

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 30.5, the Homeland Security and Emergency Management Department on behalf of the Iowa Emergency Response Commission hereby amends Chapter 103, “Local Emergency Planning Committees,” Iowa Administrative Code.

These amendments update the name of the Department of Homeland Security and Emergency Management as well as membership on local emergency planning committees. Additionally, the amendments update Iowa Administrative Code references within the chapter.

These amendments were approved by the Commission at the scheduled meeting held on October 29, 2015.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2282C** on December 9, 2015. A public hearing was held on December 29, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on January 13, 2016.

After analysis and review of this rule making, no impact to jobs has been found.

These amendments are intended to implement Iowa Code chapter 30.

These amendments will become effective March 9, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 103.1(1) as follows:

103.1(1) Purpose. The Iowa emergency response commission (IERC) is required to appoint members to local emergency planning committees. An LEPC is appointed for each of the emergency planning districts established in ~~607~~ 605—Chapter 102.

ITEM 2. Amend rule 605—103.2(30) as follows:

605—103.2(30) Committee members.

103.2(1) Appointment of local emergency planning committees. Nominations to the LEPC shall be made by the ~~county~~ local emergency management commission, established under Iowa Code section 29C.9, and shall be subject to review and appointment by the IERC. To the extent possible, membership of the LEPC shall be composed of members of the ~~county~~ local emergency management commission. Vacancies on the LEPC shall be filled in accordance with this subrule.

103.2(2) Meeting participation. Any member of the ~~county~~ local emergency management commission may participate in any meeting of the LEPC. If the ~~county~~ local emergency management commission member is not the appointed representative of one of the groups or organizations specified in subrule 103.1(2), the ~~county~~ local emergency management commission member shall not be eligible to vote on any issue before the LEPC.

103.2(3) No change.

ITEM 3. Amend subrule 103.3(2) as follows:

103.3(2) The LEPC shall establish procedures for receiving and processing requests from the public for information under EPCRA Section 324, including Form Tier ~~Two~~ II information under EPCRA Section 312. (42 U.S.C. 11001(c))

ITEM 4. Amend rule 605—103.4(30) as follows:

605—103.4(30) Emergency response plan development. The IERC recognizes that emergency planning includes more than chemical release planning. The chemical release planning required by this chapter and EPCRA shall be included in the comprehensive emergency planning conducted by the

~~county~~ local emergency management commission as required by Iowa Code chapter 29C and planning standards of the Iowa ~~division of~~ homeland security and emergency management department.

ITEM 5. Amend rule 605—103.7(30) as follows:

605—103.7(30) Local emergency response plan submission. After completion of the initial emergency response plan and any subsequent revisions thereto, the LEPC shall submit a copy to the IERC. The IERC shall review the submission and make recommendations to the LEPC on appropriate revisions that may be necessary to comply with provisions in 42 U.S.C. 11003(c) and state planning standards in ~~607~~ 605—Chapter ~~6~~ 7 to ensure coordination with emergency response plans of other emergency planning districts, the state of Iowa, and adjacent states. To the maximum extent practicable, the review shall not delay implementation of the plan or revisions thereto. All plans shall be submitted annually by October 17.

ITEM 6. Amend **605—Chapter 103**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 30 ~~and 1992 Iowa Acts, chapter 1139.~~

[Filed 1/13/16, effective 3/9/16]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/3/16.