

THE NORTHERN KENTUCKY EMERGENCY PLANNING COMMITTEE

PREAMBLE

At the request of the Local Emergency Planning Committee of each of the Kentucky counties of Boone, Campbell, and Kenton, all of which form the metropolitan region of the state generally known as "Northern Kentucky", and as authorized by Section 301(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), United States Public Law 99-499, and Kentucky Revised Statutes (KRS) Chapter 39, we request the Ky Emergency Response Commission (KyERC) to combine the local emergency planning districts for Boone, Campbell, and Kenton Counties into a single joint planning district known as the "Northern Kentucky Emergency Planning District". A list of names recommended for membership jointly by the combined Local Emergency Planning Committees of Boone, Campbell, and Kenton Counties has been provided to the Ky Emergency Response Commission of Kentucky.

BY-LAWS

I. NAME

The name of this local emergency planning committee serving the planning districts for Boone, Campbell, and Kenton Counties shall be the "Northern Kentucky Emergency Planning Committee" herein referred to as such or as "NKEPC".

II. PURPOSE

The purpose of the NKEPC shall be to serve as the SARA Title III local emergency planning committee for the counties of Boone, Campbell, and Kenton, Commonwealth of Kentucky, and to fulfill all duties and responsibilities of a local emergency planning committee as specified in Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and Chapter 39 of Kentucky Revised Statutes. It is the goal of the NKEPC to fulfill all specified duties and responsibilities within the planning district, without consideration to county boundaries, to include the allocation of funds made available to the NKEPC except as specified in Section XII..

The duties and responsibilities of the NKEPC as a local emergency planning committee, include, but are not limited to:

- 1) Development of plans to prepare emergency response organizations within the emergency planning district to respond effectively to hazardous materials releases;
- 2) Identification of three twenty-four (24) hour warning points within the district to

which persons responsible for releases of hazardous substances must report such releases;

- 3) Establishment of a method, consistent with federal law, KyERC policies, and administrative regulations, by which facilities may report the presence of such substances and by which members of the public may obtain information about those substances;
- 4) Appointment of a committee chairperson, from among its members, for a term of two (2) years. The chairperson may be reappointed;
- 5) Development and maintenance of plans consistent with guidance and policies established by the KyERC;
- 6) Development and implementation of a schedule of exercises designed to test and practice emergency response plans;
- 7) Development of procedures for the annual review of emergency plans and procedures developed under KRS Chapter 39, to include but not necessarily be limited to plans developed under KRS Chapter 39;
- 8) Development of a procedure to identify facilities within the planning district subject to SARA Title III;
- 9) Development of standard operating procedures (SOPs) which specifically state how the duties and responsibilities will be accomplished.

III. MEMBERSHIP

A. MINIMUM REQUIREMENTS

The NKEPC shall be comprised of not less than twelve (12) individuals, each representing at least one (1) of the following twelve (12) interest categories:

- 1) Elected local officials;
- 2) Law Enforcement;
- 3) Emergency Management;
- 4) Firefighting;
- 5) First Aid, E.M.S./American Red Cross Disaster Services;
- 6) Independent District Health Department;
- 7) Local environmental groups;
- 8) Regional hospitals;
- 9) Regional transportation authority;

- 10) Broadcast and print media;
- 11) community groups; and
- 12) Owners and operators of facilities subject to KRS Chapter 39
(One facility may agree to represent all facilities in the planning district)

B. ADDITIONAL MEMBERS

Additional members may be appointed in each of these interest categories, as appropriate and necessary. In addition to these twelve (12) mandated participants identified in Section III (A) hereof, representatives from other interested and/or affected organizations may be invited to become members. Additional members who are not members of any of the categories identified in Section III but who possess expertise in one of the categories may be appointed to the NKEPC.

C. APPOINTMENT OF MEMBERS

Following compilation of a list of recommended members, the NKEPC, shall act to officially nominate said persons to membership on the NKEPC by formally transmitting a list of nominees to the KyERC for approval and appointment.

Revised lists to update membership or to handle vacancies for unexpired terms shall be generated by the NKEPC and submitted to the KyERC at least annually.

D. TERMS OF MEMBERSHIP

The terms of membership shall be two (2) years, beginning in the even years with each term ending on the same day of the same month as did their term it succeeds. A member shall retain membership subsequent to the expiration date of his/her term until a successor takes office or until a period of sixty (60) days has elapsed, whichever comes first. Persons appointed to fill member vacancies shall complete the term of the member replaced. Members may be reappointed to an unlimited number of two (2) year terms.

If a member misses four (4) consecutive meetings of the NKEPC, that member shall be considered as resigned from the NKEPC, and the KyERC shall be requested to delete the resigned members name from the membership list.

E. MEMBER ALTERNATES

When unable to attend a meeting, a member may designate, in writing directed to the NKEPC chairperson, an individual to represent the member, in such member's absence, at meetings of the NKEPC or its subcommittees. Such alternates shall possess the same expertise as the member for which they are serving as alternate. Such alternates shall not have voting privileges.

F. MEMBER RESIGNATIONS

Any member desiring to resign from the NKEPC shall submit his resignation in writing to the NKEPC prior to the next regularly scheduled meeting for action.

- G. Any member who for any reason loses his or her affiliation with the organization which they were associated with at the time of his or her appointment to the NKEPC, and who does not contact the NKEPC requesting to remain a member as provided under Section III, subsections A or B, shall be considered as resigned from the NKEPC, and the KyERC shall be requested to delete the resigned member's name from the membership list.

IV. NKEPC OFFICERS

- A. The officers of the NKEPC shall be the chairperson, vice-chairperson, and the secretary/treasurer.

B. OFFICERS MUST BE MEMBERS

All officers of the NKEPC shall be members of the NKEPC.

C. ELECTION OF OFFICERS

The chairperson, vice-chairperson, and the secretary/treasurer of the NKEPC shall be elected at its organizational meeting, as defined in Section V (A) hereof. Open nominations for the said offices shall be put forth and the election held at such organizational meeting. The sequence of the officer's election shall be the chairperson, vice-chairperson, and then secretary/treasurer. A majority vote of those NKEPC members in attendance shall be required to elect such officers, and the nomination and voting process shall be repeated as many times as necessary until such time as a nominated NKEPC member receives a majority vote of those members in attendance.

D. TERMS OF OFFICE

The terms of office for all NKEPC officers shall be from organizational meeting to organizational meeting, as defined by Section V (A) hereof in accordance with the terms set forth in Section III (D) hereof.

E. REMOVAL OF OFFICERS

The NKEPC may remove any officer by a majority roll call vote of those members in attendance at an official meeting of the NKEPC.

F. VACANCIES

Vacant officers shall be filled in the manner specified in Section IV (C) to complete the term of office.

G. DUTIES OF THE CHAIRPERSON

The chairperson shall call and preside over all meetings of the NKEPC; may establish subcommittees in addition to those established in Section VI, deemed necessary for the conduct of business of the NKEPC and shall appoint the members of all such subcommittees, shall designate a chairperson for each subcommittee established; shall establish a schedule of meetings for subcommittees established in Section VI, and shall perform additional duties as are performed by like officers in similar organizations.

H. DUTIES OF THE VICE-CHAIRPERSON

The Vice-Chairperson of the NKEPC shall assume all duties of the Chairperson in the absence or disability of the Chairperson.

I. DUTIES OF THE SECRETARY/TREASURER

The Secretary/Treasurer shall record or cause to be recorded accurate minutes of all meetings of the NKEPC, shall transmit copies thereof to the KyERC within thirty (30) days after each such meeting, shall ensure the publication of the annual legal notice (copy attached, Appendix A); shall maintain a list of membership to ensure compliance with Section III (A), III (D), and IV (D) and shall perform other duties as are performed by like officers in similar organizations.

The Secretary/Treasurer shall be responsible for the accountability of all funds awarded to the NKEPC thru the Kentucky Emergency Response Commission Fee Account or from other sources. Funds will be deposited in a separate "Northern Kentucky Emergency Planning Committee Fee Account" at a banking facility to be selected by the NKEPC. The Secretary/Treasurer shall be the Authorized Applicant for the NKEPC.

Fiscal accountability shall be as prescribed in 106 KAR 1:091, Section 6(1)(2)(3). Allocation of funds shall be as directed in Section XII.

V. NKEPC MEETINGS

- A. The NKEPC shall hold its organizational meeting in January of each even numbered calendar year. The NKEPC's officers shall be elected at this organizational meeting, pursuant to Section IV hereof.

The NKEPC shall hold a minimum of three (3) meetings each year in addition to the annual organizational meeting.

B. OTHER MEETINGS

All other meetings of the NKEPC shall be at the call of the chairperson. The chairperson shall also call a meeting of the NKEPC upon receipt of written request signed by any three (3) of its members.

C. MEETINGS TO BE PUBLIC

Pursuant to the Kentucky Open Meetings Law and KyERC regulations, all meetings of the NKEPC shall be public meetings.

D. NOTIFICATION

The NKEPC chairperson shall cause written notification served to all members of the date, time, and location of each NKEPC meeting. This notice shall be delivered by regular U.S. Mail at least seven (7) calendar days in advance of the scheduled meeting date.

Notice of regularly scheduled meetings of the NKEPC shall be published annually in the newspaper of record in each county within the planning district served by the NKEPC in accordance with Kentucky Revised Statutes.

Notice of any specially called meeting, as in subsection (B) supra, shall be given to the public by publication of notice of the date, time, and place of such meeting in the newspaper of record for each county served by the NKEPC in accordance with the requirements of Kentucky Revised Statutes.

E. QUORUM

The NKEPC shall conduct business at any regular or called meeting only when at least ten (10) of its members are present, providing that at least one-half (1/2) of the categories listed in Section III, subsection A, which have a member on the committee, are represented.

F. MINUTES

The minutes of the NKEPC's meetings shall be a summary of the meeting's proceedings, with specific actions indicated in detail and with the related vote itemized. The minutes shall also indicate those members or alternates in attendance at the meeting. Minutes of

meetings of the NKEPC shall be public records made available to the general public upon request. A copy of the minutes of each meeting shall be transmitted to the KyERC pursuant to KRS 39.840 (2).

G. CONDUCT OF MEETINGS

Except as otherwise noted herein, all NKEPC meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order.

VI. **SUBCOMMITTEES**

A. NKEPC PLANNING AND RESPONSE COMMITTEE

Mission Statement

Presents recommendations to the NKEPC regarding the development, review and approval of local emergency response plans and standard operating procedures. Assures that plans and planning are compatible with existing and on-going plans and response programs within the planning district. Insures the NKEPC maintains grant eligibility with regards to planning requirements established by the KyERC. Develop and implement a schedule of exercises designed to test and practice the emergency response plan. Make recommendations to the NKEPC regarding priorities for use of grant funds.

Committee Composition

The chairperson of the NKEPC Planning and Response Committee shall be the NKEPC vice-chairperson. The NKEPC Planning and Response Committee will consist of a representative from the following membership categories as a minimum: NKEPC Community Emergency Response Coordinators, firefighters, law enforcement, hospital, transportation, and owner/operators of facilities subject to SARA Title III planning and reporting requirements.

B. NKEPC GRANT COMMITTEE

Mission Statement

Monitor NKEPC grant eligibility status to ensure compliance with statutes and administrative regulations. Make recommendations to the NKEPC regarding priority expenditures. Prepares the grant application based on priorities established by the NKEPC and ensures timely submission to the KyERC. Monitor expenditures of funds and maintain documentation supporting those expenditures.

Committee Composition

The NKEPC Grant Committee will consist of the Secretary/Treasurer and at least six other members of the NKEPC membership.

C. NKEPC TRAINING COMMITTEE

Mission Statement

Provide recommendations to the NKEPC regarding training needed within the planning district to carry out emergency plans, emergency response requirements, and SARA Title III compliance. Provide recommendations to the NKEPC regarding the availability and sources of training to fulfill training needs. Provide recommendations to the NKEPC regarding training priorities for the use of grant funds.

Committee Composition

The NKEPC Training Committee shall consist of a representative from the following membership categories as a minimum: Emergency Management, firefighters, health department, hospital, and law enforcement.

D. NKEPC COMPLIANCE COMMITTEE

Mission Statement

Provide recommendations to the NKEPC regarding facility compliance with SARA Title III requirements to include notification of releases, submission of required reports, providing required documentation to local fire departments. Contact facilities who might be subject to SARA Title III reporting requirements. Develop procedures by which manufacturers may report the presence of hazardous or extremely hazardous substances and make the procedures known to facilities subject to SARA Title III.

Committee Composition

The NKEPC Compliance Committee shall, consist of representatives from the following membership categories as a minimum: Emergency Management Directors from each county within the planning district, and firefighters.

E. OTHER SUBCOMMITTEES

The NKEPC Chairperson, with the approval of a majority of the NKEPC members in attendance at a meeting thereof, may establish those subcommittees deemed necessary to the conduct of the business of the NKEPC. The NKEPC

chairperson shall appoint members of the NKEPC to serve on each such subcommittee, and shall designate one (1) such subcommittee member as chairperson of the subcommittee. NKEPC members may be appointed to more than one subcommittee, and they may also designate alternates to participate in their absence.

F. ABOLISHMENT OF SUBCOMMITTEES

Any subcommittee, excluding those specifically established by these by-laws, may be abolished by a majority vote of the NKEPC members present and voting at any regular or called meeting thereof.

G. CONDUCT OF SUBCOMMITTEE MEETINGS

Except as otherwise noted herein, all NKEPC subcommittee meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order.

VII. INFORMATION COORDINATOR

The NKEPC chairperson, with the approval of the membership, shall appoint an Information Coordinator who shall be responsible for maintaining the NKEPC's files of information received under SARA Title III, KRS Chapter 39, or appropriate local ordinance, for fulfilling requests for such information from the public. The Information Coordinator shall be appointed/reappointed at the NKEPC's biennial organizational meeting. The Information Coordinator shall establish location(s) for maintaining NKEPC files of information and provide the NKEPC and the Secretary/Treasurer with the address which will be included in the annual legal notice. The location(s) selected shall be convenient to the public and to the NKEPC subcommittees. When NKEPC meetings or subcommittee meetings are held at a location where NKEPC files of information are not readily available, the Information Coordinator shall be responsible for ensuring those files needed by the NKEPC are brought to the meeting location.

VIII. COMMUNITY EMERGENCY RESPONSE COORDINATOR

The Directors of Emergency Management (EM Directors) of each of the counties in the combined planning district, are responsible for carrying out the responsibilities of Community Emergency Response Coordinator for the NKEPC within their respective counties, which shall be to coordinate the development and implementation of the NKEPC hazardous materials response plan, and for receiving verbal and follow-up written notices of releases of hazardous substances and extremely hazardous substances provided under KRS Chapter 39 .

The Emergency Management Directors, on behalf of the NKEPC, are authorized by this section to advise facilities, which are found to be out of compliance of any part of SARA Title III or KRS Chapter 39, that they are out of compliance, and also advise them as to what actions need

to be taken to come into compliance. The EM Directors shall closely cooperate in the discharge of duties of Community Emergency Response Coordinator, and shall meet not less often than monthly to coordinate such activities. The Community Emergency Response Coordinators shall keep the NKEPC Planning and Response Committee chairperson and the NKEPC Compliance Committee chairperson advised of releases in the planning district. Reported releases shall be included in the written report of the NKEPC Planning and Response Committee.

IX. PUBLIC RELATIONS COORDINATOR

The NKEPC chairperson, with the approval of the membership, shall appoint a Public Relations Coordinator who shall be responsible for disseminating all formal NKEPC press releases and media contact. The Public Relations Coordinator shall be appointed/reappointed at the NKEPC's biennial organizational meeting.

X. NKEPC 24 HOUR WARNING POINTS

The current 24 hour warning points of each county within the NKEPC planning district shall be the warning points of the NKEPC. Persons responsible for releases of hazardous substances shall notify the 24 hour warning point of the county in which the release occurred. Community Emergency Response Coordinators (EM Directors) shall establish procedures by which the 24 hour warning points will contact them in the event of a release of hazardous substances in their planning district area. The Community Emergency Response Coordinators shall notify all facilities subject to SARA Title III planning and reporting requirements of the reporting procedures.

XI. NKEPC HAZARDOUS MATERIALS RESPONSE PLAN

The NKEPC Planning and Response Committee shall develop a hazardous materials response plan which will be applicable in all counties in the NKEPC planning district. This plan will become Annex Q of each county's Emergency Operations Plan. Each county shall maintain Annex Q in their county EOP along with the Tab Q-7s from those facilities located in their county. The NKEPC shall maintain a copy of Annex Q along with all Tab Q-7s in the NKEPC planning district. The NKEPC Planning and Response Committee shall be responsible for the annual review and update of Annex Q as well as the annual review/update of all Tab Q-7s.

XII. ALLOCATION OF FUNDS

Allocation of funds received by the NKEPC from the KyERC Fee Account or other funding sources shall be based upon the priorities established by the NKEPC within the NKEPC objectives for the entire planning district without consideration of individual county boundaries to meet the purpose of the NKEPC as set forth in Section II hereof. The NKEPC shall establish objective priorities based upon the recommendations of the NKEPC Planning and Response

Committee, NKEPC Grant Committee, NKEPC Training Committee, and the NKEPC Compliance Committee.

In the event funding from sources other than a KyERC grant becomes available to the NKEPC but is designated for a specific purpose the NKEPC will allocate the amount received for the specified purpose without consideration given to the priorities established by the NKEPC for the entire planning district.

XIII. OPEN MEETINGS/OPEN RECORDS LAW PROVISIONS

- A. All meetings of the NKEPC shall be open to the public pursuant to the requirements of the Kentucky Open Meetings Law.
- B. The NKEPC or any of its subcommittees may meet in executive session to discuss legal disputes and other matters authorized to remain confidential by applicable Federal or State law. Such executive sessions may occur only at a regular or special meeting of the NKEPC or subcommittee thereof. The executive session and its general purpose shall be announced in public at meetings of the NKEPC or subcommittees thereof.
- C. Minutes of the NKEPC and NKEPC subcommittees thereof shall be recorded. The minutes shall be stored at the office of the Information Coordinator and shall be made available to inspection by the general public during regular business hours.
- D. The Information Coordinator shall maintain a listing of meetings scheduled to be held by the NKEPC and shall provide such listings to the general public upon request.
- E. The NKEPC shall provide the news media with advance notice of all meetings in accordance with the procedures mandated by the General Assembly of the Commonwealth of Kentucky.

XIV. AMENDMENT OF BY-LAWS

These by-laws may be amended or revised, in whole or in part, at will at any time by the members of the NKEPC by majority vote of those members present and voting at any meeting lawfully called. All such amendments shall be proposed in writing and, when approved, shall take effect immediately upon their approval by the membership and the dissemination thereof to the members as appropriate.

These by-laws are approved and adopted, subject to review and approval by the Kentucky Emergency Response Commission pursuant to law, by majority vote of the membership of the Northern Kentucky Emergency Planning Committee on this, the 12 day of August, 1994, and the same shall be in full force and effect immediately upon their approval by the Kentucky Emergency Response Commission.

CHAIRPERSON

Attest:

SECRETARY/TREASURER