

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

REGULAR AGENDA REQUEST

TO: Board of County Commissioners

FROM: Willie Bence, Director, Jefferson County Department of Emergency Management

DATE: July 8, 2024

SUBJECT: **DISCUSSION and POTENTIAL ACTION** re: Establishment of Local Emergency Planning Committee (LEPC)

STATEMENT OF ISSUE:

The Washington Administrative Code Section 118-40-150 requires that the chief elected official of local emergency planning district shall appoint the Local Emergency Planning Committee.

Emergency Management staff would like to hold the first LEPC meeting on July 9, 2024 at 1:00 p.m.

ANALYSIS:

As this is a new Committee, the Commissioners will need to review the attached Resolution, By-Laws, and make appointments to the first term for LEPC members.

FISCAL IMPACT:

There is no fiscal impact associated with approving this resolution.

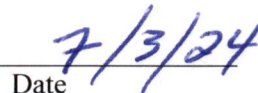
RECOMMENDATION:

Staff requests that the Board listen to a brief presentation and approve the following:

- 1) Resolution for the establishment of the Jefferson County Local Emergency Planning Committee (LEPC)
- 2) Appoint the individuals whom have submitted Volunteer Application/Statement of Interest for the LEPC
- 3) Approve the LEPC By-Laws

REVIEWED BY:


Mark McCauley, County Administrator


Date

STATE OF WASHINGTON
County of Jefferson

In the Matter of:
Establishment of a
Local Emergency Planning Committee
and Membership Appointments.

RESOLUTION NO. _____

WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law on October 17, 1986, and

WHEREAS, one part of the SARA provisions is Title III: The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), which establishes requirement for federal, state, and local governments, and industry regarding emergency response planning and community right-to-know on hazardous chemicals; and

WHEREAS, the State Emergency Response Commission (SERC) has been established within our state under SARA Title III, which designated a Local Emergency Planning Committee (LEPC) in each county, and

WHEREAS, to comply with WAC 118-40, Jefferson County is to establish a Local Emergency Planning Committee (LEPC), and

WHEREAS, WAC 118-40-150 requires the chief elected official of the local emergency planning district shall appoint the local emergency planning committee, and

WHEREAS, WAC 118-40-160 defines the groups and organizations required for LEPC membership; and

WHEREAS, nominations to fill the designated positions for the LEPC are listed in Attachment A.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY.

Section 1. Whereas Clauses are Findings of Fact. The Board adopts the above recitals (the "WHEREAS" statements) as its findings of fact supporting this resolution.

Section 2. Membership of the Jefferson County LEPC. There shall be ten (10) voting members appointed by the Board of County Commissioners to ensure that the membership of the committee is balanced and representative.

Section 3. Term of Membership. The term of membership for the committee shall be two years.

Section 4. Appointment of Members of the LEPC. The Board appoints the individuals listed in Exhibit A to the Jefferson County LEPC

Section 5. By-Laws. The By-laws of the LEPC attached as Exhibit B are approved.

Section 6. Severability. The provisions of this resolution are declared separate and severable. If any provision of this resolution or its application to any person or circumstances is held invalid, then the remainder of this ordinance or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 7. SEPA Compliance. This resolution is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).

Section 8. Effective Date. This resolution shall take effect and be in full force and effect immediately upon adoption by the Board.

APPROVED AND ADOPTED this ____ day of ____, 2024

SEAL:

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Kate Dean, Chair

Heidi Eisenhour, Member

ATTEST:

Carolyn Gallaway, Clerk of the Board

Greg Brotherton, Member

Exhibit A to Resolution No. _____

Membership of the Local Emergency Planning Committee (LEPC):

There shall be ten (10) voting members appointed by the Board of County Commissioners, to ensure that the membership of the committee is balanced and representative. The term of each member will be two years.

The voting members shall be:

Andrew Stockton representing the American Red Cross
Apple Martine representing the Jefferson County Public Health
David Pederson representing Taylor Shellfish Farms
Dwayne A. Wendorf representing the Port Townsend Paper Company, LLC.
Gary Maxfield representing Jefferson Transit
Joe Nole representing the Jefferson County Sheriff Office
Thomas A. Olson representing City of Port Townsend Police Department
Pete Brummel representing East Jefferson Fire Rescue
Tim Callister representing the United States Navy
Timothy M. McKern Quilcene Fire Rescue

Exhibit B to Resolution No. _____



BY-LAWS 2024

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ARTICLE I: NAME

The name of this organization shall be The Jefferson County Local Emergency Planning Committee, made up of communities located in Jefferson County, hereinafter referred to as the "LEPC".

ARTICLE II: PURPOSE

The purposes of the LEPC are those set out in Emergency Planning and Community Right-to-Know Act (EPCRA) and any other lawful purposes which are assigned to it or permitted by the county and/or the SERC. In keeping with the intent of EPCRA, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 EPCRA. The LEPC shall, in addition:

- A. Review the ESF-10 Emergency Response Plan once a year, or more frequently as circumstances change in the community, or as any facility may require.
- B. Develop procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA.
- C. Develop procedures for receiving and processing requests from the public under the Community Right-to-Know provisions of EPCRA or other applicable requirements that maintain or enhance the security of all persons in the LEPC's territory.
- D. Assistance in developing, training and testing of hazardous substances emergency response plan(s) within Jefferson County.
- E. Provide for public education and notification of committee activities.
- F. Implement further related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission (SERC).
- G. Form a partnership between local government and industry as a resource for enhancing hazardous materials preparedness. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.
- H. Receive and process public requests for information.
- I. Notify the public of all LEPC meetings or activities.
- J. The LEPC will perform a hazard analysis with the information, reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks.
- K. Establish and maintain a database of hazardous chemical locations and quantities in the district.

The LEPC will establish and notify the public of all meetings, including sub-committee meetings, open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State, or the County. The LEPC will make assessments of resources necessary to implement the emergency response and preparedness

plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan.

The LEPC shall be instrumental in fulfilling the purpose of EPCRA to increase community protection from exposure to chemicals produced, used, stored and/or transported within Jefferson County. Transportation analysis will include those risks to the district from commercial transportation by rail, highway, aircraft, and waters of commerce.

ARTICLE III: MEMBERSHIP

Membership will include, at a minimum, representatives of the groups listed in Section 301 of EPCRA. This includes equal representation of elected state and local officials; law enforcement, emergency management, fire-fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel, transportation personnel, broadcast and print media personnel; community groups and owners or operators of local facilities. The members will be appointed to the committee by the Jefferson County Board of County Commissioners. Members shall be residents or conduct business in the jurisdictional area of the LEPC.

Section 1: Classes of Membership: The membership of the LEPC shall consist of OFFICERS and Members. The officers shall consist of a Chair, and a Vice-Chair.

- A. Appointed Members: Such members shall consist of duly elected or appointed officials of local, state, and federal governments with jurisdiction over any part of the area served by the LEPC; local police, fire districts, rescue and emergency services; the local media; health professionals; transportation personnel; environmental groups; citizens groups; citizens; and industry.
- B. The Chair shall preside over all meetings of the LEPC unless they cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation of the existing Chair. The Chair shall serve as an ex-officio member of all committees and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chair shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.
- C. The Vice-Chair upon resignation, or death, or in the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform other duties assigned by the Chair.

Section 2: Terms of Office: Membership in the LEPC will be two years. Appointed members and existing officers may be reelected to their existing offices if they so indicate a willingness to continue.

Section 3: Vacancies: Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification will be filled by appointment of the Jefferson Board of County Commissioners. The LEPC Secretary or appointed representative shall submit that person's name, with the recommendation the person serve the balance of the unexpired term, to the Jefferson

County Board of County Commissioners requesting they nominate this person to be appointment to the LEPC.

Section 5: Duties: Members are expected to actively participate in the LEPC process. These duties are:

- A. Regular meeting attendance
- B. Participation in a minimum of one Standing Committee
- C. Accept special assignments deemed necessary by the Chair

Section 6: Voting Members: The voting members are the appointed members of the LEPC.

Sections 7: Voting: Each voting member, or designated representative shall have one vote. No members shall vote by proxy. 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. All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those committee members or designated representatives present at a duly called meeting.

Section 8: Quorum: The presence of fifty-one (51%) percent of the voting members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC.

Section 9: Disqualification: The following describes the steps that shall take place to affect such disqualification:

- A. Member attendance records shall be maintained for regularly scheduled meetings on a calendar year basis.
- B. Any member who is unable to attend a meeting may notify the LEPC Coordinator. Any member with five or more absences is subject to disqualification at the request of the Jefferson County Board of County Commissioners.

ARTICLE IV: MEETINGS

Section 1: Regular Meetings: There shall be a minimum of four LEPC regular meetings per year. Regular meetings are held under a fixed schedule. The date and time of these meetings shall be determined by the LEPC committee. Regular meeting schedule shall be advertised in the Jefferson County's Legal paper of record each January for the year. Any meetings outside the advertised regular meeting schedule will be a special meeting and must follow all requirements for a special meeting.

Section 2: Special Meetings: The Chair may call special meetings of the LEPC at such time and place as the Chair may determine necessary. The Chair must call a special meeting of the LEPC upon the written request of five members. Notice may be given at any time and in any manner reasonably designed to inform the members of the time and place of the meeting. All planned meetings of the LEPC, including that of the standing or ad hoc committees, will be open to the public.

Section 3: Enumeration of Officers: The Officers of the LEPC shall include a Chair, Vice-Chair all of whom shall be elected by the LEPC in a manner herein provided. Officers shall be voting members of the LEPC. The Jefferson County Department of Emergency Management shall seat the LEPC Coordinator, who will be neither an officer nor voting member. All voting Officers, the LEPC Coordinator may be required to complete the "EPCRA (non-313)", (The EPA's Online Training course for States, Tribes), within 90 days of election or appointment.

Section 4: Nomination and Election of Officers: Prior to the expiration of the officer's term of service, nominations and election of officers shall occur. Nominations will be accepted from the floor from the list of eligible member representatives for the positions of Chair, and Vice-Chair.

- A. If necessary, the Chair may appoint an ad hoc nominating committee to solicit nominees for the aforementioned offices. The majority of voting members of the LEPC who are present shall select these Officers. The election shall be by ballot except when there is only one nomination for any Officer.
- B. Selection of Officers shall be by a simple majority of the quorum of Voting Members of the LEPC present at the annual General Membership Meeting.
- C. In the absence of nominees for an Officer position, the Chair will have the authority to bypass the nomination process noted above and appoint any Member (who receives their organization's approval) to fill the term.

Section 5: Officer Term of Office: The terms of the Officers shall be for a period of two years, expiring on September 31 of each even numbered year for the Chair, and on December 31 of even number years for the Vice-Chair. The LEPC Coordinator is not subject to a term of office.

- A. Members may be selected to succeed themselves or to move to other positions on the LEPC.

Section 6: The LEPC Coordinator shall:

- A. Give notice of and attend all meetings of the members.
- B. Keep a true record of the proceedings of all meetings of the LEPC.
- C. Attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC. The LEPC Coordinator shall maintain and balance the LEPC checkbook; provide for collection of working funds for the LEPC by invoicing Members when collections are authorized; ensure checks are endorsed with approved signatures of the Recording Secretary; and present a report of accounting at each meeting.
- D. Coordinate the biennial review and biennial formal audit of LEPC records.

- E. Coordinate filing and recording of legal transactions such as taxes or fees mandated by the government. Retain – as necessary – professional expertise to prepare the federal tax return, and will provide all necessary books, records and/or documentation for its' completion. Shall assist in the preparation of a fiscal year budget in coordination with the Chair, Vice Chair and Ad Hoc Committee for approval at the regular or special meeting.
- F. Coordinate – with the appropriate Chair, Vice Chair – the application of all grants available to the LEPC.
- G. Discharge such other duties as shall be prescribed from time to time by the Chair, Vice Chair or the members.

ARTICLE IV: COMMITTEES

Section 1: **Ad Hoc Committees:** The Chair may create ad hoc committees as necessary to perform the functions of the LEPC. The Chair of the LEPC shall appoint chairpersons of ad hoc committees. Ad hoc committees shall limit their activities to the accomplishment of the tasks for which it is designated and shall have no power to act except as specifically conferred by action of the Chair. Upon completion of the task for which it is designated, such special committee shall stand dissolved.

ARTICLE V: AMENDMENTS

Section 1: These By-laws may be amended by a **two-thirds** vote of the voting members present and voting at any meeting of the LEPC provided that any proposed amendments to these Bylaws be presented at a general membership meeting, then distributed by email to the membership. A vote on the proposed amendment(s) shall be taken at a future general membership meeting, as posted on the meeting agenda.

ARTICLE VI: RULES

EPCRA requires that the LEPC shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

Section 1: Adoption of Rules: Publication of Proposals: The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 30 days prior to the Adoption of Rules; Publication of Proposals (continued) to final adoption of by the LEPC. Publication shall be effective through posting of the proposed rule and a statement of basis and purpose on the Jefferson County Department of Emergency Management Website in the LEPC tab (The proposed rule together with the statement of basis and purpose and here after referred to as "notice of proposed rulemaking".) Such notice of proposed rulemaking shall invite written

public comment on any aspect of the proposed rule during the 30-day period. The LEPC Coordinator may email notices of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 2: Method of Initiating Proposed Rulemaking: Any member of the LEPC may recommend the initiation of proposed rulemaking. The Chair and Vice Chair shall initially consider any proposed rules, unless otherwise decided by the LEPC. If the LEPC members, by majority vote, approve a proposed rule it shall thereafter proceed to publication as provided in the proceeding section.

Section 3: Method of Adopting Final Rules: Following the expiration of the 30-day comment period, the LEPC members shall review all public comments and prepare a statement which responds to comments raised and discussed the basis for and any appropriate changes to the proposal. The LEPC voting members shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

Section 4: Notice of Adoption: Upon adoption of any rule by the LEPC, the LEPC Coordinator shall publish the LEPC's response to the comments received, any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule. Nothing herein shall require a specific response to each and every comment received.

Section 5: Emergency Rules: In emergency circumstances, to be determined by the Chair, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

Section 6: Public Access to Information: In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier Two form or the Safety Data Sheet (SDS) otherwise in possession of the committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier Two form.

All information requested to be photocopied by any member of the public shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the LEPC Coordinator, with the approval of the Chair or Vice Chair, at a level which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of the LEPC Bylaws, proposed rules or rules shall be provided at no charge to the public, although the LEPC Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

Requests for any documentation in this Section, including any financial data, will require that the requestor fill out the official Jefferson County Documentation Request Form. This form is designed to ensure the LEPC receives certain standard information of the requestor to ensure the request is legitimate. The LEPC will respond to any such documentation requests within 31 calendar days from date of receipt. In cases where the requested information cannot be gathered and sent within the allotted time, the LEPC will provide the requestor with the date(s) the information can be made available; however, will do so within 90 days of the original request. Forms are available by contacting the LEPC Coordinator.

Section 7: Trade Secrets: Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 214(a) of EPCRA, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all requirements for such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as:

- A. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret, and
- B. The LEPC receives a written notice of such determination.

ARTICLE VII: PARLIAMENTARY AUTHORITY / SEVERABILITY

Section 1: Parliamentary Authority: The Jefferson County LEPC adopts *Robert's Rules of Order* as the method for conducting business, and they shall be followed for all general membership meetings to which they are applicable, and in which they are not inconsistent with these Bylaws.

Section 2: Severability: Any part, provision, representation or warranty of this Agreement which is prohibited or which is held to be void or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

References:



AGENDA

Jefferson County



Local Emergency Planning Committee (LEPC)

Special Meeting: July 9, 2024 at 1:00 p.m.

Chimacum Fire Station, 9183 Rhody Drive, Chimacum, Washington

You can join this meeting by using the following methods:

- | |
|--|
| <ul style="list-style-type: none">• Zoom Meeting: https://us06web.zoom.us/j/82110400824
This option will allow you to join the meeting live. You will need to enter an email address. If you wish to provide public comment, click on the hand icon at the bottom of the screen to "raise your hand." Participation will be up to the Chair and Clerk |
| <ul style="list-style-type: none">• Audio-only: Dial: 1-253-215-8782 and use Webinar ID: 1-253-215-8782
This option will allow you to listen to the meeting live. If you wish to provide public comment, press *9 to "raise your hand." Participation will be up to the Chair and Clerk
Access for the hearing impaired can be accommodated using Washington Relay Service at 1-800-833-6384. If you need special accommodations, please contact our office 24 hours in advance. |
| <ul style="list-style-type: none">• In-person: You are welcome to join this meeting in-person. |

Individuals may provide Public Comment using the following methods:

- Video: Refer to meeting instructions above
- Audio-only: Refer to meeting instructions above
- Email: You may submit comments/correspondence to us at: bbrooks@co.jefferson.wa.us up through noon the day before the meeting.

Meeting Materials: To access meeting materials and comments received, go to:
<https://www.co.jefferson.wa.us/1748/Local-Emergency-Planning-Committee-LEPC>

1. **CALL TO ORDER and INTRODUCTIONS** by Interim Chair Pete Brummel
2. **PUBLIC COMMENT** (10 min total)
3. **LEPC OVERVIEW PRESENTATION** by LEPC Coordinator
4. **DISCUSSION and POTENTIAL ACTION** re: Appointing Chair and Vice Chair for 2024
5. **DISCUSSION and POTENTIAL ACTION** re: LEPC By-laws
6. **DISCUSSION and POTENTIAL ACTION** re: Regular Meeting Schedule
7. **FUTURE AGENDA ITEMS and CLOSING REMARKS**
8. **ADJOURNMENT** (2:30 p.m.)