



STATE OF MONTANA LOCAL EMERGENCY PLANNING COMMITTEE HANDBOOK

Prepared By:

MT DES Response Bureau

des.mt.gov/Response/SERC1

2025

Handbook Credits



Published for the State Emergency Response Commission (SERC) on Emergency Planning and Response by Montana Disaster & Emergency Services (MT DES), a division of the Department of Military Affairs (DMA).

Parts of the handbook have been extracted from the State of Texas: "A Local Emergency Planning Committee (LEPC) Handbook: A Primer for Local Emergency Planning for Hazardous Materials" developed by the Texas State Emergency Response Commission, Texas Department of Public Safety, Division of Emergency Management and the guidebook developed by the United States Environmental Protection Agency Region VI.

Additionally, this handbook has also been compiled from information obtained from Handbooks of the States of North Dakota, Maine, Minnesota, Kansas, and Vermont.

MT DES is grateful for the use of this material in the development of this handbook.

For questions or further assistance please contact MT DES, the administrator of the SERC, at 406-324-4777 or MTSERC@mt.gov.



Table of Contents

● <u>Section I: Introduction</u>	1
<u>History & Background</u>	1
<u>Understanding EPCRA</u>	2
<u>Occupational Health & Safety Standards (29 CFR 1910.120)</u>	5
● <u>Section II: Local Planning Emergency Committee</u>	6
<u>Purpose</u>	6
<u>LEPC Duties & Responsibilities</u>	7
<u>LEPC Structure</u>	8
<u>Key Positions</u>	9
<u>By-Laws</u>	12
<u>Meetings</u>	12
<u>Administration</u>	13
<u>Public Inquiries and Awareness</u>	13
<u>Funding LEPC Activities</u>	14
<u>Maintaining an Effective LEPC</u>	15
<u>Tribal Emergency Response Commission</u>	15
● <u>Section III: Reporting Requirements for Facilities with Hazardous Materials</u>	16
<u>Hazardous Materials Subject to Regulation</u>	16
<u>Hazard Chemical Inventory Reporting</u>	17
● <u>Section IV: Emergency Response Planning</u>	21
<u>Emergency Response Plan Requirements</u>	21
<u>Hazardous Materials Emergency Planning Guide</u>	22
<u>Emergency Response Plan Training & Education</u>	22
<u>Emergency Response Plan Exercise & Evaluation</u>	24
● <u>Section V: Hazardous Materials Response Options</u>	25
<u>Local Government Response</u>	25
<u>Reimbursement to Local Governments</u>	26
● <u>Appendices</u>	27
A. <u>Sample LEPC By-Laws</u>	29
B. <u>Example of LEPC Membership & Stakeholder Involvement</u>	37
C. <u>Sample Invitation Letter to Request Participation on LEPC</u>	39
D. <u>LEPC Self-Evaluation Tool</u>	41
E. <u>Holding an Effective LEPC Meeting</u>	45
F. <u>Sample LEPC Meeting Agenda</u>	49
G. <u>Robert's Rules of Order</u>	51
H. <u>Example EPCRA Notice of Publication</u>	55
I. <u>Sample Letter to Appoint LEPC Chairperson</u>	57
J. <u>List of Acronyms</u>	58



Section I: Introduction

History & Background

The Local Emergency Planning Committee (LEPC) is a product of federal legislation that was passed after the Bhopal disaster in India, where thousands of people died because of an accidental release of a hazardous chemical. To prevent similar occurrences in our own communities, Congress passed the Emergency Planning and Community Right-to-Know Act ([EPCRA](#)), also known as the Superfund Amendments and Reauthorization Act ([SARA Title III](#)), in 1986. EPCRA has four major provisions: Emergency Planning ([Sections 301-303](#)); Emergency Release Notification ([Section 304](#)); Hazardous Chemical Storage Reporting Requirements ([Sections 311-312](#)); and Toxic Chemical Release Inventory ([Section 313](#)). The Community Right-to-Know provisions in EPCRA help increase public knowledge and provide them with access to information on chemicals at individual facilities, their uses, and releases into the environment.

High profile events such as the explosion in West, Texas in 2013, the Elk River chemical spill in January 2014, and the train derailment in East Palestine, Ohio in 2023 continue to place a spotlight on hazardous materials incidents and community preparedness. These incidents lead to increased scrutiny of how facilities, local, state, and federal agencies work together to protect citizens. As a result of the West Texas explosion, the president signed [Executive Order 13650](#) requiring federal agencies to review how information gathered under EPCRA, the Risk Management Program ([RMP](#)), and other federal programs can be shared among federal, state and local agencies (including first responders) in a more useful manner. It also charged these agencies with reviewing first responder capabilities, identifying areas of collaboration between agencies, and improved public access to chemical facility risks.

The ultimate success rests with the LEPCs. They are the link among citizens, industry, and the government. Because LEPC's are most familiar with the hazards in their communities, and because local citizens are the first responders for emergencies, LEPC's are in the best position to assist local governments in developing plans to respond to emergencies in their jurisdictions. This handbook, while not a policy manual, is a guide for LEPC's in their efforts. The complete EPCRA should be used by the LEPC when making decisions regarding hazardous materials. The Code of Federal Regulations (CFR) and any other appropriate document can be used to keep informed of any changes that may be made in the future.

Understanding EPCRA

EPCRA is made up of Sections 301-330 of Public Law 99-499 with Sections 302-313 and Section 324, being most common for LEPCs. The following is a brief description of these important sections:



SECTION 302 (40 CFR 302)

EPCRA Section 302 requires the owner or operator of a facility that has present any extremely hazardous substances ([EHSs](#)) in amounts that exceed the chemical-specific threshold planning quantity ([TPQ](#)) to notify the State Emergency Response Commission ([SERC](#)) that the facility is subject to the planning provisions of the Act. If a facility newly acquires an EHS in excess of the TPQ, or if there is a revision to the list of EHSs and the facility has present a substance on the revised list in excess of the TPQ, the owner or operator of the facility is required to notify the SERC, Tribal Emergency Response Commission (TERC), and the LEPC within 60 days after such acquisition or revision. The U.S. District Court for the district in which the facility is located has authority to enforce the order and assess penalties of up to \$27,500 per violation per day.

SECTION 303 (40 CFR Part 355)

EPCRA Section 303(d) requires owners or operators subject to Section 302 to provide the TERC/LEPC with the name of a person who will act as the facility emergency coordinator. Additionally, Section 303(d)(3) requires the owner or operator to promptly supply information to the TERC/LEPC upon request. The scope of the information request encompasses anything necessary for developing and implementing the emergency plan. The Environmental Protection Agency (EPA) is authorized to issue orders compelling compliance with Section 303(d). The U.S. District Court for the district in which the facility is located has authority to enforce the order and assess penalties of up to \$27,500 per violation per day.



SECTION 304 (40 CFR Part 355)

EPCRA Section 304(a) requires the owner or operator to notify immediately the appropriate governmental entities for any release that requires CERCLA notification and for releases of EPCRA Section 302 EHSs. The notification must be given to the SERCs for all states likely to be affected by the release and to the community emergency coordinators for the TERCs/LEPCs for all areas likely to be affected by the release. If the release occurs during transportation, or storage incident to such transportation, the notice requirement shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator and supplying the appropriate information.

EPCRA Section 304(c) requires any owner or operator who has had a release that is reportable to provide, as soon as practicable, a follow-up written notice (or notices) to the SERC, TERC, and LEPC updating the information required.



SECTION 311 AND 312 (40 CFR Part 370)

EPCRA Section 311 requires that the owner or operator of a facility who is required to prepare or have available a Safety Data Sheet ([SDS](#)) for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970 shall submit to the SERC, TERC, LEPC, and the fire department with jurisdiction over the facility a SDS for each such chemical (or a list of such chemicals as described in that section) present at the facility in quantities equal to or greater than 10,000 pounds or the chemical-specific minimum threshold level established by the Administrator (whichever is lower).

The submission(s) must be made within three (3) months after the owner or operator of a facility first becomes subject to OSHA's requirements for hazardous chemicals. If the hazardous chemical is a listed EHS under Section 302, the threshold for reporting is 500 pounds or the chemical-specific threshold planning quantity, whichever is lower. A revised SDS shall be provided within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a SDS was previously submitted. In addition, if a facility changes its inventory and a chemical becomes subject to these reporting requirements, the facility must provide the SDS to the SERC, TERC, LEPC, and fire department within 3 months.





EPCRA Section 312 provides that the owner or operator of a facility required to prepare or have available a SDS for a hazardous chemical under OSHA, shall submit annually (by March 1) to the SERC, TERC, LEPC, and the fire department with jurisdiction over the facility, a completed emergency and hazardous chemical inventory form which may either be aggregate information by hazard category (Tier I) or specific information by chemical ([Tier II](#)). The form must include information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds.



SECTION 313 (40 CFR Part 372)

EPCRA Section 313 deals with the routine release of toxic or hazardous substances into the environment. This is known as Toxic Release Inventory ([TRI](#)) and is part of a manufacturing or operating process. The quantity and type of release are known, and the reporting threshold is based on the total quantity released during the year. Section 313 differs from Section 304; which deals only with accidental releases. Montana has few facilities subject to Section 313 reporting, and the SERC, TERC, and LEPC will not receive the TRI report directly. Any LEPC that has concerns about TRI or want more information about it should contact the Montana Department of Environmental Quality ([DEQ](#)).

SECTION 322 (40 CFR Part 350)

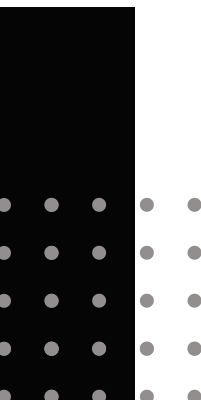
EPCRA [Section 322](#) states that, with regard to a hazardous chemical, an extremely hazardous substance, or toxic chemical, any person required under Sections 303, 311, or 312, of EPCRA to submit information to any other person may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification) if the requirements of Section 322(a)(2) are met. These requirements include trade secret claims.

SECTION 323 (40 CFR Part 370)

EPCRA Section 323 requires the owner/operator to submit chemical specific information to medical personnel in the event of a medical emergency and for preventative measures by local health professionals.

SECTION 324 (40 CFR Part 370)

EPCRA Section 324 is the right to know portion of the EPCRA. It requires that Emergency Operations Plans ([EOP](#)), SDS, and Tier II report information be made available to the general public. Each LEPC is required to annually publish a notice, through print or electronic media, that the EOP, SDS, and Tier II forms have been submitted, and it must state the location where such documents may be reviewed during normal business hours. Facilities that have submitted Tier II reports may request the LEPC to keep the location of the hazardous materials within the facility confidential. **Do not confuse this provision with the trade secret exception in Section 322.**





Occupational Health & Safety Standards ([29 CFR 1910.120](#))

LEPCs should become familiar with 29 CFR 1910.120, which is the OSHA standards regarding hazardous materials. These standards set the requirements for the hazardous waste operations and emergency response requirements for safety and health programs, site characteristics and analysis, site control, training, medical surveillance, engineering controls, work practices, personal protective equipment, monitoring, handling drums and containers, decontamination procedures, emergency response at uncontrolled hazardous waste sites, illumination, sanitation at temporary workplaces, new technology programs, operations conducted under the resource conservation and recovery act ([RCRA](#)), and emergency response to hazardous substance release.





Section II: Local Emergency Planning Committee

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 LEPCs is to form a partnership between local governments and industries to enhance all-hazards preparedness. The local government is responsible for all-hazards planning and response within their jurisdiction. This includes considerations like the following:

- Ensuring the local hazard analysis adequately addresses all-hazards incidents
- Incorporating planning for all-hazards incidents into the local emergency operations plan and annexes
- Assessing capabilities and developing all-hazards response capability using local resources, mutual aid and contractors
- Training responders
- 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 the following:

- Identifying a facility emergency coordinator
- Reporting hazmat inventories annually to the SERC, LEPC, and local fire department
- Providing SDS or a list of hazardous chemicals
- Allowing local fire departments to conduct on-site inspection of hazmat facilities
- Providing annual report of toxic chemicals released to EPA and the State

LEPCs are crucial to community right-to-know programs and all-hazards planning. Members of the LEPC represent 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 that affect 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 hazardous substances and natural disaster emergency planning and health and environmental risks. Citizens will expect the LEPC to reply to questions about hazards and risk management actions.

LEPC Duties & Responsibilities

As mentioned in Part I, the EPCRA establishes the LEPC as a forum at the local level for discussions and a focus for action in matters pertaining to all-hazards planning. LEPCs also help to provide local governments and the public with information about all-hazards in their communities.













The major legal responsibilities of LEPCs in Montana are listed below. The citations are from the EPCRA, Public Law 99-499. Each LEPC:

1. Shall review local emergency plans once a year or more frequently as circumstances change in the community or as any facility may require (Section 303(a)).
2. Shall make each Safety Data Sheet, chemical list described in Section 311(a)(2) or Tier II report, inventory form, toxic chemical release form, and follow-up emergency notice maintained by the LEPC, consistent with Section 322, available to the general public during normal working hours at a location designated by the LEPC (Section 324(a)).
3. Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information (Section 301(c)).
4. Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(c)).
5. Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304(b)(1)(a)).
6. Shall be given written follow-up information as soon as practical after a release that requires the owner/operator to submit a notice (Section 304(c)).
7. Shall receive from the owner or operator of any facility a Safety Data Sheet for each chemical or a list of such chemicals as described in paragraph (2) (Section 311(a)).
8. Shall, upon request by any person, make available Safety Data Sheet(s) to the person in accordance with Section 324 (Section 311(a)).
9. Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (Section 312(e)).
11. May commence a civil action against an owner or operator of a facility for failure to provide information under section 303(d) or for failure to submit Tier II information under section 312(e)(1) (Section 326(a)(2)(B)).



LEPC Structure

Section 301 of EPCRA states, as a minimum the LEPC shall include, as applicable, representatives from the following organizations/agencies:

-  State or local officials
-  Law Enforcement
-  Emergency Management
-  First Responders
-  Emergency Medical Services
-  Health
-  Transportation
-  Broadcast and/or print media
-  Local Environmental Groups
-  Community Groups
-  Owners and operators of covered facilities
-  Others - Residents, HOAs, school administrators, science teacher, minister, etc.



More than one of the above groups or organizations may be represented by a single person. Likewise, more than one member may represent a group. 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. If an LEPC is unable to get a representative or participation from each of these organizations, they can provide them with a copy of the minutes, the meeting announcements and agendas, and stay in contact with the appropriate representative of those agencies or organizations. [Appendix B](#) contains examples of potential community members that a LEPC can solicit for membership. [Appendix C](#) is a sample letter to send to prospective members.

Key Positions

Key positions within the LEPC include the following:

1. **Chairperson** - The local authority must 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 LEPC have chosen political leaders; others have selected chairpersons from Emergency Management, environmental groups, industry or civic organizations. Important factors to consider are the availability, management skills, commitment to the program, and respect from other LEPC members and the community (See [Appendix I](#) for a sample appointment letter).
2. **Information Coordinator** - EPCRA requires the LEPC to designate an Information Coordinator. The Information Coordinator's job is to process requests from the Public for information under Section 324, including Tier II information under Section 312. The Information Coordinator can also assist other committee members and may have another position in the LEPC as well. If an information coordinator is not designated, the responsibilities of this fall back onto the Chairperson.
3. **Others** - Positions not required by law, but which have proved useful are: Vice-Chairperson, Secretary/Treasurer, and Chairpersons of standing committees.

Maintaining a listing of LEPC memberships is the responsibility of the SERC, and the SERC has tasked this administrative responsibility to [MT DES](#). Upon request, the SERC provides this information to the public, industry, federal agencies, and other state agencies and states. A current roster of LEPC memberships must be submitted to MT DES annually for review/approval by the SERC. It is important for LEPCs to keep their membership roster current and notify MT DES of any membership changes. Montana DES maintains a synopsis on each LEPC. This information is obtained through mechanisms approved by the SERC. LEPC members are either appointed by county commissioners or according to its by-laws which are reviewed by the SERC annually.





LEPC Functions

The LEPC functions include the following:

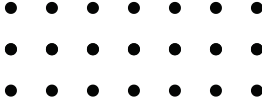
- Gathering and reviewing existing community and facility emergency plans annually
- Reviewing and updating of emergency operation plans
- Coordinating local response capabilities
- Checking and/or inventory of emergency response equipment in the community
- Coordinating with other LEPC and Emergency Management
- Identifying financial resources
- Conducting a hazard analysis
- Managing and providing information for citizens
- Providing information to facilities
- Promoting public awareness of EPCRA, community chemical hazards, and emergency response expected from the public
- Researching and applying for grant opportunities





To more efficiently carry out its functions, some LEPCs may designate the following:

- 1) Planning Subcommittee, whose responsibilities may include the following:
 - a. Assisting in the reviewing, developing and updating of the Emergency Operations Plan and/or other emergency plans.
 - b. Reviewing the site-specific Hazardous Materials Response Plans submitted for each facility with EHS.
- 2) Public Information Subcommittee, whose responsibilities may include the following:
 - a. Writing and publishing public notices.
 - b. Establishing an information retrieval system.
 - c. Performing citizen/neighborhood outreach to inform them of plans and other valuable information.
- 3) Training and Exercising Subcommittee, whose responsibilities may include:
 - a. Conducting a training needs assessment.
 - b. Requesting available training and other sources to provide needed training.
 - c. Coordinating training programs.
 - d. Establishing an exercise schedule.
- 4) Executive Subcommittee, whose responsibilities may include:
 - a. Designate chairpersons for each subcommittee.
 - b. Develop long-term goals for the LEPC.
 - c. Tend to needs of the LEPC members.
 - d. Review LEPC membership terms and solicit volunteers to fill vacancies.
 - e. Be familiar with federal, state and local laws that impact the LEPC.
 - f. Develop a work plan with timetables for the other subcommittees.
- 5) Resource Development Subcommittee, whose responsibilities may include:
 - a. Researching the resources in the community for emergency response.
 - b. Identifying alternative resources that the community may use in time of emergency or disaster.
 - c. Updating the local resource inventory.
 - d. Identifying other volunteer or in-kind assistance contributions (private sources such as business, industry, non-profit agencies etc.).
- 6) Emergency Response Subcommittee, whose responsibilities may include:
 - a. Developing emergency response procedures for local government personnel that may be utilized in emergency response.



- b. Establishing local Incident Command System procedures to strengthen and coordinate local government emergency response.
- 7) Finance Subcommittee, whose responsibilities may include the following:
 - a. Management of the LEPC budget.
 - b. Examining and recommending the use of funds.
- 8) Business/Industry Outreach subcommittee, whose responsibilities may include:
 - a. Developing initiatives that will encourage active participation by the commercial businesses and industrial facilities in your community.
 - b. Reports on subcommittee activities can be made at the regularly scheduled LEPC meetings.



By-Laws

Rules or by-laws (sample template in [Appendix A](#)) for the LEPC shall be established as required in EPCRA Section 301. The by-laws may include the following provisions:

- Public notification of committee activities
- Public meetings to discuss the emergency plan
- Response to and provision of public comments
- Distribution of emergency plan
- Election of officers

Meetings

LEPC meetings are subject to the State Open Meetings Act ([MCA 2-3-2](#)) and should follow an organized format such as Robert's Rules ([Appendix G](#)), or some other guidelines. A well-planned agenda is an important tool for conducting effective meetings. The agenda (sample in [Appendix F](#)) should identify specific issues to be discussed as well as guest speakers. If needed, each agenda item may be assigned a time limit. The key is to follow the agenda and adhere to the time limits as they are set.

The frequency of LEPC meetings is not mandated but recommended at least quarterly. However, in order to keep the LEPC functioning effectively (guide in [Appendix E](#)), 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.

Each committee member should be sent, if possible, a copy of the agenda one to two weeks before the meeting, along with any pertinent information to allow the participants to prepare for the meeting. Posting of meeting dates, times and locations, oral public comments, and recording of meeting minutes may all be subject to State Rules. LEPC are encouraged to seek topics, speakers, invitations from facilities and response organizations and other opportunities to expand knowledge from a wide variety of sources. Each meeting should have a record keeper that will produce minutes, and a record of all actions. A copy of these minutes should be provided to all the members and will be submitted to MT DES.

Although LEPCs should attempt to have quarterly scheduled meetings, it may be beneficial to move meetings to different locations within the jurisdiction. This will allow participants that may not be able to attend at one place and time the opportunity to attend at another.



Administration

Most LEPCs are challenged with having to administer a program with little or no budget and no office to work from. Despite this, they are required by law to respond to public inquiries about hazardous materials in their communities within 45 days. Keeping efficient records and using workspace provided by a LEPC member organization can still accomplish this. Some LEPCs co-locate with the emergency management program or a local fire or law enforcement department. This can be a benefit to each organization involved.



Maintenance of Records

At a minimum, LEPCs must maintain the following records:

- Copy of Local Emergency Operations Plans and their annexes.
- Safety Data Sheets or information on where to obtain them.
- Initial and follow-up hazardous chemical spill reports.
- Records of LEPC and committee meetings (minutes).
- LEPC membership list.
- Tier II reports (either paper or electronic) for reporting facilities.

Public Inquiries and Awareness

EPCRA requires LEPC to establish procedures for receiving and processing requests from the public for information under Section 312 (sample notice in [Appendix H](#)).

EPCRA is based on the principle that the more known about hazardous chemicals in the community, the better prepared the community will be to manage these potential hazards and to improve public safety and health.





Funding LEPC Activities

The cost of implementing EPCRA at the LEPCs throughout Montana will vary. Communities have found a wide range of solutions to funding LEPCs. Some examples are as follows:

Volunteers and Donated Services

Much of the work of the LEPC can be accomplished with little or no funding. Committee members often donate time and other resources. Local businesses and agencies have also contributed their services. Some LEPC have found that volunteers can be a great source of manpower.

Grants

There are limited state and federal funds available to the LEPC through grant programs. Authorized by the 1990 Hazardous Materials Transportation Uniform Safety Act ([HMTUSA](#)), the Hazardous Materials Emergency Preparedness ([HMEP](#)) Grant Program provides funding nationally for hazardous materials emergency response planning and training at the local level. The U.S. Department of Transportation ([DOT](#)) oversees the HMEP Grant Program and is administered by [MT DES](#) in Montana. All questions related to assistance for funding LEPC planning, training and/or exercise events fall under the HMEP Grant Program and will be directed to MT DES.

The Federal Emergency Management Agency ([FEMA](#)) also provides funds for local emergency management through its Emergency Management Performance Grant ([EMPG](#)). EMPG is offered to give "assistance to counties in developing disaster and assistance plans, programs, capabilities, and organizations." The purpose of the program is to ensure that a comprehensive emergency management system exists for disasters or emergencies resulting from natural disasters, accidental, or man-caused events.

The Department of Homeland Security ([DHS](#)) provides grant opportunities through the Homeland Security Grant Program ([HSGP](#)) which funds a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration. Refer to the Montana Grants Programs website (www.des.mt.gov) or contact a MT DES Grant Coordinator at 406-324-4777 for more information on grant opportunities for LEPCs.

Industry Donations

Some funding programs in the country for LEPCs are through industries that are active members of the LEPC. Industry may provide not only funding for special projects, but also equipment, and expertise.



Maintaining an Effective LEPC

Research shows the most effective LEPCs do the following:

- Have clearly defined goals.
- Have members that know what their “job” is in the LEPC.
- Have members with responsibilities and interests from broad-based community representation (not dominated by one segment).
- Have members that stay committed and interested because they:
 - Feel useful and believe they are helping the community.
 - Have been given tasks according to their interests and expertise.
 - Have been given challenging tasks.
 - Are recognized for their contributions.
 - Have a chance to develop their own skills.
- Have members that understand their purpose and value and share this with their superiors to gain support.
- Have working relationships with the state level agencies responsible for the program, and with their peers in other counties.
- Have meetings scheduled at regular, convenient times (at least quarterly).
- Have meetings that adhere to the agenda and are concerned with common interests.
- Have strong leadership and dedicated members.

Tribal Emergency Response Commission

Under sections 301-303 of [EPCRA](#), the Governor of each State appoints a State Emergency Response Commission (SERC). Likewise, the Chief Executive Officer of the Tribe is responsible for the same functions as the governor and should appoint a Tribal Emergency Response Commission ([TERC](#)) for each Tribe. The Tribal Emergency Response Commission (TERC) is the commission responsible for carrying out the provisions of EPCRA on federally recognized tribal lands.

A Tribe may choose to cooperate with another Tribe, a consortium of Tribes, or the state within which its lands are located to develop an EPCRA program that meets specific tribal needs. Some examples of EPCRA Implementation include the following:

1. A Tribe may directly implement the program within tribal jurisdiction by functioning as a TERC.
2. Through cooperation with the SERC, a Tribe may choose to implement some, but not all of the law’s requirements while the State implements the remainder of the EPCRA program.
3. A Tribe authorizes the SERC to perform the functions of the TERC within tribal jurisdiction and the Tribe establishes a TEPC or joins an LEPC that works directly with the SERC.

Depending on the system or option chosen by each Tribe to implement EPCRA, each Tribe may use the guidelines from this handbook at their discretion and benefit.









Section III: Reporting Requirements for Facilities with Hazardous Materials

Hazardous Materials Subject to Regulation

There are five groups of chemicals subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Plans ([RMP's](#)) under the Clean Air Act of 1990 ([112R](#)). Some chemicals appear in several of these lists. These lists include the following:

- Extremely Hazardous Substances (EHS)
- Hazardous Substances
- Hazardous Chemicals
- Toxic Chemicals
- List of Toxics & Flammables

Section	Chemicals Covered	Thresholds
	Extremely Hazardous Substances (EHSs) (40 CFR part 355, Appendix A and B)	Threshold Planning Quantity: Ranges from 1 to 10,000 pounds on site at any one time
	EHSs (40 CFR part 355, Appendix A and B) and CERCLA HSs (40 CFR 302.4)	Reportable Quantity: Ranges from 1 to 5,000 pounds, released in any 24-hour period
	Approximately 800,000 products	Thresholds: 500 pounds or TPQ whichever is less for EHSs; gasoline greater than or equal to 75,000 gallons (all grades combined)*; diesel greater than or equal to 100,000 gallons (all grades combined)*; 10,000 pounds for all other hazardous chemicals
	767 toxic chemicals and 33 chemical categories (40 CFR 372.65)	Thresholds: 25,000 pounds manufactured or processed in a year; 10,000 pounds otherwise used in a year; chemicals of special concern have lower thresholds

Hazard Chemical Inventory Reporting

There are fixed facilities in almost every county, which use, produce and/or store hazardous chemicals. The LEPC needs to be aware of all the facilities in their jurisdiction, and especially the ones handling EHS. These facilities may be privately or government owned and they all may be subject to some provisions of the law. Federal facilities also must comply with the provisions of the EPCRA.



Hazardous Substance Inventory Reports *Emergency Preparedness Phase*

Hazardous Substance Inventory Reports

1) Identification of facilities subject to Special Planning Requirements:





- a. Any facility that produces, uses or stores any of the more than 475 EHSs in quantities greater than the Threshold Planning Quantity (TPQ) listed in [40 CFR 355](#) at any time must report to the LEPC, TERC, and SERC through submission of [TIER II](#) forms, that they are subject to the EPCRA emergency planning requirements if they have certain extremely hazardous substances (EHS) listed in 40 CFR 355. Transportation vessels are exempt.
- b. Facilities must report within 60 days after a facility acquires EHSs in a quantity greater than the TPQ.
- c. Facilities subject to special planning requirements must identify who will participate in the emergency planning process as the facility representative and facility emergency coordinator.
- d. All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.

2) Annual Chemical Inventory Reporting

- a. Any facility that produces, uses or stores any EHSs in quantities equal to or greater than the TPQs listed in 40 CFR 355, or 500 pounds, whichever is less or other hazardous chemicals as defined by OSHA in the Hazard Communication Standard ([29 CFR 1910.1200](#)) as presenting a physical or health hazard present in quantities of 10,000 lbs. or more, must report to the LEPC, TERC, and SERC through submission of TIER II forms. Note: No specific list of chemicals is cited, but chemicals are covered if the owner/operator must maintain a Safety Data Sheet on the material under OSHA rules.
- b. All facilities must submit information about the types and amounts of chemicals present if requested by the fire chief or the LEPC.
- c. According to Section 311, covered facilities must submit Tier II forms to the LEPC, local fire departments, and the SERC within 3 months of acquiring new hazardous chemicals and according to Section 312, by March 1 of each year for the preceding calendar year. Changes must be submitted within 60 days by March 1 of each year. Tier II forms are submitted to the SERC through [E-Plan](#), which is administered by DEQ. Local jurisdictions determine their own reporting mechanism requirements.
- d. If requested, covered facilities must submit Safety Data Sheets to the local fire departments, LEPC, and SERC.

3) Annual Toxic Chemical Release Reporting

- a. Facilities (SIC Codes 20-39) which make, process, import or otherwise use a listed toxic chemical in excess of specified quantities and have 10 or more full-time employees must submit written Toxic Chemical Release Inventory Form R ([TRI](#)) by July 1 of each year to EPA Headquarters and to the SERC. Toxics are chemicals, which have chronic or long-term adverse effects on human health. Quantities are 25,000 lbs. over a year for usage in the direct processing or manufacturing. The threshold is 10,000 lbs. over a year for substances used in other than direct processing or manufacturing.

Section	Schedule
	<p>302 & 303</p> <p>A one-time notification to the SERC/TERC and LEPC/TEPC. Thereafter, within 60 days of the facility triggering reporting. If an LEPC or TEPC requests any information for developing or modifying local emergency plans, the owner or operator of the facility must promptly provide the information.</p>
	<p>304</p> <p>A notification to the SERC (or TERC), and LEPC (or TEPC) is required each time a release of an EPCRA EHS or a CERCLA Hazardous substance at or above its reportable quantity.</p>
	<p>311</p> <p>One-time submission of MSDS (SDS) or list of hazardous chemicals. An update is required for new chemicals or new information about chemicals already submitted to the SERC (or TERC), LEPC (or TEPC), and the fire department with jurisdiction over the facility.</p> <hr/> <p>312</p> <p>Annually, by March 1 to SERC (or TERC), LEPC (or TEPC), and the fire department with jurisdiction over the facility.</p>
	<p>313</p> <p>Annually, by July 1, to EPA, states and tribes.</p>



Hazardous Substance Inventory Reports

Emergency Response Phase

Covered facilities or transporters must make immediate notification to an established emergency 24-hour phone number.

1) Reportable Spills or Release Reporting by Facilities or Transporters:

- a. Any release of an EHS listed in [40 CFR 355](#) or a hazardous substance listed in [40 CFR 302](#) which meets or exceeds the threshold reportable quantity ([RQ](#)) must be reported to the LEPC, DES, SERC, and the NRC.
- b. This requirement applies to any facility that releases a listed hazardous substance that exceeds the RQ for that substance and for transportation accidents involving releases of a listed hazardous substance that exceeds the RQ for that substance. These apply to the list of 475 EHSs and CERCLA 302(a) hazardous substances.
- c. Releases must be reported as soon as it is determined that a spill or release has occurred for a substance covered by the law.

2) Other reportable incidents:

- a. All explosions and/or fires associated with oil, gas, and geothermal activities.
- b. Any injury, death, property damage, evacuation or other significant incident involving any hazardous materials incident.
- c. Any incident, accident, or theft involving radiological materials.

Risk Management Program (Clean Air Act Section 112 R)

Important provisions in the amendments of the Clean Air Act advance the process of risk management planning. The amendments include specific provisions addressing accidental releases of hazardous chemicals.

On June 20, 1996, EPA promulgated rules and guidance for chemical accident prevention. These rules include requirements for sources (facilities) to develop and implement risk management programs that incorporate six elements: an off-site consequence analysis, a five-year accident history of releases of regulated substances, an integrated accident prevention program, an emergency response program, and an RMP. These programs are summarized in an RMP, which was to be submitted to EPA by June 21, 1996.

It is important for LEPCS to be familiar with these federal rules since they will clearly be affected by them. At a minimum, LEPC can expect to get involved in the following areas of the RMP rule:

- Emergency Response Program of the final rule, which requires the owner or operator of a covered facility to, “provide the name and telephone of the local agency which the facility emergency response plan is coordinated.” Facilities may have approached LEPC with requests for the mentioned coordination. LEPC should familiarize themselves with those emergency plans.
- LEPC should make a point of reviewing at least the **executive summary** of all the risk management plans submitted by facilities within their planning areas. Not only will you find a short summary of the entire facility plan, but you will read about future changes planned to improve safety.
- LEPC should review the **hazard assessments** provided by the facilities. The vulnerable zones may add significantly to their planning efforts. Because of security concerns these assessments are not included on the Internet and should be discussed directly with the facility.





Section IV: Emergency Response Planning

Emergency Response Plan Requirements

Section 321 of [EPCRA](#) states that nothing in EPCRA will preempt any State or local law. Therefore, existing State Law governs local emergency management planning as long as it meets the requirements of EPCRA. This handbook/guideline suggests LEPCs, in coordination with emergency management, develop comprehensive emergency plans to meet the response and recovery needs during emergencies involving natural hazards, national security, and technological and man-made hazards (All Hazard Planning).

The LEPC planning envisioned by the Environmental Protection Agency (EPA) was intended to complement the existing planning that state law already required instead of creating a separate process. In most situations, LEPCs within Montana did not develop a separate plan, but carried out the emergency planning requirements related to hazardous materials by adding a hazardous materials annex.

EPCRA requires each LEPC to complete an emergency plan and review it **at least annually** or more frequently.

EPCRA requires that each comprehensive emergency response plan have the following provisions:

- Identification of facilities and transportation routes of extremely hazardous substances.
- Description of emergency response methods and procedures to be followed by facility owners and operators and local emergency and medical personnel.
- Designation of a community emergency coordinator and facility coordinator(s) to implement the plan.
- 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.

- Description of methods for determining the occurrence of a release and the probable affected area and population.
- Description of community and industry emergency equipment and facilities, and the identity of persons responsible for them.
- Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- Description of a training program for emergency response personnel (including schedules).
- Methods and schedules for exercising the emergency plan.

Hazardous Materials Emergency Planning Guide

Under the Emergency Planning and Community Right-to-Know Act of 1986, the National Response Team ([NRT](#)) is responsible for publishing guidance documents for the preparation and implementation of hazardous substance emergency plans. The National Response Team (NRT) – composed of 16 Federal agencies having major responsibilities in environmental, transportation, emergency management, worker safety, and public health areas -- issued the Hazardous Materials Emergency Planning Guide ([NRT1](#)) to provide planning guidance for state and local governments in the development of local emergency response plans. A copy of the Hazardous Materials Emergency Planning Guide can be downloaded from the [EPA website](#).

Emergency Response Plan Training & Education

EPCRA requires that each comprehensive emergency response plan have a description of training programs in accordance with hazardous materials emergency response, including schedules for training of local emergency response and medical personnel. This guide recommends making these training programs available for all emergency response, management, and facility personnel. Additionally, it is recommended the LEPCs train its own members in their respective areas of responsibility and work together with the Local Office of Emergency Management (OEM) or DES in training such groups as the EOC staff, officials, and others regarding plans, exercises, and other activities.



The training of individuals that must respond to a HAZMAT incident is a critical concern for the health and welfare of the responder and the community. All emergency responders must be properly trained and equipped if they are to successfully handle incidents. To effectively accomplish the EPCRA requirement for the provision of a training program in the jurisdiction's comprehensive emergency response plan, the LEPC can coordinate with, support, and assist the various agencies, departments, organizations, and groups with their internal training programs.

The LEPC should consider the implementation of a training and education program for the jurisdiction, which includes training already scheduled and conducted by the local OEM/DES, the various first response agencies and organizations, as well as other training activities relating to mitigation, preparedness, response and recovery. This handbook and guideline also recommends that LEPCs coordinate with and combine training efforts with the various district associations (Fire, Emergency Medical Services (EMS), Law, etc.).

Combining training sessions has many benefits, such as the following:

- Attracting more participants
- Cost savings
- Training more people with fewer instructors, and most importantly, the students get to know each other, and the roles and responsibilities of their agencies

Each LEPC should consider how the jurisdiction can best organize, set-up, and conduct a productive training and education program that benefits its jurisdiction in accordance with State and Federal training standards. One way an LEPC may approach establishing a training and education program is to appoint a Training Sub-Committee. This group could contain representatives of Fire, Law Enforcement, Facility, EMS, and Emergency Management organizations. The Training Sub-Committee should be familiar with the OSHA Standard 29 Code of Federal Regulations (CFR) [1910.120\(e\)](#), which requires initial, management and supervisor, emergency response, and refresher training.

The Training Subcommittee should complete the following:

- Carefully review training already provided.
- Assess current and future needs.
- Identify the training goals of various organizations.
- Develop their programs according to training need assessment.





Emergency Response Plan Exercise & Evaluation



EPCRA requires LEPCs to provide methods, schedules, and evaluations of the resources needed necessary to exercise their emergency plan. To further assist the LEPCs in meeting the EPCRA exercise requirement, it is recommended the LEPCs utilize the methods and guiding principles for exercise programs found in the Homeland Security Exercise & Evaluation Program ([HSEEP](#)), January 2020 version.



The LEPC's point of contact may want to contact or meet initially with the [Training, Education, & Exercise](#) Section of MT DES to seek guidance and to ensure that exercise directives and procedures are understood. Local Emergency Management may also have a major impact and input into this process. The LEPC should provide MT DES with notice of the exercise if it involves hazardous materials to permit the state to participate as appropriate. There are various documents available to assist the LEPC with exercises. These can be provided by MT DES.



Periodically FEMA certified courses in designing, conducting, and evaluating exercises are taught. Interested individuals can contact MT DES for course information, dates and applications or visit des.mt.gov for a list of exercise training opportunities in Montana. MT DES can also assist in getting evaluators for exercises conducted in communities. However, the LEPCs should support exercises by getting sufficient evaluators who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review.



Section V: Hazardous Materials Response Options



Local Government Response

Both Federal and state statutes indicate the person responsible for the spill (spiller) is responsible for the cleanup. Local government must be prepared to implement appropriate notification and response actions in order to save lives and property during a hazardous materials (HazMat) incident. In Montana, call Disaster and Emergency Services at (406) 431-0411 to make your notifications and receive advice and assistance.



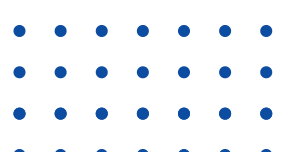
Local Emergency Response Authority (LERA)

The Montana Code Annotated (MCA) [10-3-12](#) requires cities and counties to designate a Local Emergency Response Authority (LERA) for hazardous materials incidents that occur within their jurisdictions. Cities and counties are encouraged to appoint a response authority whose members are trained in hazardous substance incident response. If the jurisdiction does not have a LERA designated, the presiding officer of the board of county commissioners must be the local emergency response authority for the incident. Also, Tribal Nations are encouraged to appoint a response authority whose members are trained in hazardous substance incident response as well.



Firefighters and HazMat Teams

Most jurisdictions assign the responsibility of hazardous substance spills response to the local or district fire department. Proper training and equipment necessary for hazardous substance response is costly in manpower and dollars, so capabilities vary considerably throughout the state. First responders should have the training to recognize immediately whether their team has the proper training and equipment to handle the incident. Some fire departments in Montana have specially trained personnel that have the capability to respond to a hazardous materials incident in their jurisdiction. If assistance is needed in the form of manpower, equipment, or advice; it can be obtained by having local emergency management call MT DES.





Incident Command System (ICS)

Under [29 CFR 1910.120](#), Hazardous Waste Operations and Emergency Response, OSHA requires the use of the Incident Command System (ICS) by private organizations responding to hazardous substance spills. EPA's [40 CFR 311](#) refers response actions and related worker safety and health for state and local employees to the OSHA citation. The designated, or local senior emergency response official on-scene is usually the Incident Commander (IC). State and Federal On Scene Coordinators (OSC) are expected to work under the Incident Command System (ICS) at all incidents, and are considered to be resources for the local Incident Commander.

HazMat Contractors

The Department of Environmental Quality maintains a list of companies that are providers of various hazardous materials (HazMat) services within the state. Although they do not license, certify, recommend or otherwise regulate these vendors, the state can provide a list of contractors to the responsible party "spiller" for site cleanup. If the spiller does not act promptly, the state can request a contractor to perform the cleanup and bill the spiller for the costs.

Reimbursement to Local Governments


According to Montana Code Annotated (MCA) [75-10-7](#), the responsible party must reimburse local government responders for costs incurred while responding to a hazardous materials release. The local government is responsible for the collection of associated response costs in addition to the costs incurred by the Regional Hazmat Teams when requested by the local authorities.

When the local jurisdiction has received response cost reimbursement for response costs of the Regional Hazardous Materials Response Team, they must send the full amount of these costs to MT DES for deposit into the environmental contingency account. The responding Regional Hazardous Materials Response Team shall forward a copy of their response reimbursement worksheet to the local response authority for their records and documentation when seeking reimbursement from the party responsible.



Appendices



- A.  Sample LEPC By-Laws
- B.  Example of LEPC Membership & Stakeholder Involvement
- C.  Sample Invitation Letter to Request Participation on LEPC
- D.  LEPC Self-Evaluation Tool
- E.  Holding an Effective LEPC Meeting
- F.  Sample LEPC Meeting Agenda
- G.  Robert's Rules of Order
- H.  Example EPCRA Notice of Publication
- I.  Sample Letter to Appoint LEPC Chairperson
- J.  List of Acronyms

These bylaws can be adapted to meet the needs of your jurisdiction—this is simply an example

Appendix A

Sample LEPC By-Laws

**BY-LAWS
OF
THE _____ COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

**ARTICLE I
NAME AND PURPOSE**

Section 1. Name. The name of this organization shall be the _____ County Local Emergency Planning Committee, hereinafter referred to as the “LEPC”.

Section 2. Purpose. The purpose of the LEPC is to set out in SARA Title III/EPCRA 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 Montana. In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop an all-hazards emergency response and preparedness plan for the jurisdiction in which it represents and establishes 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 of SARA Title III.

The LEPC shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings or activities.
3. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the jurisdiction’s transportation risks, the LEPC will perform an all- hazards analysis.
4. Establish and maintain a database of hazardous chemical locations and quantities in the jurisdiction.
5. Establish and maintain a system of data management.
6. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan.

The LEPC will establish, and notify the public that all meetings, including sub-committee and ad hoc committee meetings, are 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 Emergency Response Commission (SERC), or the county government.

The LEPC will make assessments of resources necessary to implement the emergency operations 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 the Community Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or

transported within the planning district. Transportation hazards analysis will include those risks from commercial transportation by rail, highway, aircraft and waters of commerce.

ARTICLE II MEMBERSHIP

Membership will always include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials, law enforcement, emergency management/DES, firefighting personnel, emergency medical services (EMS) personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, and owners or operators of local facilities. **The members shall be nominated and/or approved according to the LEPC by-laws and/or by the County Commissioners and will be approved by the SERC.** Membership updates will be provided to the SERC on an annual basis or whenever there is a change in membership.

Section 1. Qualification. The organization shall consist of those members nominated and/or approved according to the LEPC by laws and/or by the County Commissioners and approved by the SERC for membership in this body. Those people's names shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

Section 2. Officers. Officers shall be elected to conduct meetings, appoint subcommittees (**not required if not feasible**), keep minutes, and to otherwise accomplish the work of the committee.

Section 3. Terms of Office. The membership of the LEPC, once established, will be for a period of ___ year(s). Members may be selected to succeed themselves or to move to other positions in the LEPC. No term limits are established for this jurisdiction. The term of office shall be provided in Article III, Section 3.

Section 4. Inactive Members. Appointed members shall be considered inactive when they have missed more than ___ (insert number) consecutive Committee meetings without notification to the Committee Chair or staff office of significant reasons why they were unable to attend meetings. The annual report listing members declared inactive will be provided to the County Commissioners and the SERC.

Section 5. Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section 1.

Section 6. Duties. The LEPC shall assist established emergency planning within the county with planning emergency response and public information as directed by laws and standards.

Section 7. Meetings. The LEPC shall meet at least _____. The Chairperson may call special meetings of the LEPC at such a time and place as the Chairperson may determine. The Chairperson must call a special meeting of the LEPC upon the written request of ____ members. The special committees shall meet as the work under their groupings proceeds.

Section 8. Quorum. The presence of ____ percent of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of ____ members shall constitute a quorum for the transaction of business.

Section 9. Agenda. Any member may request that the Chairperson place an item on the meeting agenda. If the chairperson declines to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of ____ members of the Committee.

Section 10. Rules of Order. The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section 11. Notice of Meetings. An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in _____ County, or on _____ County website in accordance with SARA Title III (EPCRA). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan.

ARTICLE III OFFICERS

The Officers of the LEPC shall be the Chairperson, Vice-Chairperson, and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

Section 1. Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson, Vice-Chairperson, and Secretary-Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by the majority of the members of the LEPC present and voting at the meeting.

Section 2. Term of Office. The term of the officers elected at the organizational meeting shall expire on December 31, _____. Thereafter, the term of the officers shall be for a period of ____ year(s).

Section 3. Chairperson. The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 4. Vice-Chairperson. Upon resignation or death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

Section 5. Secretary-Treasurer. The Secretary-Treasurer, in cooperation with the Information Coordinator, shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary-Treasurer in conjunction with the Information Coordinator shall attend to the business needs³¹ of the LEPC and shall maintain an accurate

record of all monies received and expended for the use of the LEPC.

Section 6. Information Coordinator. The LEPC will appoint an Information Coordinator. The Information Coordinator shall process requests from the public for information under Section 324 (Right-to-Know), including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees and the LEPC.

ARTICLE IV SUBCOMMITTEES (OPTIONAL)

Although subcommittees are not required, dividing the work among them can facilitate planning and data management.

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons of the four standing committees as described in Section 2. The Information Coordinator shall serve as a non-voting member of this committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad-Hoc Committees.

Section 2. Standing Committees. The following Standing Committees shall be established:

- A. Right-to-Know Committee. This Committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all record keeping and information dissemination procedures for the LEPC.
- B. Public Education and Information Committee. This Committee shall be responsible for reviewing the public alert and notification program; public relations with affected communities and public at large; all publicity of the LEPC; development of public education and information program.
- C. Hazardous Materials Facilities Liaison Committee. This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.
- D. Emergency Response and Resources Committee. This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office(s) test emergency response plans for the planning district as required by law. This Committee shall review existing federal, state and local plans for the purpose of coordination with the LEPC planning process.

Section 3. Meetings. Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

Section 4. Chairperson of the Standing Committees. The Chairperson of the Standing Committees shall be nominated and elected by their respective Committees. Voting shall be conducted as provided in Article III, Section 2.

Section 5. Membership of Standing Committees. All members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Ad Hoc Committees. The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the LEPC.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year. The fiscal year shall be considered to run from July 1 to June 30.

Section 2. Indebtedness. All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary-Treasurer.

Section 3. Approval of By-Laws. These by-laws shall become effective upon approval by a majority of those in attendance at the organization meeting.

Section 4. Disqualification. Any member who is unable to attend a meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with ___ or more absences is subject to disqualification at the request of the LEPC to the county commissioners and the SERC.

ARTICLE VI AMENDMENTS

Section 1. Amendments. These by-laws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revision to the by-laws.

ARTICLE VII 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.” The final rules are attached to these by-laws.

Section 1. Adoption of Rule; Publication of Proposals. The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Such rules must first be published in proposed form not

less than 10 days prior to final adoption by the LEPC. Proposed rules are subject to public comment during the 10-day period. The LEPC Information Coordinator is encouraged, but not required, to mail 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. If the LEPC, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

Section 3. Method of Adopting Final Rules. Following the expiration of the 10-day comment period, the LEPC shall review all public comments and prepare a statement that responds to comments and discusses the basis for any appropriate changes to the proposal. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

Section 4. Notice of Adoption. Upon adoption of any rule by the LEPC, the Information Coordinator shall also publish the LEPC's response to comments received and 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.

Section 5. Emergency Rules. In emergency circumstances, 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.

FINAL RULES

Definitions

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in the Title III of the Superfund Amendments and Reauthorization Act of 1986, PL 99-499, (the "Act") and regulations adopted in accordance therewith.

Public Notification and General Participation

- A. All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where law permits otherwise. The Chairperson shall afford a reasonable period of time at the beginnings of each regular monthly meeting to accept oral public comments on any aspect of the LEPCs mission or functions.
- B. Not less than once each calendar year, the LEPC shall publish, through print or electronic means, in _____ County a notice that written public comment is invited during a thirty-day period on any aspect of the LEPCs organization, membership, functions, planning process or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPCs statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated to receive written comments.

The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to response to each and every comment received.

LEPC Participation in the Planning Process

- A. Montana Code Annotated (MCA) Title 10, as amended, requires each political subdivision to prepare a local or interjurisdictional disaster and emergency plan and program.

Public Access to Information

- A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II 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 II form.
- B. All information requested to be photocopied by any member of the public shall be provided at the sole expense of such people. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the LEPC, 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 Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

- C. Request for SDS and Other Non-Confidential Information:
 - 1. Any person may obtain a SDS with respect to a specific facility by submitting a written request to the LEPCs Information Coordinator.
 - 2. Any person may obtain any other non-confidential information in the possession of the LEPC by submitting a written request to the LEPCs Information Coordinator.
 - 3. If the LEPC does not have in its possession the SDS or other information requested in subsections C1 or C2 of this section, it shall request a submission of the SDS from the owner or operator of the facility that is the subject of the request. The LEPC will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.
- D. Requests for Tier II Information:
 - 1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the LEPC in accordance with the requirements of this section.
 - 2. If the LEPC does not have in its possession the Tier II information requested in subsection D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess threshold planning quantities.

3. If the request under subsection D1 of this section does not meet the requirements of subsection D2 of this section, the LEPC may request submission of the Tier II form from the owner or operator of the facility, that is the subject of the request if the request under subsection D1 of this section includes a general statement of need.
- E. 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 the Act, 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 applicable 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:
1. 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
 2. The LEPC receives a written notice of such determination.

**THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF _____ COUNTY LOCAL
EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT THE REGULAR MEETING OF THE
LEPC ON THIS THE _____ DAY OF _____, IN THE YEAR _____.**

LEPC CHAIRPERSON (PRINTED)

LEPC CHAIRPERSON SIGNATURE/DATE

CHAIRMAN, COUNTY COMMISSIONERS
(PRINTED)

CHAIRMAN, COUNTY COMMISSIONERS
SIGNATURE/DATE

Appendix B

Example of LEPC Membership & Stakeholder Involvement

<ul style="list-style-type: none"> • Access & Functional Needs Agencies • Advocacy Organizations • Airport Authority • Amateur Radio • Animal Control Agencies • Behavioral Health Agencies • Business Emergency Coordinators • Chambers of Commerce • County Health • Culturally & Linguistically Diverse Agencies/Organizations • Disability Service Providers • Education Institutions • Elected Officials: Commissioner, Sheriff, County Clerk & Recorder, County Attorney, Mayor, etc. • Emergency Management/DES • Emergency Medical Services (EMS) • Environmental Groups • Extension Offices • Facility Owners/Operators Storing HazMat in County • Faith-based Organizations • Health & Human Services • Highway/Road Department • Home Care Services • Independent Living Assistance Agencies • Individual Citizens • Job & Family Service Agencies • Public Transportation Agencies 	<ul style="list-style-type: none"> • Local Fire Departments • Local Law Enforcement • Media Outlets: Newspaper, Website Developer, Public Information. • Medical Advocacy Groups • Medical Facilities/Personnel • Medical Services Providers • Non-profit Organizations (NGOs) • Pharmaceutical Providers • Private Businesses • Representation from specific segments of community <ul style="list-style-type: none"> - Seniors - Minority population - Non-English Speakers - Others • School Board Members • School Bus Director • Social Advocacy Groups • Supply chain component <ul style="list-style-type: none"> - Manufacturers - Distributors - Suppliers - Logistic providers - Others • Transportation Service Providers • Utility Providers • Volunteer Organizations • Welfare Organizations • Weather Agencies • Other Pertinent Agencies
--	---

Appendix C
Sample Invitation Letter to Request Participation on LEPC

[County Letterhead]

[Date]

[Name]

[Address]

Re: Local Emergency Planning Committee

Dear [Enter Name]:

As you may be aware, [County] government is required under the federal Emergency Planning and Community Right-to-Know Act to have a Local Emergency Planning Committee (LEPC). The activities of this committee include maintenance of an Emergency Operations Plan for natural disasters and chemical accidents, receiving chemical reports from subject facilities, and making that information available to the public.

Currently, [County] LEPC is reorganizing and soliciting individuals for participation. Since your facility is subject to the reporting provisions of EPCRA and plays a vital role in the emergency planning process, it would be valuable to have a knowledgeable individual from your facility become an active member on [County] LEPC. I would like to extend an invitation for your facility to participate. Please notify me as soon as possible with your response. Such expertise and knowledge would be of great value to the LEPC.

The LEPC meets [Number] times per [Month, Quarter, Year] at [Time] on the [Number] day of the month. The meetings begin promptly and last no more than [Number] hours unless there is a special presentation or a special situation that needs to be addressed.

My mailing address is [Address] or you can contact me by email at [Email Address] or reach me by phone at [Phone Number].

Sincerely,

LEPC Chairperson

Appendix D

LEPC Self-Evaluation Tool

The following checklist has been developed for the sole purpose of conducting a self-assessment of the LEPC. These items are for internal LEPC use only and are recommendations only. In other words, this is another tool to the toolbox. The table below lists the criteria used for evaluating a LEPC. Place a check mark next to each item completed by the LEPC. Total the number of check marks in the “YES” column to evaluate the LEPC.

LEPC STRUCTURE & ORGANIZATION		YES	NO	N/A
1	Achieved genuinely broad-based and balanced membership?			
2	Adopted by laws?			
3	Hold regular, well-attended meetings (at least quarterly)?			
4	Ensured LEPC meetings are accessible and well-publicized (time, place, publicity)?			
5	Provide LEPC members advance agendas and written minutes?			
6	Submits annual membership list to SERC?			
7	Organized active subcommittees and established clear membership roles if necessary?			
8	Produced an annual report (covering trends in accidents, hazards, enforcement, drills, site-specific risk reduction, etc.)?			
9	Focused on all-hazards?			
10	Worked toward reducing vulnerability zones and accident potentials?			
11	Maintained own identity independent from the host agency?			
12	Improved emergency response and mitigation?			
13	Set progress objectives (funding, participation, communication, etc.) and annually evaluate progress toward achieving those goals?			
14	Secured adequate funding sources (through agency budgets, grants, donations, etc.)?			
LEPC RESPONSE PLANNING		YES	NO	N/A
15	Annually review and update as necessary the EOP?			
16	Coordination exists between EHS facilities and fire departments, as well as other response organizations (police, hospitals, etc.)?			
17	Established alert and warning systems to notify the public?			
18	Established a means to determine the severity of a chemical release or natural disaster and the area and population likely to be affected?			
19	Identified potential shelters and evacuation routes?			
20	Identified the facility emergency response coordinators for regulated facilities within jurisdiction?			
21	Maintain an inventory of emergency response resources (equipment, facilities, and expertise)?			
22	Provided education on protective actions (evacuation/shelter-in-place) to the public and first responders?			

23	Evaluated the protective capacity of shelter-in-place structures?			
24	Acknowledged the limits of emergency response capabilities for protecting people, property, and the environment?			
25	Received emergency response plans from the regulated facilities?			
26	Conducted a hazard analysis?			
27	Ensured that hazard analyses are incorporated into plans?			
28	Established notification procedures are in place by which facility emergency response coordinators will notify first responders in the event of a hazardous chemical emergency.			
COMMUNITY HAZARD ANALYSIS		YES	NO	N/A
29	Developed easily understood community maps showing EHS facilities, vulnerability zones, transportation routes, etc.?			
30	Conducted a commodity flow study to identify chemicals and volume of hazardous materials moving through the community?			
31	Identified potential hazards from natural events such as flood, tornado, earthquake, drought, winter storm, wildfire, etc.?			
32	Identified critical facilities, vulnerable environments, and potentially exposed populations (e.g. schools, nursing homes, residential areas, workers on site)?			
33	Prepared or obtained worst-case and lesser release scenarios at each EHS facility and those in transportation?			
34	Assessed potential risks and developed a prioritized list?			
LEPC TRAINING & EXERCISE		YES	NO	N/A
35	Developed emergency response drills and exercises to evaluate the effectiveness of our EOP?			
36	Established a schedule to regularly conduct drills and emergency response exercises?			
37	Follows HSEEP guidelines when planning and executing exercises?			
38	At least one LEPC member/representative participated in the annual Training and Exercise Planning Workshop (T&EPW)?			
39	Sponsored training for fire, medical, police, hazmat teams, hospitals, and other response personnel?			
40	Held seminars for the public on the hazards within their community and how they can protect life and property?			
41	Participated in drills and exercises with regulated facilities within the jurisdiction?			
COMMUNITY RIGHT-TO-KNOW		YES	NO	N/A
42	Publicized availability of right-to-know information?			
43	Organized data for ease of access and analysis?			
44	Established a convenient information request process?			
45	Provided Tier II chemical storage information as required?			
46	Publicized community hazard maps with vulnerability zones through printed or electronic media?			

47	Discussed or publicized options for reducing vulnerable zones (e.g. safer technologies)?			
48	Regularly contacts each reporting facility to promote better understanding of EPCRA requirements by the facility owner or operator?			
49	Provides information on EPCRA to new businesses?			
50	Ensured that all required facilities that must annually report extremely hazardous substance are submitting their Tier II forms?			
ACCIDENT PREVENTION		YES	NO	N/A
51	Promoted exploration of inherently safer technologies (e.g. safer chemicals, lower pressure or temperatures, less storage, fewer shipments)?			
52	Promoted other facility safety improvements (e.g. secondary containment, automatic shutoffs, alarms, etc.)?			
53	Provided the hazard analysis to planning commissions, zoning boards, public works, citizen advisory councils, and other local entities?			
54	Analyzed spill reports for response and prevention lessons?			
PUBLIC AWARENESS		YES	NO	N/A
55	Maintains a LEPC website for the public to access?			
56	Prints/publishes an annual EPCRA notice for local media or displays the EPCRA public notice on our website?			
57	Provides public service announcements concerning all-hazard preparedness to local radio and television stations?			
58	Conducts activities in the community to heighten the public's awareness of hazards in the community?			
59	Works with other county agencies when developing property (new housing, industry, schools, etc.)			

SCORING: TOTAL NUMBER IN "YES" COLUMN

59-51 Outstanding

50-41 Good

40-31 Progressing

30-21 Mediocre

20-11 Inadequate

10-0 Non-Functioning

Appendix E

Holding an Effective LEPC Meeting

The LEPC has many tasks it must perform, the members are volunteers, and their time is valuable, so to be successful the LEPC must operate in a businesslike manner. A well thought out 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. Send each committee member a copy of the completed agenda prior to the scheduled meeting. The advanced time necessary for the members to review the agenda is one to two weeks. Send any information pertinent to the upcoming meeting along with the agenda. This way, members can prepare themselves for the meeting in advance. In order to keep LEPC members motivated, regular scheduling of meetings is essential.

Public meetings offer a clear and immediate benefit; however, public meetings should be used sparingly. LEPCs should hold public meetings to present or review emergency plans. A large public meeting could be useful after an accident when many people have questions. If a current emergency plan has become controversial, a meeting could offer the community a chance at wider participation in revising it.

Regular meetings offer members the opportunity to continue contingency plan review and revision. Regular meetings also offer the opportunity for the LEPC to broaden its role in the community to meet the capabilities and the commitment of its members. The following guidelines for conducting a meeting are presented for your review and consideration:

BEFORE THE MEETING

- Have a specific purpose/objective for each meeting.
- Identify topics and material to be covered.
- Invite key people, guest speakers / presenters.
- Establish an appropriate time frame.
- PREPARE AN AGENDA.
- Notify membership of meeting times and distribute the agenda (early).
- Make logistical arrangements, reserve space, seating, audio/video, etc.

AT THE BEGINNING OF THE MEETING

- Start on time.
- Clarify the purpose/objective of the meeting.
- Introduce guests or new personnel.
- Clarify ground rules, i.e. one topic/speaker at a time, etc.
- Establish time objective.

DURING THE MEETING

- Make an opening statement, review the minutes of the last meeting.
- Focus on one agenda item at a time, keep the meeting on track.
- Collect and clarify relevant information.
- Maintain control over time and discussions.
- Record ideas and action items.

- Summarize information discussed.
- Reach agreement on specified decisions and actions.

AT THE END OF THE MEETING

- Review action items and responsibilities (who will do what, when).
- Summarize and set follow-up date(s).

AFTER THE MEETING

- Prepare minutes and/or follow-up correspondence if necessary.
- Follow-up on action items.
- Ask yourself, “What went well?” and “What could be improved?”

GUIDELINES FOR BECOMING A BETTER PARTICIPANT AT MEETINGS

The LEPC is composed of individuals that represent various types of agencies, departments, organizations, groups or occupations within the planning district. These members must represent their constituents in ALL LEPC activities and must provide a channel of information and coordination. The following guidelines outline action each individual member should consider in order to become a better informed and more productive participant in the activities of the committee.

BEFORE THE MEETING

- Review the agenda items, clarify the purpose of the meeting.
- Consider your input in regard to agenda items.
- Gather/prepare any materials/information you may need.
- Arrange material to present in a clear and concise manner.
- Take writing materials with you to the meeting.

DURING THE MEETING

- Arrive on time.
- Be seated and ready to go at the start time.
- Participate in discussions and activities.
- LISTEN.
- Stay on the subject being presented.
- Present your information and ideas clearly/concisely.
- Avoid side conversations, pay attention, and be polite.
- Take your own notes, don't rely on the minutes of the meeting.
- Leave attitudes at the door.

AT THE END OF THE MEETING

- Clarify items requiring your actions.
- Ask yourself “Did I represent my constituents?”

PROVEN IDEAS TO HELP KEEP COMMITTEES ACTIVE

- Conduct Annual Meeting to Review the Plan. Provide an opportunity for each first responder department to review with the Committee their roles and missions during a response as detailed by the plan. This agenda item allows the committee to meet one of the legislated mandates (annual review of the plan).

- Conduct a Meeting Near the Tier II Report Deadline. This meeting provides an opportunity for facilities to hand deliver Tier II reports to the Committee. Additionally, some Committees utilize this meeting to provide assistance to facilities in completing Tier II forms. This process helps both the Committee and facility in documenting more accurate reports and more importantly it serves as a reminder to smaller industries that Tier II forms are due.
- Invite Guest Speakers to Address Topics of Interest to Members. Topics that are perennial favorites are: cost recovery, district HazMat team response considerations, industry safety programs, and clean up contractor considerations. Governmental agencies such as Montana Disaster & Emergency Services, HazMat Team representatives, EPA, local industry, and clean-up contractor representatives are generally willing to come to present material.
- Conduct an After-Action Meeting for Incident Response. Conducting a review of a local response to identify best practices as well as lessons learned is a unique opportunity to incorporate changes to the Plan.
- Conduct a Facility Process Review. The review can serve as an awareness tool for the responder community. Having an industry explain how and why they use hazardous substances can be a beneficial means of improving awareness of the specific facility and the hazardous substances used. It also familiarizes the responders where the various hazardous substances are used or stored.
- Conduct Review of Any New Regulation of Law. Reviewing any new law or regulation recently passed by a governmental body or governing standard organization (National Fire Protection Association) that impacts the Committee allows members to keep current on the multitude of laws and regulations.
- Conduct a Review of Available Software. There are many software programs that are available to industry or the emergency response community to help with topics associated with committee activities. CAMEO and Tier II Submit software are all public domain programs that can provide assistance to response agencies and the LEPC.
- Tour Facilities within the Jurisdiction. Touring a regulated facility in the county is an effective way to connect the private and public sectors. It allows LEPC members to become more familiar with the hazardous materials within their jurisdiction. LEPCs can also tour non-regulated facilities, such as the local Humane Society, to review their emergency operations plans and discuss how to coordinate efforts during a disaster.
- Conduct Table-Top Exercises. LEPC meetings are the ideal location to discuss potential disaster scenarios and identify how each agency would coordinate with one another and respond to the disaster. By making the scenarios realistic, the input provided by the LEPC members can be incorporated into the emergency operations plan or hazard specific annexes. Table-top exercises provide a great opportunity to identify where additional planning is required. The most effective table-top exercise scenarios are those that are inclusive of all the LEPC members and the organizations they represent.
- Public Outreach Program. Letting the community know what the LEPC does should be a long-term process involving the skills and interests of committee members. Building a web page, designing posters and brochures, even public speaking are excellent ways to engage members skills and interests and make them feel important to the committee. As an added benefit, interaction with the public will not only spread the word about EPCRA and your committee, but it also gives you a feel for what the concerns are within your community.

Appendix F
Sample LEPC Meeting Agenda

[County] Local Emergency Planning Committee
[LEPC Mailing Address]
[LEPC Phone Number]

Date:

Time:

Location:

Agenda

1. Roll Call
2. Approval of Minutes
3. Communications/Mail Slot
4. Reports of Subcommittees
5. Hazardous Materials Discussion
6. Old (Unfinished) Business
7. Special Presentations
8. New Business
9. Public Comments
10. Date, time, place and tentative agenda of the next regular meeting
11. Adjournment

Appendix G

Robert's Rules of Order

Parliamentary Procedure is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion. Parliamentary Procedure is important because it's a time-tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So, it's important that everyone knows these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers' reports.
5. Committee reports.
6. Special orders—important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue.

Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor

- Wait until the last speaker has finished.
- Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
- Wait until the Chairman recognizes you.

2. Make Your Motion

- Speak in a clear and concise manner.
- Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ..."
- Avoid personalities and stay on your subject.

3. Wait for Someone to Second Your Motion

4. Another member will second your motion or the Chairman will call for a second.

5. If there is no second to your motion it is lost.

6. The Chairman States Your Motion

- The Chairman will say, "It has been moved and seconded that we ..." Thus, placing your motion before the membership for consideration and action.
- The membership then either debates your motion or may move directly to a vote.
- Once your motion is presented to the membership by the chairman it becomes "assembly property" and cannot be changed by you without the consent of the members.

7. Expanding on Your Motion

- The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
- The mover is always allowed to speak first.
- All comments and debate must be directed to the chairman.
- Keep to the time limit for speaking that has been established.
- The mover may speak again only after other speakers are finished, unless called upon by the Chairman.

8. Putting the Question to the Membership

- The Chairman asks, "Are you ready to vote on the question?"
- If there is no more discussion, a vote is taken.
- On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of voting on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are as follows:

- 1) By Voice** -- The Chairman asks those in favor to say, "Aye," those opposed to say "No". Any member may move for an exact count.
- 2) By Roll Call** -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
- 3) By General Consent** -- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
- 4) By Division** -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
- 5) By Ballot** -- Members write their vote on a slip of paper; this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

- 1) Motion to Table** -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
- 2) Motion to Postpone Indefinitely** -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But it will only work if you use it properly as follows:

- 1) Allow motions that are in order.
- 2) Have members obtain the floor properly.
- 3) Speak clearly and concisely.
- 4) Obey the rules of debate.
- 5) Most importantly, BE COURTEOUS.

Robert's Rules of Order Motion Charts

Part 1. Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion (§ indicates the section from Robert's Rules of Order Newly Revised—10th Edition)

§	PURPOSE:	YOU SAY:	Interrupt?	2nd?	Debate?	Amend?	Vote?
§21	Close meeting	I move to adjourn	NO	YES	NO	NO	Majority
§20	Take break	I move to recess for...	NO	YES	NO	YES	Majority
§19	Register complaint	I rise to a question of privilege	YES	NO	NO	NO	None
§18	Make follow agenda	I call for the orders of the day	YES	NO	NO	NO	None
§17	Lay aside temporarily	I move to lay the question on the table	NO	YES	NO	NO	Majority
§16	Close debate	I move the previous question	NO	YES	NO	NO	2/3
§15	Limit or extend debate	I move that debate be limited to...	NO	YES	NO	YES	2/3
§14	Postpone to a certain time	I move to postpone the motion to...	NO	YES	YES	YES	Majority
§13	Refer to committee	I move to refer the motion to...	NO	YES	YES	YES	Majority
§12	Modify wording of motion	I move to amend the motion by...	NO	YES	YES	YES	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	NO	YES	YES	NO	Majority
§10	Bring business before an assembly (a main motion)	I move that [or "to"]	NO	YES	YES	YES	Majority

Part 2. Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	Interrupt?	2nd?	Debate?	Amend?	Vote?
§23	Enforce rules	Point of Order	YES	NO	NO	NO	None
§24	Submit matter to assembly	I appeal from the decision of the Chair	YES	YES	VARIES	NO	Majority
§25	Suspend rules	I move to suspend the rules	NO	YES	NO	NO	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	YES	NO	NO	NO	2/3
§27	Divide motion	I move to divide the question	NO	YES	NO	YES	Majority
§29	Demand a rising vote	I move for a rising vote	YES	NO	NO	NO	None
§33	Parliamentary law question	Parliamentary inquiry	YES	NO	NO	NO	None
§33	Request for information	Point of information	YES	NO	NO	NO	None

Part 3. Motions That Bring a Question Again Before the Assembly. No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	Interrupt?	2nd?	Debate?	Amend?	Vote?
§34	Take matter from table	I move to take from the table...	NO	YES	NO	NO	Majority
§35	Cancel previous action	I move to rescind...	NO	YES	YES	YES	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider...	NO	YES	Varies	NO	Majority

Appendix H
Example EPCRA Notice of Publication

PUBLIC NOTICE

ACCESSIBILITY OF SARA TITLE III HAZARDOUS SUBSTANCE INFORMATION

Section 324 of the Emergency Planning and Community Right to Know Act, also known as SARA Title III (Superfund Amendments and Reauthorization Act of 1986, PL99-499) requires public notice at least once annually informing the public of the means to access information about extremely hazardous substances that are manufactured, stored, and used within their community. Follow-up emergency notices may subsequently be issued.

Accordingly, information concerning LEPC meetings, SARA Title III hazardous materials planning which is included in our _____ County Emergency Operations Response Plan, safety data sheets (SDS), hazardous chemical inventory forms, listing extremely hazardous substances manufactured, stored, or used within _____ County can be obtained during normal business hours by contacting _____ at _____.

Appendix I
Sample Letter to Appoint LEPC Chairperson

[County Letterhead]

[Date]

[Name]

[Address]

Re: Local Emergency Planning Committee Chairperson Appointment

SERC Chairperson:

In compliance with the Emergency Planning and Community Right to Know Act (EPCRA) [Enter Name] has been appointed as the Local Emergency Planning Committee (LEPC) Chairperson for [Enter County]. This appointment will be for a [Enter Number]-year term.

Sincerely,

CHAIRPERSON, COUNTY COMMISSIONERS
(PRINTED)

CHAIRPERSON, COUNTY COMMISSIONERS
(SIGNATURE/DATE)

Appendix J

List of Acronyms

CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act (Superfund)
CFATS	Chemical Facility Anti-Terrorism Standard
CFR	Code of Federal Regulations
CRTK	Community Right-to-Know
DEQ	Montana Department of Environmental Quality
DES	Disaster & Emergency Services
DHS	Department of Homeland Security
DOT	Department of Transportation
EHS	Extremely Hazardous Substance
EMPG	Emergency Management Performance Grant
EMS	Emergency Medical Services
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
EPD	Emergency Planning District
FEMA	Federal Emergency Management Agency
HazMat	Hazardous Materials
HMEP	Hazardous Materials Emergency Planning
HMTUSA	Hazardous Materials Transportation Uniform Safety Act
ICS	Incident Command System
LEPC	Local Emergency Planning Committee

LERA	Local Emergency Response Authority
SDS	Safety Data Sheet
MCA	Montana Code Annotated
MTDES	Montana Disaster & Emergency Services
NRC	National Response Center
NRT	National Response Team
OEM	Office of Emergency Management
OSC	On-Scene Coordinators
OSHA	Occupational Safety and Health Administration
RCRA	Resource Conservation & Recovery Act
RMP	Risk Management Plan
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act
SDS	Safety Data Sheet
SEP	Supplemental Environmental Projects
SERC	State Emergency Response Commission
TERC	Tribal Emergency Response Commission
TPQ	Threshold Planning Quantity
TRI	Toxic Release Inventory



For questions or further assistance please
contact MT DES, the administrator of the
SERC, at 406-324-4777 or MTSERC@mt.gov.

des.mt.gov/Response/SERC1

