

WASHINGTON STATE EMERGENCY RESPONSE COMMISSION

Approved - September 18th, 2023

BY LAWS

ARTICLE I

Name

The body shall be known as the Washington State Emergency Response Commission, hereafter referred to in this document as the “SERC”.

ARTICLE II

Purpose and Authorization

The duties and purposes of the SERC are those set forth pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA), Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499), herein referred to in this document as “EPCRA.” State of Washington provisions for EPCRA are addressed under chapter 38.52.040 of the Revised Code of Washington and chapter 118-40 of the Washington Administrative Code. Nothing in these bylaws shall conflict with the regulatory and statutory provisions that regulate EPCRA. The duties and purposes include, but are not limited to:

1. Carrying out the mandate of EPCRA.
 - Designate Local Emergency Planning Committees (LEPC)
 - Assist LEPCs in meeting all nine federal planning requirements.
 - Develop informational material for statewide distribution.
 - Coordinate review of LEPC plans by Emergency Management Division, Department of Ecology, State Fire Marshal, and Department of Health.
 - Provide technical and regulatory assistance to businesses.
 - Track and record industry compliance.
2. Improving state and local hazardous materials emergency response capabilities.
 - Analyze State Preparedness Report assessment information for gaps.
 - Advise on emergency spill response, responder equipment, and training needs.
3. Coordinating hazardous materials issues and initiatives.
 - Recommend WAC 118-40 changes as appropriate.
 - Provide comments on any proposed changes to federal policies statutes.

4. Advising the Emergency Management Council on all matters pertaining to EPCRA and hazardous materials matters within the State of Washington.
 - Report industry compliance.
 - Report pertinent hazardous materials incident trends and issues being monitored by the SERC.

ARTICLE III

Membership

Section 1: Following WAC 118-40-040, the membership of the SERC shall be by agency or organization, each with one primary representative and one alternate representative. The SERC shall consist of the Director or designee of the following:

1. Washington State Department of Ecology
2. Washington State Department of Health
3. Washington State Department of Labor and Industries
4. Washington State Department of Transportation
5. Washington State Department of Agriculture
6. Local Emergency Manager
7. Local Emergency Planning Committee (Eastern Washington)
8. Local Emergency Planning Committee (Western Washington)
9. Washington State Military Department
10. Private Industry
11. Transportation Industry
12. Washington Fire Chiefs
13. Washington State Patrol

Section 2: The SERC shall seek the attendance and active participation of representatives from the following agencies and organizations at all commission meetings:

1. Tribal Emergency Response Commission(s) (TERC)
2. Federal Emergency Management Agency (FEMA)
3. Environmental Protection Agency (EPA)

4. U.S Department of Transportation (USDOT)
5. Washington State Attorney General

Section 3: To ensure the SERC will conduct its business with continuity, each member agency or organization shall identify its primary representative and one alternate (or any changes thereto) by submitting the same in writing to the SERC.

Section 4: The representative of the local emergency managers will be selected by the Washington State Emergency Management Association. The private industry representative shall be employed by a Washington business that is subject to EPCRA regulations. The transportation industry representative shall be from a Washington business that transports hazardous materials.

Section 5: All members of the SERC shall serve without compensation but may be reimbursed for travel expenses incurred in the performance of their SERC duties in accordance with Chapters 43.03.050 and 43.03.060. RCW.

ARTICLE IV

Duties of Office

Section 1: Chairperson. The Chairperson shall be nominated by the Washington Fire Chiefs and approved by the state Emergency Management Council. The Chairperson shall serve a two (2) year term and may serve no more than three (3) consecutive terms. Election of the Chairperson shall occur at the February meeting during odd years. The Chairperson shall preside at all meetings and hearings of the SERC, shall have the duties normally conferred by parliamentary usage of such office, and establish and ensure publication of the agenda for each regular meeting of the SERC. The Chairperson shall have the authority to:

1. Appoint and generally perform other duties as may be prescribed in these bylaws; and
2. Sign, on behalf of the SERC, documents that require such signature; and
3. Call regular and special meetings of the SERC.

Section 2: Vice Chairperson. The Vice-Chairperson shall be nominated from the SERC membership and be appointed by the state Emergency Management Council. The Vice Chair shall serve a two (2) year term and may serve no more than three (3) consecutive terms. Election of the Vice Chair shall occur at the February meeting during even years. The Vice Chair shall work in close cooperation with the Chairperson and shall perform such duties as the SERC shall assign. In the absence or incapacity of the Chairperson, the Vice Chairperson shall be vested with all powers and perform all the duties of the office of the Chairperson.

Section 3: Staff Coordinators. The SERC/LEPC Staff Coordinator, provided by the Military Department, shall make the agenda of each regular meeting of the governing

body available online no later than twenty-four hours in advance of the published start time of the meeting, shall, in writing, acknowledge the minutes of each Commission meeting, certify all Commission meeting notices, and perform such other duties as may be directed by the Chairperson of the Commission. Additional staff, included by not limited to Military Department, Department of Ecology, and the Washington State Patrol, State Fire Marshal's Office shall provide administrative and technical support as they relate to EPCRA matters pertinent to the SERC and directly applicable to the administration of the Commission's business.

ARTICLE V

Meetings

Section 1: Regular meetings will be held at least quarterly as established by the SERC. Proposed agenda items shall be referred to the Chairperson no later than 30 days prior to the meeting. Each member or, in their absence, designated alternate shall have one vote and must be present to cast his/her vote. Passage of motions shall require the simple majority of those present and voting. Informal polling for consensus shall not be considered voting. Meetings and voting may be conducted virtually or in person. No other business may be considered except by a majority vote of members *present and voting.

*(*Present shall mean being in attendance physically, actively participating in a video-teleconference or web meeting and/or by phone.)*

Section 2: A special meeting may be called by the Chairperson. Written notice shall be sent to all members at least five (5) days prior or verbal notice given at least two (2) days prior to any special meeting and shall specify the purpose of such a meeting.

Section 3: A quorum necessary to conduct a meeting of the SERC shall be no less than five (5) members or their designated alternates. Adoption of all motions shall require a majority of the members present.

Section 4: All SERC meetings shall be open to the public and shall comply with the Open Public Meetings Act.

Section 5: The deliberations of all members of the SERC shall be governed by the Roberts Rules of Order, Revised.

Section 6: Meetings shall be scheduled by the Chairperson and announced by the Staff Coordinator no later than six (6) weeks in advance, with all matters to be considered provided to the members no later than two (2) weeks in advance.

Section 7: Draft meeting minutes will be distributed to the SERC within three (3) weeks following the respective meeting. Corrections will be sent to the Staff Coordinator not later than three weeks after distribution of the draft notes. Final meeting minutes shall be approved by the SERC as a first order of business at the subsequent meeting.

ARTICLE VI

Attendance

Primary members or their designated Alternates are expected to attend all meetings. Upon the absence of an agency's Primary or designated alternate at two or more consecutive meetings, the Chairperson, or designee will directly contact the absent agency's director or organization's president within 10 business days to identify that the entity has not been in attendance and request assistance in ensuring the organization's participation.

ARTICLE VII

Voting

Section 1: Each member or their designated alternate, including the Chairperson, shall be entitled to one vote.

Section 2: Proxy voting is not permitted. Each member or, in their absence, designated alternate shall have one vote and must be present to cast his/her vote. Passage of motions shall require the simple majority of those present and voting. Informal polling for consensus shall not be considered voting. Meetings and voting may be conducted virtually or in person.

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

Section 4: SERC Staff Coordinators and other agency staff providing technical or administrative support shall not vote on any SERC matter.

ARTICLE VIII

Committees

The SERC shall appoint such ad-hoc committees and working groups as needed. Each ad-hoc committee will receive from the SERC a purpose, tasks, desired end state and a requested timeline. Each ad-hoc committee will report progress at each subsequent SERC meeting until fulfilling the stated purpose. The meeting notes will reflect the progress or close out of each ad-hoc committee.

ARTICLE IX

Review, Update and Amendments

Section 1: The SERC will review the Bylaws on an annual basis.

Section 2: The Bylaws will be updated when required, but not longer than every 3 years.

Section 3: These bylaws may be amended by a two-thirds vote of the SERC membership, only after the proposed change has been read and discussed at a previous meeting.