

**BYLAWS
OF
THE PIERCE COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

1 **ARTICLE I—NAME AND BOUNDARIES**

2 **Section 1. Name**

3 This organization is known as the Pierce
4 County Local Emergency Planning
5 Committee (LEPC), hereinafter referred to
6 as the “Committee.”

7 **Section 2. Boundaries**

8 For delimiting the scope of its activities, the
9 Committee uses the established territorial
10 boundaries of Pierce County, Washington,¹
11 excepting the Puyallup Indian Reservation
12 and Joint Base Lewis-McChord (JBLM).

13 **ARTICLE II—AUTHORITY**

14 **Section 1. Designation**

15 As authorized by Section 301 of the
16 Emergency Planning and Community
17 Right-to-Know Act, as amended (Pub. L.
18 No. 99-499, 100 Stat. 1728), hereinafter
19 referred to as “EPCRA,” the Washington
20 State Emergency Response Commission
21 (SERC), hereinafter referred to as the

22 “Commission,” has designated Pierce
23 County as an emergency planning district.²

24 **Section 2. Purpose**

25 The purpose of the Committee is to
26 implement the mandate of EPCRA at the
27 community level, as well as any other
28 lawful purposes assigned to it by the
29 Commission. Specifically, the Committee
30 provides a forum for community groups,
31 governments, industry, businesses, and
32 the general public to voice their opinions in
33 addition to generating awareness of and
34 cooperatively planning for potential
35 incidents involving hazardous chemicals
36 produced, used, stored, and/or transported
37 inside the emergency planning district.

38 **Section 3. Committee Responsibilities**

39 (a) Recruit and retain a diverse member-
40 ship reflective of the communities
41 within the emergency planning district,
42 and the organizations that serve them.³

¹ RCW 36.04.270

² 42 U.S.C. §11001/WAC 118-40-050

³ 42 U.S.C. §11001(c)/WAC 118-40-160

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- 1 (b) Select officers to lead the Committee 23 specified in section 3(c) of this Article.¹⁰
2 and establish rules (these Bylaws) by 24 (e) Develop and maintain a hazardous
3 which the Committee must operate.⁴ 25 materials emergency response plan
4 (c) Receive and catalogue notifications 26 specific to the emergency planning
5 and reports from facilities subject to the 27 district.¹¹
6 requirements of EPCRA. Specifically, 28 **ARTICLE III—MEMBERSHIP**
7 one-time emergency planning notifica- 29 **Section 1. Appointment of Members**
8 tions under Sections 302(c) and 30 (a) Committee members are appointed
9 303(d),⁵ emergency release notifica- 31 upon the recommendation of either the
10 tions under Section 304(b),⁶ initial and 32 Director of the Pierce County Depart-
11 updated Safety Data Sheet (SDS) 33 ment of Emergency Management
12 reporting under Section 311(a),⁷ and 34 (DEM), or the Chair of the Committee,
13 annual inventory reporting under 35 and approved by the Pierce County
14 Section 312(a).⁸ As authorized by 36 Executive.¹²
15 Section 326(a)(2) of EPCRA, the 37 (b) Committee members are volunteers
16 Committee reserves the right to 38 and serve without remuneration. How-
17 commence civil actions against an 39 ever, the Commission may decide to
18 owner or operator of a facility for failure 40 cover for the reasonable costs a
19 to provide information as required by 41 member incurs for travel or registration
20 Sections 303(d) and 312(e)(1).⁹ 42 to relevant training opportunities and
21 (d) Receive and process public records 43 conferences.
22 requests for any of the information 44 (c) The Committee must annually submit a

⁴ 42 U.S.C. §11001(c)/WAC 118-40-160

⁵ 42 U.S.C. §§11002(c), 11003(d)

⁶ 42 U.S.C. §11004(b)

⁷ 42 U.S.C. §11021(a)

⁸ 42 U.S.C. §11022(a)

⁹ 42 U.S.C. §11046(a)(2)

¹⁰ 42 U.S.C. §11044/WAC 118-40-170

¹¹ 42 U.S.C. §11003/WAC 118-40-170

¹² WAC 118-40-150

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1 list of its members, and the organiza-
2 tions that they represent, to the
3 Commission.¹³

4 **Section 2. Organizations Represented**

5 (a) Committee membership must include,
6 at a minimum, representation from
7 each of the following groups or types of
8 organizations:¹⁴

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

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

28 (c) The committee member from Pierce
29 County DEM representing emergency
30 management is responsible for provid-
31 ing administrative support to the
32 Committee, such as: creating prelimi-
33 nary meeting agendas, managing the
34 Committee's website, records manage-
35 ment, monitoring the Committee's
36 email inbox, and forwarding public
37 records requests or general corre-
38 spondence.

39 **Section 3. Length of Membership**

40 Membership duration is at the discretion of
41 each committee member or the organ-
42 ization that they represent.

43 **Section 4. Removal of Members**

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

¹³ WAC 118-40-160

¹⁴ 42 U.S.C. §11001(c)/WAC 118-40-160

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1 committee officers. The appointing author-
2 ity reserves the right to withdraw member-
3 ship appointments without cause.

4 **ARTICLE IV—MEETINGS**

5 **Section 1. Frequency of Meetings**

6 (a) Regular meetings of the Committee
7 occur on the second Tuesday of every
8 quarter in a calendar year from
9 1:30 p.m. to 3:30 p.m.

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

14 **Section 2. Notice of Meetings**

15 The Committee provides public notification
16 of meetings by posting preliminary meeting
17 agendas on the Committee’s website at
18 least 24 hours prior to the start of the
19 meeting.¹⁵

20 **Section 3. Conduct of Meetings**

21 (a) All meetings of the Committee must
22 occur in person at a physical location.

23 (b) Committee meetings must adhere to
24 the requirements of the Washington

25 State Open Public Meetings Act.¹⁶

26 (c) The latest edition of Robert’s Rules of
27 Order Newly Revised governs the
28 conduct of committee meetings,
29 including the format of meeting
30 agendas.

31 **Section 4. Location of Meetings**

32 The locations of all committee meetings
33 must reside within the territorial boundaries
34 of Pierce County, Washington or the in-
35 corporated Cities and Towns therein.

36 **Section 5. Quorum and Voting**

37 (a) A quorum of committee members is
38 required for conducting business and
39 consists of a simple majority of the
40 members of the Committee.

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

¹⁵ 42 U.S.C. §11001(c)

¹⁶ Chapter 42.30 RCW

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1 inconclusive result.
2 (c) Votes are apportioned by member, not
3 organization: wherein each committee
4 member has one vote, and can either
5 vote for, vote against, or abstain from
6 voting on a motion. Contingent on the
7 future extent of the Committee’s
8 membership, the members may de-
9 termine that reapportionment of votes
10 by either proportional or equal rep-
11 resentation of the organizations con-
12 stituting the Committee is necessary.

13 (d) A committee member may appoint a
14 proxy to vote on their behalf. Such
15 appointments must:

- 16 1. be in writing;
- 17 2. specify the duration of the
- 18 appointment; and
- 19 3. be submitted to the committee
- 20 officers at least 24 hours prior to the
- 21 start of a meeting.

22 (e) If unable to achieve a quorum at a
23 regular meeting, the Chair may preside
24 over online voting after the meeting
25 using a medium as they deem
26 appropriate, but only for conducting

27 routine business not expressly de-
28 scribed in these Bylaws, such as
29 approving meeting minutes or updating
30 the hazardous materials emergency
31 response plan.

32 (f) When voting on motions, the Chair
33 votes after all other members have
34 voted and only if their vote will affect the
35 result: thus, their vote serves to break
36 a tie.

37 (g) The Secretary is responsible for re-
38 cording the results of a vote in the
39 meeting minutes.

ARTICLE V—OFFICERS

Section 1. Composition

42 (a) The officers of the Committee are the
43 Chair, the Vice-Chair, and the
44 Secretary.

45 (b) Committee officers are volunteers and
46 serve without remuneration. However,
47 the Commission may decide to cover
48 the reasonable costs an officer incurs
49 for travel or registration to relevant
50 training opportunities and conferences.

Section 2. Qualifications for Office

51 (a) Officers must be duly appointed mem-
52

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1 bers under Article III, Section 1(a) of
2 these Bylaws.

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

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

11 **Section 3. Election of Officers**

12 Committee officers are chosen through
13 direct election, and the electorate consists
14 of all duly appointed members under Article
15 III, Section 1(a) of these Bylaws. General
16 elections of committee officers occur every
17 even calendar year, at the fourth quarter
18 regular meeting. During this meeting, the
19 incumbent Chair accepts nominations from
20 the members for the offices of Chair, Vice-
21 Chair, and Secretary. A candidate may run
22 for multiple offices. The method of voting in
23 elections is by secret write-in ballot. A
24 quorum of committee members is required,
25 and plurality voting determines the
26 outcome: voters indicate on a ballot the

27 candidate of their choice, and the
28 candidate who receives the most votes is
29 elected. In the instance of a tie, run-off
30 voting occurs between the two candidates
31 that received the most votes.

32 **Section 4. Term of Office**

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

42 **Section 5. Vacancy in Elective Office**

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

48 **Section 6. Duties of Officers**

49 (a) Chair: The Chair presides over all
50 committee meetings, performs such
51 duties as necessary to accomplish the
52 responsibilities of the Committee, and

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1 is the Committee’s primary representa- 25
2 tive to other organizations. The Chair is 26
3 empowered to create ad hoc subcom- 27
4 mittees, as necessary, to accomplish 28
5 the responsibilities of the Committee. 29

6 As a committee member, the Chair 30
7 retains one vote; however, as the 31
8 presiding officer over committee meet- 32
9 ings, the Chair votes on motions after 33
10 the other members have voted and 34
11 only if it will affect the result. 35

12 (b) Vice-Chair: The Vice-Chair becomes 36
13 the Committee’s Acting Chair upon the 37
14 resignation or in the absence of the 38
15 incumbent Chair. As Acting Chair, the 39
16 Vice-Chair assumes all the powers and 40
17 duties of the Chair until the election of 41
18 a new Chair. The Vice-Chair performs 42
19 such other duties as may be requested 43
20 by the Chair. 44

21 (c) Secretary: The Secretary creates the 45
22 official written record of what was 46
23 done at all committee meetings. The 47
24 Secretary is responsible for preparing 48

meeting minutes and distributing to the
committee members for review. The
Secretary ensures that all records
created by the Committee are man-
aged properly.

ARTICLE VI—EMERGENCY PLANNING

Section 1. Plan Development

(a) Under Section 303 of EPCRA, the
Committee must complete the prep-
aration of a hazardous materials emer-
gency response plan. In completing the
plan, the Committee’s duties are the
following:¹⁷

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

¹⁷ 42 U.S.C. §11003(a)/WAC 118-40-170

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1 of the plan by the local planning
2 team.

3 (b) The Emergency Support Function
4 (ESF) #10—Oil and Hazardous Mate-
5 rials Response Annex to the Pierce
6 County Comprehensive Emergency
7 Management Plan (CEMP) is the
8 hazardous materials emergency re-
9 sponse plan for the emergency
10 planning district.

11 **Section 2. Plan Provisions**

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

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

24 response plan.¹⁹

25 **Section 3. Review and Distribution**

26 (a) Committee members must annually
27 review the plan at a regular meeting
28 and update as appropriate. The
29 Committee must submit such changes
30 to the Commission for their review. If
31 there are no changes to the plan, the
32 Committee must provide written no-
33 tification to the Commission within 30
34 days after completing its review of the
35 plan.²⁰

36 (b) The Committee provides public no-
37 tification of meetings to discuss the
38 plan by specifying such on the
39 Committee’s website.²¹ Any member of
40 the public can comment on the plan
41 under the provisions contained in
42 Article VII, Section 2 of these Bylaws.

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

¹⁸ 42 U.S.C. §11003(c)/WAC 118-40-180

¹⁹ 42 U.S.C. §300i-2

²⁰ 42 U.S.C. §11003(e)/WAC 118-40-180

²¹ 42 U.S.C. §11001(c)

²² 42 U.S.C. §11001(c)

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1 **ARTICLE VII—COMMUNITY RIGHT-TO-**
2 **KNOW**

3 **Section 1. Public Records Requests**

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

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

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

19 (d) The Committee designates Pierce
20 County government to serve as
21 coordinator for public records re-
22 quests.²⁶ Any person may request
23 records maintained on behalf of the

24 Committee, in writing, to the below
25 email address.

26 pclepc@piercecountywa.gov

27 (e) Pierce County government will use its
28 procedures for public records requests
29 for setting-up a reading room, es-
30 tablishing hours of operation, determin-
31 ing whether copies of the reports can
32 be made, and determining whether
33 service fees will be charged.

34 **Section 2. Notice of Public Availability**

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

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

²³ 42 U.S.C. §11044(a)

²⁴ Chapter 42.56 RCW

²⁵ Chapter 40.14 RCW

²⁶ 42 U.S.C. §11001(c)/WAC 118-40-170

²⁷ 42 U.S.C. §11044(b)

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1 sent to either the email address
2 specified in section 1(d) of this Article,
3 or the below mailing address for Pierce
4 County DEM.²⁸

5 Pierce County LEPC
6 2501 South 35th Street, Suite D
7 Tacoma, WA 98409

8 (c) Following the conclusion of the 90-
9 day comment period, the committee
10 officers review each comment from the
11 public and prepare a single statement
12 for responding to all legitimate com-
13 ments received. This statement must
14 specify what changes, if any, are put
15 into consideration in response to such
16 comments. Once approved by com-
17 mittee members during a regular meet-
18 ing, the statement is posted on the
19 Committee’s website.²⁹

20 **ARTICLE VIII—AMENDMENTS**

21 **Section 1. Mode of Amendment**

22 These Bylaws may be amended by a
23 quorum of committee members at any
24 regular meeting, provided that proposed

25 amendments to these Bylaws are
26 submitted to all committee members in
27 writing at least one week prior to the
28 meeting. The committee member from
29 Pierce County DEM representing emer-
30 gency management is responsible for
31 posting proposed amendments on the
32 Committee’s website, upon receipt. The
33 method of voting on proposed amend-
34 ments is by recorded vote: wherein the
35 Secretary calls the roll of committee
36 members in attendance by name, and each
37 member individually responds with either
38 “yea” if in favor or “nay” if opposed.
39 Following the call, the Secretary counts the
40 votes and the Chair announces the results.
41 Committee members must review these
42 Bylaws for currency at a regular meeting at
43 least once every five years.

44 **ARTICLE IX—ADOPTION**

45 **Section 1. Notice of Adoption**

46 The Committee must notify the
47 Commission upon adopting these Bylaws,
48 or amendments thereof. Additionally, The

²⁸ 42 U.S.C. §11001(c)

²⁹ 42 U.S.C. §11001(c)

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1 committee member from Pierce County
2 DEM representing emergency manage-
3 ment is responsible for posting these
4 Bylaws on the Committee’s website, once
5 adopted.

Section 2. Preemption

7 Nothing in these Bylaws can conflict with
8 any additional provision of federal or state
9 statute which are not explicitly or implicitly
10 referred to herein. If any part of these

11 Bylaws, or the application thereof, is
12 hereafter held in conflict with a higher law,
13 the remainder is not affected thereby, and
14 only the conflicting portions are preempted.

Section 3. Approval

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

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

ATTEST:

PIERCE COUNTY LOCAL EMERGENCY
PLANNING COMMITTEE



Jody Ferguson

Director of Emergency Management



Todd M. Kilpatrick

Acting Chair