

ALASKA

STATE

EMERGENCY

RESPONSE

COMMISSION

POLICIES & PROCEDURES
MANUAL

Responsibilities, Policies and Procedures of the Alaska
SERC and LEPCs

SERC Approved on April 3, 2026

I. Alaska SERC (SERC) Responsibilities, Policies, and Procedures

1

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I. Alaska SERC Responsibilities, Policies, and Procedures

A. OVERVIEW OF SERC COMPOSITION AND RESPONSIBILITIES

1. Composition of SERC

The Alaska SERC is established in the Department of Military and Veteran Affairs. The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive. The Alaska SERC is unique in that it is an all-hazards SERC.

The composition of the SERC is established by statute (AS 26.23.071). To the extent practicable, the SERC shall be comprised of individuals with expertise in the emergency response field. The SERC shall consist of the following members:

- (1) Seven public members appointed by the Governor:
 - Two of whom must be members of a Local Emergency Planning Committee (LEPC) for an emergency planning district that is predominantly rural in character and;
 - Two of whom must be members of an LEPC for an emergency planning district that is predominantly urban in character and;
 - Two of the other three members of the public who are appointed to the commission must be members of the governing body of, or the mayor of, a political subdivision that has a LEPC or a person who, in the opinion of the governor, is otherwise appropriate to represent the political subdivision
- (2) The Adjutant General of the Department of Military and Veterans Affairs (DMVA) or the Adjutant General's designee (SERC co-chair)
- (3) The Commissioner of the Department of Environmental Conservation (DEC) or the Commissioner's designee (SERC co-chair); and the following commissioners or their designees:
 - (4) The Commissioner of the Department of Commerce, Community, and Economic Development
 - (5) The Commissioner of the Department of Fish and Game
 - (6) The Commissioner of the Department of Health
 - (7) The Commissioner of the Department of Labor and Workforce Development
 - (8) The Commissioner of the Department of Natural Resources
 - (9) The Commissioner of the Department of Public Safety
 - (10) The Commissioner of the Department of Transportation and Public Facilities
 - (11) Representatives of the following state and federal agencies as ex-officio, nonvoting members:
 - Department of Administration
 - Department of Education and Early Development

U.S. Department of Defense-Alaska Command
Federal Emergency Management Agency (FEMA)
U.S. Environmental Protection Agency (EPA); and
U.S. Coast Guard (USCG).

2. Statutory Responsibilities

The duties and activities of the SERC are those set forth by Alaska Statute (AS) 26.23, which establishes the SERC to implement the requirements of the “Emergency Planning and Community Right-to-Know Act of 1986,” enacted by the U.S. Congress, and hereinafter referred to as the “Act” and planning for all hazards which may threaten the people, property or environment of the State of Alaska as defined in AS 26.23. The SERC is designated as the “SERC” as defined in the Act and shall perform all the duties required of it under the Act and AS 26.23.

Pursuant to AS 26.23.071(e)1-12, The commission shall:

- (1) serve as the SERC required under 42 U.S.C. 11001-11005
- (2) facilitate the preparation and implementation of all emergency plans prepared by state agencies under other authorities; the statewide, interjurisdictional, and local plans prepared under chapter AS 26.23, and the state and regional plans prepared under AS 46.04.200-46.04.210
- (3) review the plans described in (2) under statutory responsibility according to the criteria established in AS 26.23.077
- (4) designate and as necessary revise the boundaries of Local Emergency Planning Districts (LEPDs) under AS 26.23.073
- (5) establish a LEPC under AS 26.23.073(d) for each emergency planning district, and supervise and coordinate the activities of LEPCs
- (6) supervise and coordinate the activities of LEPCs
- (7) establish procedures for receiving and processing requests from the public for information under 42 USC 11044, including tier II information under 42 USC 11022; procedures established under this paragraph shall designate the DEC as the state agency to receive and process these requests on behalf of the commission
- (8) review reports about responses to disaster emergencies and make recommendations to the appropriate parties involved in the response concerning improved prevention and preparedness

(9) perform other coordinating, advisory, or planning tasks related to emergency planning and preparedness for all types of hazards; community right-to know reporting, toxic chemical release reporting, or management of hazardous substances

(10) recommend procedures to integrate, as appropriate, hazardous substance response planning under 42 U.S.C. 11001 – 11005, federal contingency planning under 33 U.S.C. 1321 and other federal laws applicable to hazardous substance discharges, and state, regional, and local planning under this chapter and AS 46.04.200–46.04.210

(11) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for SERCs under 42 U.S.C. 11001 – 11005; and

(12) adopt regulations necessary to carry out the purposes of AS 26.23.071 – AS 26.23.077, 26.23.500-26.23.549, and 42 U.S.C. 11001-11005.

B. SERC ORGANIZATION AND MEETINGS

1. SERC Committees and Subcommittees

The SERC may establish or eliminate committees as it deems necessary to accomplish its duties. When a committee is established, the categories of membership shall also be established and maintained by the SERC coordinator. The DMVA co-chair shall appoint the chair of each committee of the SERC, with powers, membership, and purposes as specified by the co-chair or the SERC, subject to approval by the SERC at its next regularly scheduled meeting. The chair of each committee shall select the members of the committee and shall report each selection to the SERC at the SERC's next regularly scheduled meeting at which the SERC may approve or disapprove the selection.

The DMVA co-chair of the SERC may appoint additional people other than SERC members or their designees to serve on committees. At least one committee member shall be a member (or a designated representative) of the SERC.

The following are standing committees established by the SERC:

- All-Hazards Plan Review Committee
- Finance Committee
- Work Plan Committee
- Training Committee
- Search and Rescue Committee
- Interoperable Communications Committee
- Alaska Intrastate Mutual Aid System Committee

Each committee may adopt and modify its own internal procedures by majority vote of the members at a meeting at which a quorum is present. Each committee shall keep written notes showing action taken by the committee. Each committee may schedule meetings as necessary to conduct their business. Composition of committees is as

identified in this manual. Committee chairs are appointed by the SERC. Other committee members are selected by the committee's chair. Committee members are normally members of the SERC or LEPC. If unique expertise is required, the committee chair may select a member from other resources. When a vacancy occurs, the committee chair will solicit volunteers from the SERC or LEPC's. The committee's chair will inform the SERC of changes in membership. Unless there is an objection by a majority vote of the SERC, a committee member selected by a chair is approved without a vote of the SERC. Inactive committees or subcommittees may be suspended as needed upon SERC approval.

a) *SERC All-Hazards Plan Review Committee*

Composition. The All-Hazards Plan Review Committee (AHPRC) consists of at least one representative each from the state Division of Homeland Security and Emergency Management (DHS&EM), Department of Environmental Conservation (DEC), Department of Health (DOH), Department of Natural Resources (DNR), Department of Transportation and Public Facilities (DOT&PF), and Department of Public Safety (DPS), and a representative from the Federal Emergency Management Agency (FEMA). To the extent practicable, members of the AHPRC should be knowledgeable in emergency management matters.

Mission. The AHPRC reviews emergency plans to determine consistency with each other and with applicable statutes and makes recommendations to the SERC regarding them. Specifically, the AHPRC reviews and makes recommendations on the following:

- (1) state, inter-jurisdictional and local plans prepared under AS 26.23
- (2) state and regional plans prepared by the DEC under AS 46.04.200-46.04.210 all of which must be reviewed by the Alaska SERC pursuant to AS 26.23.077.
- (3) plans prepared by state agencies under other authorities
- (4) integrated or combined state/federal emergency operations plans and
- (5) the state's model community emergency response plan.

In reviewing plans, the AHPRC evaluates their consistency with each other and with SARA Title III (Section 303(c)), AS 26.23.075, AS 26.23.077, AS 46.04.200, AS 46.04.210, the National Response Framework, National Infrastructure Protection Plan, National Incident Management System, and other criteria as may be adopted by the AHPRC.

The AHPRC develops the Emergency Operation Plan(s) review process for the SERC. Where appropriate, the AHPRC recommends changes to the state Emergency Operations Plan to improve the state's ability to prevent and minimize injury and damage from natural or manmade disasters. The AHPRC also reviews the results of exercises and response operations, assesses the adequacy of emergency resources as well as emergency plans, and addresses other emergency operations planning issues, as requested by the SERC co-chairs in cooperation with the SERC Training Committee or DHS&EM Training Section as outlined in their mission.

b) SERC Finance Committee

Composition. The SERC Finance Committee consists of five SERC members, two of whom are also LEPC representatives. Two state agency representatives are also on the committee but are non-voting members. DHS&EM provides staff support to the Committee.

Mission. The SERC Finance Committee provides expertise to the SERC regarding LEPC funding matters, including standards for allocation of available funds to LEPCs; guidance to LEPCs for proper expenditure of funds; and oversees LEPCs' expenditures of funds. The SERC Finance Committee approves funding allocations to the LEPCs based on SERC adopted standards. The committee will provide verbal or written reports to the SERC to explain funding decisions. The SERC Finance Committee meets at least twice a year, or as needed, in conjunction with or prior to regular SERC meetings.

c) SERC Work Plan Committee

Composition. The SERC Work Plan Committee consists of one SERC member or designee, the SERC Coordinator, one LEPC Representative and one state agency representative.

Mission. The SERC Work Plan Committee develops a SERC work plan every two years. The work plan describes the committees and identifies the various SERC tasks along with their proponents.

d) SERC Training Committee

The SERC Training Committee consists of individuals who have expertise in training for emergency planning and/or responders.

Composition. To the extent practicable, the SERC Training Committee consists of individuals who have expertise in training for emergency planning and/or responders. Its minimum composition includes three local government representatives and two LEPC representatives. Additional members may be added by the committee members as they deem beneficial to the conduct of their business.

Mission. The SERC Training Committee:

- (1) identifies training needs, based on established standards and SERC policy, for all emergency response organizations listed in the emergency response plans
- (2) evaluates established training standards and policies for consistency with best emergency response practices
- (3) in cooperation with the AHPRC of the SERC, evaluates whether the responders have the training plan, personnel, equipment, and other resources necessary to carry out the planned response
- (4) identifies training needs for LEPC members (as planners, not as responders)

- (5) develops policies and recommendations for the SERC regarding development, funding, and implementation of training programs for emergency response
- (6) oversees implementation of SERC policies regarding all-hazards training curricula, programs, instructors and students; and
- (7) carries out other duties as are assigned by the SERC co-chairs.

The committee researches and develops policies based on an analysis of potential hazards; federal, state and local laws and regulations; national association and industry standards applicable to Alaska for appropriate numbers of emergency responders; basic equipment for emergency responders; levels of training for emergency responders considering availability of other assistance; difficulties of maintaining level of response/education; and other appropriate factors. It consults with and supports all groups involved in or needing such training. The SERC Training Committee mission is carried out by the DHS&EM Training Section with support from the SERC Training Committee as needed.

e) Search and Rescue (SAR) Committee

Composition. At a minimum, the Search and Rescue (SAR) Committee shall consist of representatives from the Anchorage Fire Department, the Municipality of Anchorage, the State Division of Homeland Security and Emergency Management (DHS&EM), the State Department of Natural Resources (DNR), the State Department of Public Safety (DPS), the AK State Fire Chiefs Association, the Alaska National Guard, the U.S. Army Corps of Engineers, the U.S. Department of Defense, the U.S. Department of the Interior, the U.S. Coast Guard – District 17 and the Federal Emergency Management Agency (FEMA). DHS&EM will arrange for necessary staff support. Each department or agency must provide funding support from its operating budget for its committee representative.

Mission. The Committee meets at the direction of its chair to:

- (1) identify existing SAR capabilities and deficiencies within Alaska,
- (2) take short-term steps using existing resources to increase SAR preparedness in Alaska, and
- (3) make recommendations to the SERC for long-term steps, which may require additional resources that would further enhance the State's Urban Search and Rescue (USAR) capabilities.

f) SERC Interoperable Communications Committee

Composition. The Interoperable Communications Committee is representative of the diverse public safety agencies and groups throughout Alaska. It consists of one representative each from DMVA, DPS, Department of Administration, DNR, DEC, and DOH. Statewide public safety representation consists of one representative from the Alaska Association of Chiefs of Police, Alaska Fire Chiefs Association, the Alaska

Council on Emergency Medical Services, the Alaska Land Mobile Radio Users Council, Anchorage Wide Area Radio Network, and the Amateur Radio Emergency Services. There are two representatives from the LEPC Association representing both Urban and Rural areas.

Mission. To provide a statewide sustainable interoperable communications strategy in Alaska that is innovative, inclusive, scalable and well managed to support community and multijurisdictional response(s) to all-hazard and terrorist related incidents. This will be accomplished by overseeing the implementation of the Alaska Statewide Communications Interoperability Plan (SCIP) that promotes national standards and addresses the unique urban and rural requirements of the public safety organizations serving the citizens of Alaska.

g) SERC Alaska Intrastate Mutual Aid System Committee (AIMAS)

Composition. The members represent emergency management; political jurisdictions, including borough or city emergency managers; emergency medical services and public health; the Alaska Fire Chiefs Association; and other appropriate professionals.

Mission. The Alaska SERC established an AIMAS standing committee to assist in developing operational procedures and monitoring the use and progress of AIMAS. This committee is established pursuant to AS 26.23.071 and AS 46.04.200- AS 46.04.210, it consists of members appointed by the SERC. Terms of the appointments shall be determined by the SERC. AIMAS is administered by the AIMAS Committee. This committee has been divided into three groups: an AIMAS steering subcommittee focused on the policies, procedures, and operations of AIMAS; a qualifications subcommittee focused on standardizing credentials across the state; and a resource typing subcommittee focused on clearly identifying resources based on capacity.

2. SERC Meetings

Open Meetings Act Applies. The SERC must conduct meetings in accordance with the Americans with Disabilities Act (ADA). the Open Meetings Act in AS 44.62.310 (including statutory provisions on virtual and for executive sessions) and the bylaws (including provisions on quorums, agenda, rules of order, public participation, and voting). As provided in Article VI of the Bylaws, the SERC meets at least two times per year for regularly scheduled meetings (one of these may be held virtually and it may schedule additional regular meetings as necessary to conduct its business.

Quorum. A quorum shall consist of a simple majority of SERC voting members. A quorum shall be required to be present to transact business.

Notice. Notice of meetings must be given to SERC members in accordance with the Bylaws Article VI, Section 7 and notice given to the public in accordance with the Open Meetings Act in AS 44.62.310 and the Americans with Disabilities Act (ADA). SERC staff must ensure that these notice requirements are met, and consistent with the

Bylaws, and provide written notice of each meeting to SERC members, including meeting packets, at least two weeks prior to each meeting.

Virtual Meetings and E-mail Action. Meetings may be held virtually or by other technological means, provided notice is given in accordance with the Americans with Disabilities Act (ADA) and the Open Meetings Act in AS 44.62.310(a) and (e). The SERC should not take action by e-mail, since such action may violate the Open Meetings Act and may be void as described in AS 44.62.310(f).

Public Comment Meetings. The SERC shall hold such public comment meetings as it may deem necessary and desirable at such times and places as it may be determined by a majority vote of the SERC in regular meeting as provided in Article VI Section 4 of the bylaws and notice given to the public in accordance with the Americans with Disabilities Act (ADA). Open Meetings Act in AS 44.62.310.

Appointment of Designee by SERC Member. Permanent designees are appointed by a signed letter from the primary SERC member identified in AS 26.23.071. The letter is sent to the SERC coordinator at DHS&EM. Temporary designees are appointed by letter, fax, or email from the primary SERC member or his permanent designee.

Executive Sessions. Executive sessions at which the public is excluded may be held only if the standards in AS 44.62.310(b) and (c) are met. Basically, executive sessions may be held only to consider matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; matters which by law, municipal charter, or ordinance are required to be confidential; or matters involving consideration of government records that by law are not subject to public disclosure.

Order of Business. The order of business for a regularly scheduled meeting in accordance with Article VI Section 8 of the Bylaws shall be:

- I. Call to Order by the DMVA Co-chair
- II. Welcome and Introductions
- III. Approval of Previous Meeting's Minutes
- IV. Public Comment
- V. Consent Agenda
- VI. State Agency Reports
- VII. LEPC Association Status Reports

- VIII. LEPC Status Reports – Reports by exception only
- IX. Old Business
- X. New Business
- XI. Ex-Officio Reports
- XII. Informational Items
- XIII. Public Comment
- XIV. Commission Member Closing Comments
- XV. Future Meetings
- XVI. Adjournment

Any member may request the co-chairperson(s) to place an item on the agenda. If the co-chairpersons should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the DMVA co-chair with supporting signatures of three members. Any other person wishing to place an item on the agenda for SERC consideration may request the DMVA co-chair to place the item on the agenda. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so as provided in Article VI, Section 6 of the bylaws.

Special Meetings. Special meetings and public comment meetings shall be scheduled, noticed, and conducted in accordance with the SERC bylaws Article VI, Section 7, the Americans with Disabilities Act (ADA) and the Open Meetings Act in AS 44.62.310. The specific purpose for the meeting must be specified in the meeting notice and no other business may come before the SERC other than that for which the special meeting or public comment meeting is called. The order of business for a special meeting or a public comment meeting is as follows:

- I. Call to Order by the DMVA Co-chair
- II. Welcome and Introductions
- III. Public Comment
- IV. Approval of the Agenda
- V. Special Meeting/Public Comment Item(s)
- VI. Commission Member Comments

VII. Public Comment

VIII. Adjournment

C. SERC DESIGNATION OF LOCAL EMERGENCY PLANNING DISTRICTS

1. Responsibilities and Standards for Designating Local Emergency Planning District (LEPDs)

The SERC has the statutory duty to designate, and revise as necessary, the boundaries of LEPDs pursuant to AS 26.23.073.

The SERC is to set the boundaries of an LEPD so that they are “coextensive with the boundaries of a single political subdivision, except when it would be more appropriate, based on findings of the commission, for the district to include more than one political subdivision or some area that is not contained within a political subdivision. Before the commission sets the boundaries for a district under AS 26.23.073 (a) so that it includes more than one political subdivision or some area that is not within a political subdivision, the commission shall consult the emergency response organizations and the political subdivisions in the proposed district.

If the commission sets boundaries for a district under AS 26.23.073 that includes more than one political subdivision, the commission shall recommend to the governor the designation of an interjurisdictional disaster planning and service area under AS 26.23.070 whose boundaries are coextensive with the boundaries of the LEPD under AS 26.23.073.

SERC policy states that LEPD boundaries shall be coextensive with the boundaries of a borough, regional educational attendance area (REAA), or inter-jurisdictional disaster planning and service area, unless the SERC finds that other boundaries are more appropriate. The basis for such findings must be reflected in the minutes and must include findings relating to the ability of the LEPD to meet the requirements of federal and state law. The SERC may extend the LEPD boundaries to include communities in adjacent areas, if those communities and the borough favor the extension and the SERC finds that such extension is appropriate.

The SERC applies the following factors in designating new or revised boundaries of a LEPD

- a. How the designation will result in a logical capability in preparing for and responding to releases of oil and hazardous materials and other natural or man-made hazards such as earthquakes, floods, fires, or tsunamis;
- b. The impact on adjacent areas not included in the LEPD;
- c. How the new LEPD boundary will be supported by affected communities;

- d. The ability of the LEPD to establish an LEPC and to meet the requirements of 42 U.S.C. 11001 et seq. and AS 26.23;
 - e. Such other criteria as the SERC determines are appropriate;
2. Procedures for Forming a New LEPD or for altering LEPD Boundaries.
- a. *Petition*

Persons (including political subdivisions) interested in forming a new LEPD or altering the boundaries of an existing LEPD must petition the SERC for approval.

The petition is addressed to the SERC DMVA Co-chair and must include:

- (1) a map showing the proposed LEPD boundaries and any existing LEPD boundaries affected by the proposal
- (2) any letters of support or opposition from political subdivisions, LEPCs, communities and emergency response organizations in the proposed LEPD; and how adjacent areas will be impacted
- (3) a description of how the proposed LEPD will facilitate preparation for and response to oil and hazardous materials, and other hazards; and
- (4) a discussion of how the proposal will meet the requirements of federal law (42 U.S.C. 11001 et seq.) and state law (AS 26.23.073 et seq.).

b. SERC Staff Review; AHPRC review and recommendation

Upon receipt of a petition, SERC staff must review it for completeness. If additional information is required, staff must promptly notify the petitioner. When staff finds that the petition is complete, it provides the petition to the SERC AHPRC for that committee's review and recommendation to the SERC.

The AHPRC makes its recommendation to the SERC based on:

- (1) its evaluation of how the proposed LEPD will facilitate preparation for and response to oil and hazardous materials releases and other hazards
- (2) the impact of the proposal on adjacent areas
- (3) community support; and
- (4) the ability of an LEPC for the proposed LEPD to meet the requirements of 42 U.S.C. 11001 et seq. and AS 26.23. The AHPRC provides its recommendation to SERC staff who provide it to the SERC.

State law requires the SERC to recommend to the governor the designation of an inter-jurisdictional disaster planning and service area whose boundaries are coextensive with the boundaries of the LEPD, if it sets boundaries for an LEPD that includes more than one political subdivision and if the criteria of AS 26.23.070 are met (AS 26.23.073).

Therefore, whenever the petition seeks to establish boundaries for an LEPD that include more than one political subdivision, the AHPRC and the SERC shall consider whether to recommend the designation of an interjurisdictional disaster planning and service area pursuant to AS 26.23.070 and 26.23.073.

c. Notice to affected LEPCs, emergency responders, and political subdivisions

When the petition is complete and the AHPRC has made its recommendation, SERC staff must give reasonable notice to any affected LEPCs, emergency response organizations, and political subdivisions. Unless staff or the SERC determines that other notice is more reasonable under specific circumstances, “reasonable notice” means written notice faxed or mailed to the principal executive or operating officer of each of the affected political subdivisions and emergency response organizations, and to each member of the LEPC involved, at least thirty days before the SERC meeting at which the petition will be discussed.

The notice must include a brief description of the proposal, the date on which the SERC will consider the petition and take public comments, the location of the meeting, and an invitation to interested parties to attend the hearing and comment or to provide written comments prior to the hearing. Staff also should provide notice to the general public, which may be through radio and newspaper announcements or advertisements, posting of notices in the communities affected, and posting on-line notice on the State of Alaska Online Public Notice System website, pursuant to AS 44.62.175.

d. SERC hearing and notification of decision

The SERC must consider a petition for a new or altered LEPD and AHPRC’s recommendation on the petition at a noticed public meeting at which interested people are given an opportunity to comment.

- When the SERC has made its decision on a petition, SERC staff informs the petitioner, all affected municipalities, and all parties that have submitted comments or otherwise shown interest, of its decision.
- If the SERC approves a petition for a new LEPD, it will request nominations and applications for LEPC positions and provide reasonable notice in the affected area of LEPC openings.
- If it approves a petition for an altered LEPD, it will advise the existing LEPC and the principal executive officer within the LEPD of the need for incorporating the new area into the emergency plan.
- If the SERC disapproves the petition, it will inform the petitioner in writing of the reason for the decision.

3. Procedures to Join an Existing LEPD

A community wishing to join an existing LEPD must submit a written request to the LEPC serving that LEPD. If the LEPD boundaries are coextensive with a municipality's boundaries, the LEPC must convey the request to the principal executive officer of the municipality, otherwise it must convey the request to the principal executive officer of each municipality in the LEPD. The principal executive officer of the community wishing to join may then petition the SERC using the process described in this policy. The SERC will provide notice, hearing, and notification of its decision on the petition in the same manner as discussed above for formation of a new LEPC.

4. LEPD Boundary Changes

A person or entity interested in changing the boundaries of existing LEPDs may petition for a change following the petition process outlined above under Procedures for Forming a New LEPD or for altering LEPD Boundaries C(2)(a) Petition, and in accordance with AS 26.23.073.

Where an LEPD boundary is coextensive with a borough boundary and the borough boundary is altered, the LEPD boundary is automatically amended to be coextensive with the new borough boundary. This does not require SERC approval. The borough must notify the SERC and provide the SERC with a copy of the Local Boundary Commission's approval of the boundary change. The Commissioner of the Department of Commerce, Community and Economic Development (DCCED) may notify SERC staff for presentation at the next SERC meeting. SERC staff must notify the principal executive officers of the affected municipalities, affected local emergency response organizations, and the LEPC of the LEPD boundary change. The LEPC notifies affected facilities added to the boundaries of the LEPD.

5. Official Map of LEPDs

The LEPDs established by the SERC are shown on the map, Appendix 2, titled "LEPD Map." DMVA, in conjunction with DCCED, is responsible for keeping this map current.

6. Balance-of-State LEPD

State of Alaska law requires all areas outside of organized LEPDs to be organized under one Balance-of-State LEPD. If, after the commission sets boundaries for districts under (a) of this section, there remain areas of the state that are not included in any district, those areas constitute a local emergency planning district pursuant to AS 26.23.073(b), and DMVA, Alaska DHSEM will represent the interests of the citizens in the unorganized, unincorporated areas in the absence of an organized LEPD, local, or tribal governing authority.

D. SERC APPOINTMENT OF LEPC MEMBERS

1. Statutory Responsibility to Appoint LEPC Members

Federal and state law requires the SERC appoint all members of LEPCs, including members representing the LEPCs designated by the SERC and the Balance-of-State LEPC. 42 U.S.C. 11001(c); AS 26.23.073(d).

2. Statutory Requirements for LEPC Composition

State law requires that each LEPC must include, at a minimum, a representative from each of the following categories:

- (1) elected local officials
- (2) law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel
- (3) broadcast or print media
- (4) community groups
- (5) owners and operators of facilities subject to the federal Community Right-to-Know Act
- (6) representatives of a local or inter-jurisdictional disaster planning and service area (if applicable); and
- (7) members of the public that are not described in (1)-(6) above, AS 26.23.073(d) and 42 U.S.C. 11001(c).

If advertisement and the commission's own initiative do not result in the acceptance of an appointment to a committee by at least one person from a category under (d)(1) - (7) of this section, the requirement of (d) of this section that there be representation of that category on that committee is suspended until sufficient willing appointees become available.

The SERC has adopted definitions of these categories as part of this Policies and Procedures Manual, which are included under IV. Definitions. As a matter of policy, the SERC considers it desirable that representation be sought from all 14 groups listed.

3. Procedures for Appointing LEPC Members

a. Notice of vacant LEPC positions

When there are one or more vacancies on a LEPC, notice must be given to the public and to the political subdivisions in the LEPC of the vacancies, the qualifications required of applicants, and the application process. Where an LEPC already exists, the LEPC is responsible for giving the notice. SERC staff will give notice of vacancies for newly established LEPCs and will work with existing LEPCs to ensure that the notice given is reasonable and adequate. Public notice may be in the form of newspaper advertisements, public service announcements on radio or television, and/or posted

notices in communities where no local news media exist. Notice to political subdivisions must include notice that the SERC will consider the recommendations of the political subdivisions in making appointments.

b. Applications and political subdivision recommendations

Applicants submit their applications to the LEPC. The LEPC forwards the application to the political subdivision/s principle executive officers for a written recommendation. The application and the executive officers' recommendation are then forwarded to the DHS&EM LEPC coordinator, who will include them in the consent agenda of the next SERC meeting.

c. SERC review and appointment of LEPC Members

The SERC will review applications and recommendations at each meeting, approving applications within 6 months. The SERC must act on recommendations and appointments at a meeting conducted in accordance with the Open Meetings Act, the Bylaws, and the policies and procedures. Procedures for virtual meetings and for appointments by consent agenda may be used.

State law requires that if the LEPC contains only one political subdivision, the SERC must follow the recommendations of the political subdivision in making appointments if the resulting LEPC would meet the requirements of AS 26.23.073(d). If the LEPC contains more than one political subdivision, the SERC shall consider the recommendation of each political subdivision and follow them to the extent they are in agreement and would result in an LEPC that meets the requirements of AS 26.23.073(d). If a political subdivision does not recommend a replacement to the SERC within a reasonable time, the SERC may make further inquiry as to political subdivision recommendations or it may make the appointment without further inquiry.

With the exception of the public category, LEPC positions should be filled by individuals who have experience or who are actively employed or volunteering in the categories referenced in AS 26.23.073(d). If an LEPC can demonstrate that no one who is currently active in a particular category is available or interested, then an individual who has past experience or knowledge in that category may be appointed. The SERC shall attempt to achieve equitable geographic representation on each LEPC.

The SERC may deny an application for appointment recommended by a political subdivision if the applicant's appointment does not meet the criteria of AS 26.23.073(d), if proper notice was not given, or if the SERC finds there is other good cause for denying the recommended appointment.

d. Notification of LEPC appointments

SERC staff will notify applicants of their appointment by mail with copies to the applicant's LEPC and the political subdivision which submitted the applicant's name. If the SERC denies an application for appointment to an LEPC, it must state its reasons

for the denial in writing to the political subdivision with copies to the applicant and the LEPC. SERC staff will attempt to give notification within twenty-one working days of the appointment or denial.

e. Inability to fill a vacancy

If a LEPC has advertised a committee category opening for three consecutive months with no qualified applicant for that category, the LEPC may continue to solicit names for appointments, or it may notify the SERC that it has no one to recommend for the category. If the LEPC has followed this advertising procedure and finds no one to recommend for the category, and the SERC through its own initiative finds no one to fill the vacancy, the SERC will not appoint anyone for that category. However, the SERC periodically must review the membership of each LEPC and must ensure that reasonable efforts are made to fill vacancies in representation consistent with the requirements of AS 26.23.073(d) and (e). If unable to meet requirements of AS 23.073(d), AS 26.23.073(e) applies to suspend until willing appointees become available.

4. Alternate LEPC members

LEPCs may provide rules for the designation of alternate members who may attend and vote in place of the primary members.

5. Terms of LEPC Members

LEPCs must adopt bylaws establishing the terms of LEPC members and providing for the notification of the SERC where members no longer meet the membership requirements under AS 26.23.073.

6. Petitions to SERC to Change LEPC Membership

Under AS 26.23.073(f) and 42 U.S.C. 11001(d), any interested person may request the SERC to change the membership of an LEPC. The SERC must consider the recommendations of political subdivisions under AS 26.23.070(d), follow the requirements for representation of categories of groups in AS 26.23.073(d)(1)-(7), and will comply with the requirements of this manual for notification of its decision for LEPC appointments contained in these policies. The SERC will, within 30 days after the meeting at which the request is considered, issue its decision in writing to the petitioning individual, the affected LEPC, and the affected LEPCs principal executive officers.

7. Expansion or Contraction of LEPCs

A LEPC may recommend to the SERC that its LEPC be expanded or contracted. A LEPC that recommends such a change shall first forward the recommendation to the principal executive officer of each municipality in the LEPC for its recommendation and then submit its recommendation and the principal executive officer's recommendations to

the SERC. The SERC will determine whether to make such a change in accordance with applicable statutes and this manual.

8. Dissolution or Disestablishment of LEPCs

An LEPC may be dissolved if the LEPC membership and the political subdivision/s executive officer/s agree to dissolve the LEPC. The LEPC chair and the political subdivision's executive officers must each submit a letter to the SERC identifying the effective date of dissolution and the reason for the action.

E. SERC REVIEW OF EMERGENCY PLANS

1. Statutory Requirements for Plan Review and Recommendations

The emergency planning duties of the SERC are specified in the Alaska statutes, at AS 26.23.071(e) and AS 26.23.077.

AS 26.23.077(a) requires the SERC to “review and make recommendations about local, inter-jurisdictional, regional, and state emergency plans, including plans prepared under [AS 26.23] and AS 46.04.200-AS 46.04.210 and all emergency plans prepared by state agencies under other authorities.” These include:

- a. State Emergency Operations Plan and emergency plans by other state agencies
- b. Local Emergency Response Plans prepared by LEPCs or political subdivisions
- c. State Master Plan (AS 46.04.200)
- d. Regional Master Plans (AS 46.04.210)
- e. Inter-jurisdictional and regional emergency plan (AS 26.23.070)

AS 26.23.077(b) and (c) require the SERC, when making recommendations about a plan, to suggest changes that ensure that the plan includes an incident command system, the roles of state agencies are consistent with their statutory duties, the plans are well-integrated with related plans and provide a major role for DMVA in a state response to a disaster or other emergency.

The SERC has all-hazards planning and plan review responsibilities as stated in AS 26.23.071(e). In addition, it is required to review reports of responses to disaster emergencies and make recommendations for improvement, and to perform other coordinating, advisory, or planning tasks related to emergency planning and preparedness for all types of hazards. AS 26.23.071(e)(8).

2. SERC Emergency Plan Review Process

Upon receiving a plan requiring SERC review, SERC staff copies it and forwards it to each AHPRC member for review and preliminary recommendations. The AHPRC may request that specific sections of the plan be distributed separately to committee members. SERC staff sends an email to the LEPC acknowledging receipt of the plan.

The AHPRC must review the plan to make sure it meets minimum state and federal requirements and to make any recommendations, applying the criteria in AS 26.23.077 and also considering (a) hazards analysis; (b) authorities involved in the plan; (c) organizational structure of the entity preparing the plan and of the responders named in the plan (Incident Command System); (d) coordination of communications; (e) resources available or recommended to carry out the plan; and (f) how the plan relates to other plans, including the State Emergency Operations Plan, other plans within the same agency, other state agency plans, federal plans, local plans, LEPC plans, and industry plans.

The AHPRC should forward its recommendations to SERC staff within 60 days of receipt of the plan.

In accordance with AS 26.23.077, the SERC shall review and make recommendations about local, interjurisdictional, regional, and state emergency plans, including plans prepared under AS 26.077 and AS 46.04.200-46.04.210, and all emergency plans prepared by state agencies under other authorities. When making recommendations about a plan, the Commission shall suggest changes that ensure the plan includes an incident command system that describes the respective roles of affective persons and agencies in a clear and specific manner and that the respective roles of state agencies are consistent with their statutory duties. The Commission shall also suggest changes that ensure the plans are well integrated with related plans. To the extent consistent with other law, an incident command system recommended under this section or included in a plan reviewed under this section must provide that the Department of Military and Veterans' Affairs has a major role in mobilization of personnel and resources, communications, transportation planning, and other logistics involved in a state response to a disaster or other emergency. When the SERC has taken action, the AHPRC staff will send an email to the LEPC describing the recommendations. The SERC may request that some or all of a plan be resubmitted to the committee.

F. LEPC GRANTS AND GRANT ADMINISTRATION

1. Development and Adoption of Funding Criteria

The SERC Finance Committee develops and manages the process through which LEPCs may request annual grants for use by their LEPC. The SERC Finance Committee approves funding allocations to the LEPC based on adopted standards.

Funding comes from the State of Alaska General Funds to the extent that money is available from an appropriation pursuant to AS 26.23.040 (e)(13). The Finance Committee will annually review and approve LEPC grant applications based on standards previously approved by the SERC.

a. Baseline Grants

The purpose of “Baseline” funding is to support the core activities of the LEPCs, thus providing stability to the LEPCs. Required baseline goals include:

- Establish a LEPC and maintain membership
- Establish and maintain bylaws to include:
 - Provisions for public notification of committee activities
 - Public meetings to discuss emergency plans
 - Receive public comments and response to such comments
 - Distribution of the emergency plan
- Establish procedures for receiving and processing requests from the public for Safety Data Sheets (SDS) and Tier II information
- Review the emergency plan annually
- Evaluate the need for training and resources to develop, implement, and exercise the emergency plan
- Make recommendations to DHS&EM and the SERC regarding the emergency plan execution
- Act as an advisory committee to the political subdivision within the LEPC
- Send a LEPC member to attend LEPC Association and SERC meetings
- Submit quarterly grant reports to DHS&EM in accordance with the grant award document
- Maintain a current list of all facilities within the LEPC required to complete Tier II reports

2. Grant Administration

The DHS&EM will coordinate the approval of LEPC grant application forms with the SERC Finance Committee. DHS&EM will then distribute, collect, and consolidate these grant applications for review by the SERC Finance Committee. DHS&EM will be responsible for administering the grant.

G. MISCELLANEOUS SERC POLICIES AND PROCEDURES

1. Receiving and Processing Community Right-to-Know Requests

In accordance with 42 U.S.C. 11001(a) and AS 26.23.071 (e), the SERC designates the Commissioner of the DEC, or designee, to receive and process requests from the public for any Community Right-to-Know information which is reportable to the SERC, including Tier II information. The State of Alaska DEC website has the SERC Tier II Policy with information on the process for providing Tier II information to the public.

2. Emergency Reporting

All agencies represented on the SERC will provide reports of emergencies to which they have responded, including fires, earthquakes, floods, tsunamis, volcanic activity and other natural or manmade hazards necessitating state intervention. Since under other statutes, the release of a hazardous substance must also be reported to the DEC a report to DEC of such a release constitutes a report to the SERC.

3. SERC's Duty to Cooperate with Other Entities

The SERC shall cooperate with citizens' groups, industry, political subdivisions, other state and federal agencies, research facilities and councils, and oil and hazardous substance response cooperatives for the purpose of enhanced, coordinated, efficient planning and preparedness for all hazards which might endanger the people, property or environment in the State of Alaska.

4. Compliance with Alaska Ethics Act

SERC members are required to comply with the Alaska Ethics Act. If a SERC member has questions about the act, member may contact the public officer's designated supervisor pursuant to AS 39.52 for additional information. Appendix 1 provides ethics information for members of boards and commissions.

II. LEPC Responsibilities

A. OVERVIEW OF LEPCs

1. Statutory Responsibilities

LEPCs have statutory responsibilities established by federal law (42 U.S.C. 11001-11005) and state law (AS 26.23.073(g)). They must:

(1) establish procedures for receiving and processing requests for information under the Community-Right-to-Know Act; this is accomplished by utilizing the procedures established by the SERC in accordance with AS 26.23.071 (e) (7)

(2) appoint a chair and establish rules for functioning

(3) prepare and annually review an emergency plan in accordance with 11 U.S.C. 11003 (dealing with hazardous substances)

(4) evaluate resources needed to develop, implement, and exercise the emergency plan, and submit recommendations to political subdivisions in the LEPD regarding resource needs

- (5) making recommendations to other agencies and entities about the preparation of local, state, and inter-jurisdictional plans; and
- (6) serving as an advisory committee to the political subdivisions or the inter-jurisdictional planning and service area.

Additional LEPC responsibilities can be found in the [“Alaska \(LEPC\) Handbook”](#).

2. LEPC Powers and Functions

LEPCs are planning entities and generally cannot commit manpower or resources. An Attorney General’s opinion (AG File No. 663-92-0429 (May 1992)) concluded that LEPCs are state agencies; however, they are not authorized to hire employees as state employees. Local governments, which can commit manpower and resources, should work with their LEPC, which can apply its members’ expertise, to help their communities prepare for, mitigate, and respond to disasters and emergencies. LEPCs help involve citizens in the discussion about what an appropriate emergency response is for each community, where public funds are spent, and whether and how much of those funds should go for additional responder training, training local government officials, or purchasing response equipment.

3. Assistance from Other Agencies

Alaska law requires that state agencies represented on the commission, upon request, provide technical assistance to a LEPC in the performance of its duties. AS 26.23.073(h). Alaska law also requires the SERC to supervise and coordinate the activities of LEPCs, AS 26.23.071(e)(6). It is the intent of the SERC that DMVA coordinate the technical assistance which may be requested by LEPCs, as well as political subdivisions and federal representatives, in complying with 42 U.S.C. 11001 et seq. and AS 26.23.

4. Coordination and Cooperation with Political Subdivisions in LEPC

Alaska law also requires each LEPC to prepare and periodically review its emergency plan in coordination with political subdivisions covered by the plan; to submit recommendations to the political subdivisions concerning the plan and resources needed to develop, implement, and exercise the plan; and to serve as an advisory committee to the political subdivisions in the LEPC. AS 26.23.073(g). Each LEPC, through its Chair, must enter into a cooperative relationship with the political subdivisions in the LEPC which the LEPC serves. By cooperative relationship, the SERC intends that planning efforts are not duplicated between the LEPC and the political subdivision, that emergency preparedness and response are enhanced by cooperative planning efforts, that the political subdivision administer any grant amounts for the LEPC, and that the LEPC advertise vacancies on the LEPC with the political subdivision(s) making recommendations from those who respond to the advertisements. SERC.

III. Training Guidelines for Emergency Plans

LEPC Emergency Plans normally address training for responders based on the level of response approved by the political subdivision and listed in the emergency response plan.

The SERC recognizes the need to offer guidance to LEPCs in recommending training courses to meet the local jurisdiction's emergency response needs (i.e., defensive or offensive). It is not the intent of the SERC to restrict any jurisdiction from exceeding these guidelines.

The SERC recognizes that it is unlikely that all areas of the state have the capability of recruiting, training and continuing hazardous materials education for emergency response personnel, specialists, technicians and other responders. LEPCs should plan according to the ability of the LEPD to support a response.

Training for LEPC members is available through the State of Alaska DHS&EM Training Section.

IV. Definitions and Acronyms

Note: Unless otherwise specified, the provided definition is SERC defined.

All Hazards: Any natural or man-made disaster which may threaten life, property or environment (including extreme weather conditions, fires, earthquakes, oil or hazardous substance spills, floods, tsunamis, wind-driven water, etc.).

Applicable Facility: A facility that is covered by 42 U.S.C. 11001-11005, which under 42 U.S.C. 11002(b) includes any facility that has a substance listed the EPA's Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act present at the facility in excess of the threshold planning quantity established for the substance. And, or a facility that is covered by AS 29.35.500(c)

Borough (per AS 29.71.800): A general law or home rule borough or unified municipality.

Broadcast/Print Media: An LEPC representative category for local newspaper, radio or television.

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act

Emergency Manager: A local person responsible for emergency preparedness and response.

Community Emergency Coordinator: Designated by LEPC under 42 U.S.C. 11003 and AS 26.23.060 to receive spill notification and to implement the emergency response plan.

Community Group: An LEPC representative category for a locally based, structured organization comprised of members which meet regularly to discuss issues of community interest.

Comprehensive Preparedness Guide 101 (CPG 101) 2.0: FEMA guides for developing and maintaining emergency operations plans.

DEC: State of Alaska Department of Environmental Conservation.

DHS&EM: State of Alaska, Division of Homeland Security and Emergency Management in the Department of Military and Veterans Affairs.

Disaster (per AS 26.23.900): "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from

(A) an incident such as storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion, or riot;

(B) the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage;

(C) equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

(D) enemy or terrorist attack or a credible threat of imminent enemy or terrorist attack in or against the state that the adjutant general of the Department of Military and Veterans' Affairs or a designee of the adjutant general, in consultation with the commissioner of public safety or a designee of the commissioner of public safety, certifies to the governor has a high probability of occurring in the near future; the certification must meet the standards of AS 26.20.040(c); in this subparagraph, "attack" has the meaning given under AS 26.20.200;

(E) an outbreak of disease or a credible threat of an imminent outbreak of disease that the commissioner of health or a designee of the commissioner of health certifies to the governor has a high probability of occurring in the near future; the certification must be based on specific information received from a local, state, federal, or international agency, or another source that the commissioner or the designee determines is reliable; or

(F) a cyber-attack or serious cyber incident that affects critical infrastructure in the state, an information system owned or operated by the state or a political subdivision of the state, information that is stored on, processed by, or transmitted on an information system owned or operated by the state or a political subdivision of the state, or a credible threat of an imminent cyber-attack or serious cyber incident that the commissioner of administration or commissioner's designee certifies to the governor has a high probability of occurring in the near future; the certification must be based on specific information that critical infrastructure in the state, an information system owned or operated by the state or a political subdivision of the state, or information that is stored on, processed by, or transmitted on an information system owned or operated by the state or a political subdivision of the state may be affected; in this subparagraph,

(i) "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of the systems and assets would have a debilitating effect on security, state economic security, state public health or safety, or any combination of those matters;

(ii) "serious cyber incident" means an incident that has a confirmed effect on the confidentiality, integrity, or availability of systems and data, has legal or privacy

implications, affects other agencies, or requires security experience or resources not otherwise available;

Disaster Emergency (per AS 26.23.900): The condition declared by proclamation of the governor or declared by the principal executive officer of a political subdivision to designate the imminence or occurrence of a disaster.

DMVA: State of Alaska Department of Military and Veterans' Affairs.

Elected Local Official: An LEPC representative category for a public official chosen by vote among candidates to fill a public office other than a state legislative office. Eligible elected local officials could include city council or assembly members, mayors, or members of school district boards, or coastal resource service area boards.

Emergency (per FEMA): Any natural or man-caused situation that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency Plans: The state Emergency Operations Plan, all-hazards plans developed by political subdivision, LEPC emergency response plans, business and industry plans and disaster response plans developed by state agencies.

EPA: U.S. Environmental Protection Agency

EHS (Extremely Hazardous Substance) (per 42 U.S.C 11002): Any substance contained within the list of substances published by the Administrator of the Environmental Protection Agency.

Facility Emergency Coordinator (per 42 U.S.C. 11004): Designated person in a facility who engages the facility's emergency response plan and provides notification to the Community Emergency Coordinator.

FEMA: Federal Emergency Management Agency

Hazardous Substance (per AS 46.03.826): (A) an element or compound which, when it enters into the atmosphere or in or upon the water or surface or subsurface land of the state, presentation imminent and substantial danger to the public health or welfare, including but not limited to fish, animals, vegetation, or any part of the natural habitat in which they are found: (B) oil; or (C) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).

Health: An LEPC representative category for a local person responsible for or who participates in protecting and monitoring public health and/or reporting public health criteria.

Hospital: An LEPC representative category for a local person responsible for or who participates in the operation of a local hospital or health clinic.

Incident Command System (per FEMA): The combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure with responsibility for management of assigned resources to effectively accomplish stated objective at the scene of an incident.

Law Enforcement: An LEPC representative category for a local person who is a member of a local, state or federal law enforcement agency. This includes Village Public Safety Officers (as defined in AS 18.65.670) and Village Police Officers (as defined in 13 AAC 89.010).

LEPC: LEPC as defined in AS 26.23 and 42 U.S.C. 11001 (c).

LEPD: LEPD as defined in AS 26.23 and 42 U.S.C. 11001(b).

Local Environmental: An LEPC representative category for a local person representing a public interest group or groups associated with conservation or protecting the environment.

Safety Data Sheets (SDS): Written or printed material concerning a hazardous chemical, chemical family, hazardous ingredients, physical data, fire and explosion hazard data, health hazard data, reactivity data, spill or leak procedures, special protection information, and special precaution (29 CFR 1900.1200(g) (2)).

National Response Team (NRT): Regional teams made up of Federal agencies that protect our air, land, and water.

NRT-1: The Hazardous Materials Planning Guide developed by the National Response Team in compliance with 42 U.S.C. 11001-11050.

NRT-1A: Guide for the review of state and local emergency operations plans. Standard for assessing emergency plans

Owners and Operator: Any person under the employment of or in direct control of an applicable facility.

Political Subdivision (per AS 29.71.800): Incorporated under the laws of the state, a home rule or general law city, a home rule or general law borough, or a unified municipality.

Principal Executive Officer: Used herein to mean the mayor of a political subdivision or another person designated to act on behalf of the political subdivision.

Public Member: An LEPC representative category for a private citizen who is not representing any of the interests in any of the other categories present in an LEPC.

SARA Title III: Superfund Amendments and Reauthorization Act also known as Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986; and 42 U.S.C. 11001-11050.

SERC: SERC as defined in AS 26.23 and 42 U.S.C. 11001.

Transportation: An LEPC representative category for a local person representing a transporter of oil or hazardous substances in or through the local area.

Appendix 1

State of Alaska ETHICS INFORMATION FOR MEMBERS OF BOARDS AND COMMISSIONS (AS 39.52)

INTRODUCTION

This is an introduction to AS 39.52, the *Alaska Executive Branch Ethics Act*. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

SCOPE OF ETHICS ACT (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable

MISUSE OF OFFICIAL POSITION (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- ◆ use their official positions to secure employment or contracts;
- ◆ accept compensation from anyone other than the State for performing official duties;
- ◆ use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- ◆ take or withhold official action on a matter in which they have a personal or financial interest; or
- ◆ coerce subordinates for his/her personal or financial benefit.
- ◆ attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

IMPROPER GIFTS (AS 39.52.130)

A board member may not solicit or accept gifts if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:


- ◆ the board member can take official action that can affect the giver, or
- ◆ the gift is given to the board member because he or she is on a state board.


The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.


 The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.


 Jody buys a holiday gift every year for Sam. Jody was recently appointed to a state board, but Sam has no business that is up before the board. Jody may accept the gift.


**IMPROPER USE OR DISCLOSURE OF INFORMATION
(AS 39.52.140)**

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already

been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.

 Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.

 Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.

 Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.


**IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES OR LOANS
(AS 39.52.150)**


A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.


Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

 John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years, so he figures that it doesn't matter when her grant application comes up before the board.

 The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

IMPROPER REPRESENTATION (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A non-salaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.


 Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses the situation to the board and refrains from participating in the board's discussions and determinations regarding the matter.


RESTRICTION ON EMPLOYMENT AFTER LEAVING STATE SERVICE (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year

 The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.

 Andy takes the job but specifies that he will have to work on another project.

AIDING A VIOLATION PROHIBITED (AS 39.52.190)

Aiding another public officer to violate this chapter is prohibited.

AGENCY POLICIES (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

DISCLOSURE PROCEDURES

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.state.ak.us/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

COMPLAINTS, HEARINGS, AND ENFORCEMENT

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child,

including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our web site at <http://www.law.alaska.gov/doclibrary/ethics.html> (Executive Branch Ethics) or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
Attorney.General@alaska.gov

Revised 3/2025

21 Organized LEPC'S

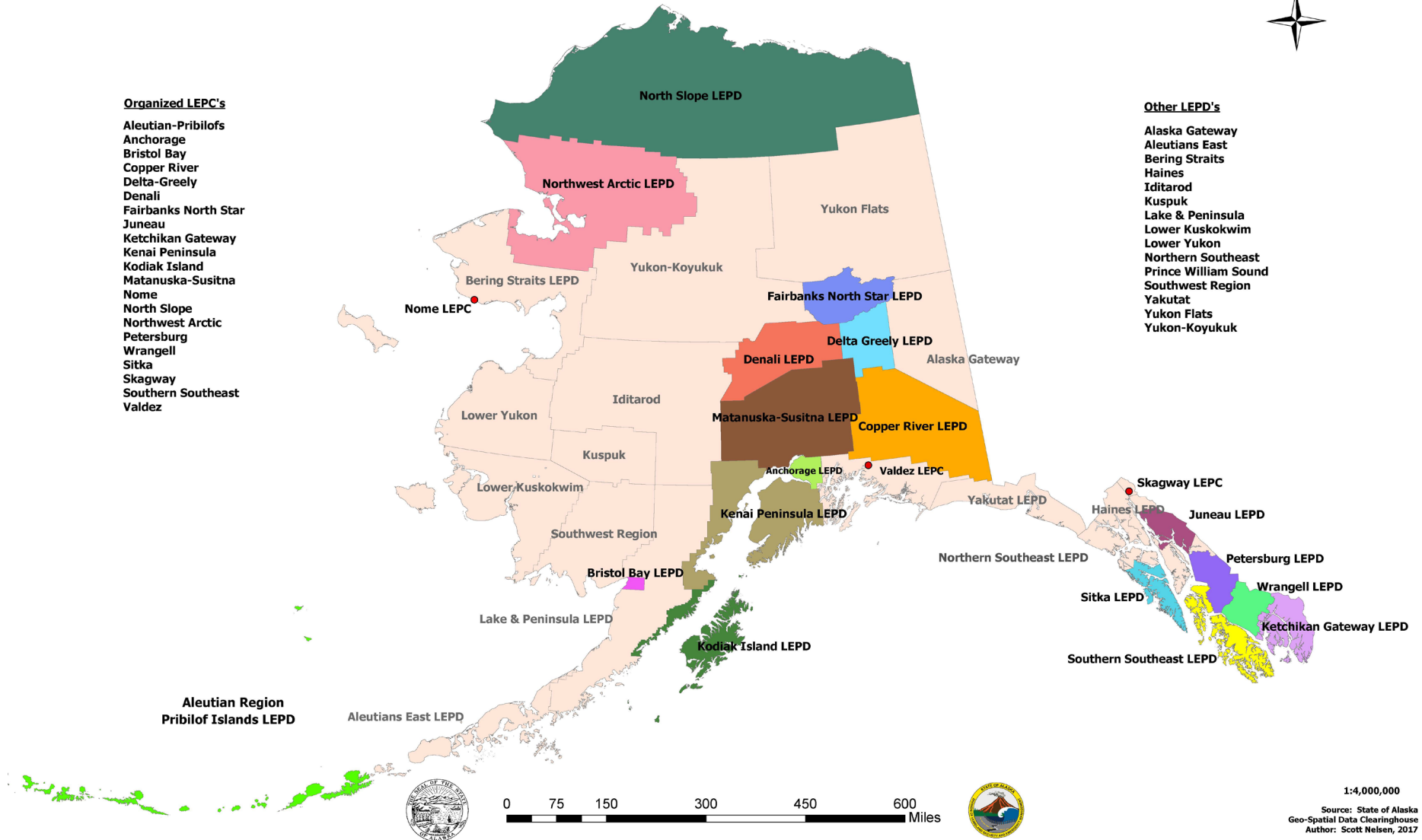


Organized LEPC's

- Aleutian-Pribilofs
- Anchorage
- Bristol Bay
- Copper River
- Delta-Greely
- Denali
- Fairbanks North Star
- Juneau
- Ketchikan Gateway
- Kenai Peninsula
- Kodiak Island
- Matanuska-Susitna
- Nome
- North Slope
- Northwest Arctic
- Petersburg
- Wrangell
- Sitka
- Skagway
- Southern Southeast
- Valdez

Other LEPD's

- Alaska Gateway
- Aleutians East
- Bering Straits
- Haines
- Iditarod
- Kuspuk
- Lake & Peninsula
- Lower Kuskokwim
- Lower Yukon
- Northern Southeast
- Prince William Sound
- Southwest Region
- Yakutat
- Yukon Flats
- Yukon-Koyukuk



Appendix 2- LEPC/LEPD (current as of 2024)

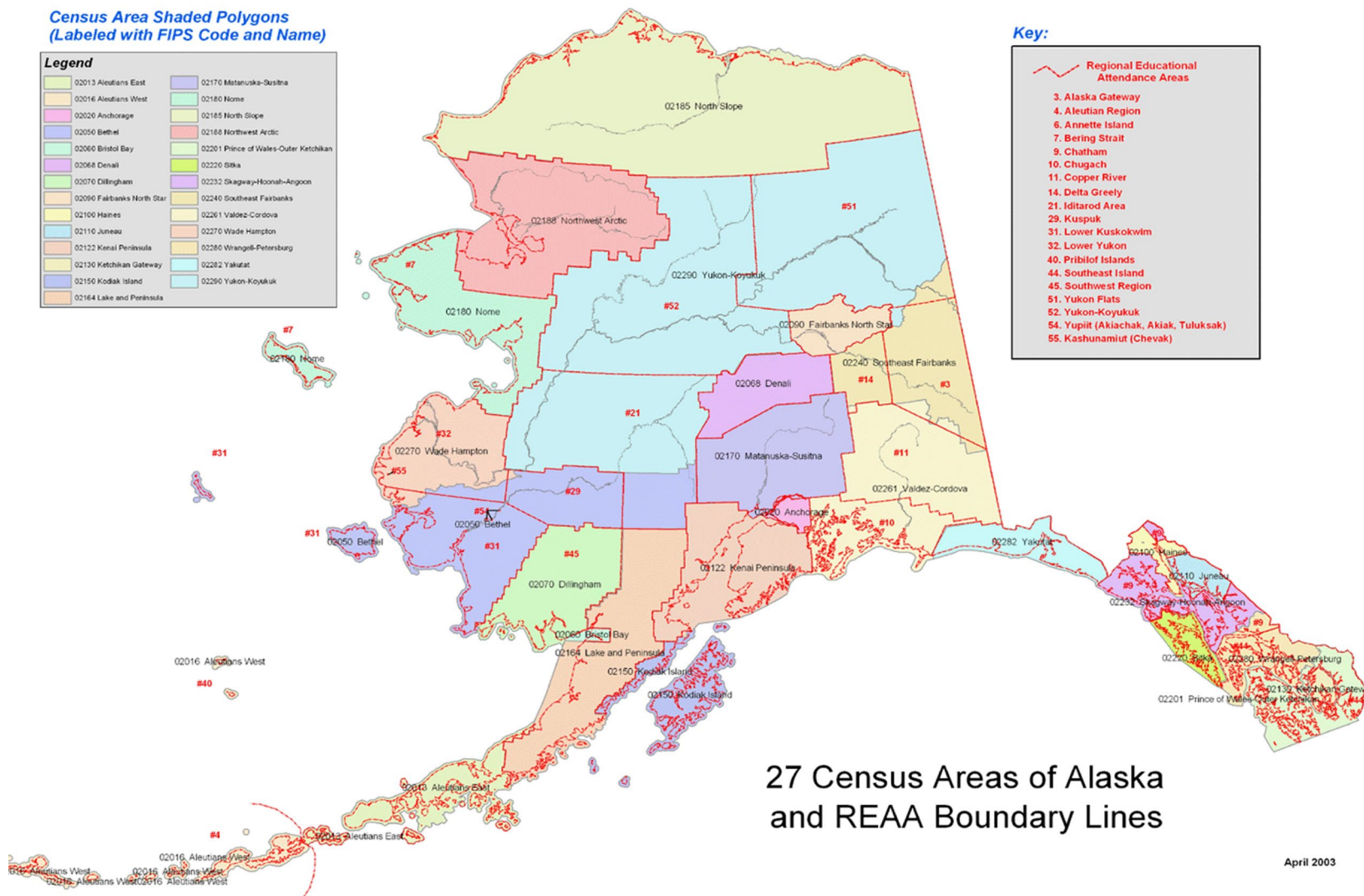
**Census Area Shaded Polygons
(Labeled with FIPS Code and Name)**

Legend

02013 Aleutians East	02170 Matanuska-Susitna
02016 Aleutians West	02180 Nome
02020 Anchorage	02185 North Slope
02050 Bethel	02188 Northwest Arctic
02060 Bristol Bay	02201 Prince of Wales-Outer Ketchikan
02068 Denali	02220 Sitka
02070 Dillingham	02232 Skagway-Hoonah-Angoon
02090 Fairbanks North Star	02240 Southeast Fairbanks
02100 Haines	02261 Valdez-Cordova
02110 Juneau	02270 Wade Hampton
02122 Kenai Peninsula	02280 Wrangell-Petersburg
02130 Ketchikan Gateway	02282 Yakutat
02150 Kodiak Island	02290 Yukon-Koyukuk
02164 Lake and Peninsula	

Key:

	Regional Educational Attendance Areas
3.	Alaska Gateway
4.	Aleutian Region
6.	Annette Island
7.	Bering Strait
9.	Chatham
10.	Chugach
11.	Copper River
14.	Delta Greely
21.	Iditarod Area
29.	Kuspuk
31.	Lower Kuskokwim
32.	Lower Yukon
40.	Pribilof Islands
44.	Southeast Island
45.	Southwest Region
51.	Yukon Flats
52.	Yukon-Koyukuk
54.	Yupitit (Akiachak, Akiak, Tuluksak)
55.	Kashunamiut (Chevak)



**27 Census Areas of Alaska
and REAA Boundary Lines**

April 2003

Appendix 2- REAA's/Census Areas Overlaid- REAA Boundaries in Red