unless and until it has been duly adopted by a favorable vote of a majority of the members of the Committee.

Section 3, Emergency Plan. The Hazardous Materials Emergency Response Plan will be developed in accordance with SARA, Title III and Nebraska Emergency Planning and Community Right to Know Act, and will be distributed by the \_\_\_\_\_ County Emergency Management Agency.

Article IX

Amendments

These Bylaws may be amended or replaced upon the affirmative vote of a majority of members of the Committee at any regular meeting of the Committee provided that any proposed changes have been circulated to all members at least thirty days prior to any action taken.

Article X

Ratification Provision

The Bylaws are duly adopted by a majority of the members of the Committee on \_\_\_\_\_, in \_\_\_\_\_, Nebraska.  
The signatures of those subscribing to these Bylaws are set forth below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairperson  
Coordinator of Information  
Secretary

Members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**ANNUAL LEPC REPORT TO THE  
STATE EMERGENCY RESPONSE COMMISSION  
FOR THE**

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**LOCAL EMERGENCY PLANNING COMMITTEE**

*Checked box indicates additional information is attached to cover page.*

1.  Report for the year of \_\_\_\_\_ from January 1<sup>st</sup> to December 31<sup>st</sup>.
2.  Budget report on gifts, bequests, grants, or other contributions or donations from public or private sources (per NEPCRA 81-15,217(2))
3.  Members in attendance of annual Public Meeting


4.  Number of Tier II Reports received \_\_\_\_\_, previous year \_\_\_\_\_
5.  Hazmat annex of LEOP reviewed and number of changes enclosed \_\_\_\_\_
6.  Officers elected (as applicable)
  - a. Chairperson \_\_\_\_\_
  - b. Vice-Chairperson \_\_\_\_\_
  - c. Secretary \_\_\_\_\_
7.  Coordinator of Information \_\_\_\_\_
8.  Copies of public meeting notices sent to \_\_\_\_\_ newspaper
9.  Special projects and items of special interest

*Submit with all attachments and enclosures to the SERC Coordinator at NEMA by April 30<sup>th</sup>.*

**Membership Report**

Member Name

Representing

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Public Health

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Local Environmental Protection

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Hospitals

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Firefighters

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Local Emergency Management

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Law Enforcement

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Transportation

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Broadcast and Print Media

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Community Organizations

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Industry

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