

Executive Order 2001-41
(November 16, 2001)

WHEREAS, on May 11, 1987, the South Carolina Emergency Response Commission for hazardous materials was created pursuant to Executive Order 87-17 in compliance with the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Title III, "Emergency Planning and Community Right-to-Know Act of 1986;" and

WHEREAS, the Act required the Governor of South Carolina to appoint a State Emergency Response Commission for hazardous materials with all the authority and responsibilities delineated in the Act; and

WHEREAS, on December 14, 1993, Executive Order 87-17 was rescinded and replaced with Executive Order 93-27 to provide additional membership on the State Emergency Response Commission; and

WHEREAS, selected members from the public and private sectors have been determined to possess the necessary expertise to implement the emergency planning and community right-to-know provisions of the Act; and

WHEREAS, both the Governor and the Act recognize that the proliferation of hazardous materials will continue to pose a significant threat to the public's health, safety, and welfare unless responsible planning and coordination measures are instituted.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of this State, I do hereby declare that:

Section 1. The State Emergency Response Commission for hazardous materials, hereinafter referred to as "the Commission," is continued in existence.

Section 2. There are twelve (12) members of the Commission, including a Chairman. The members shall be appointed by and serve at the pleasure of the Governor and may be removed by the Governor at his discretion. Members shall serve without compensation.

Section 3. The Commission shall be chaired by the Director of the State Emergency Preparedness Division. The Commission shall be comprised of one (1) member representing each of the following agencies or organizations:

Office of the Governor
Department of Health & Environmental Control
Department of Public Safety
State Law Enforcement Division
State Fire Marshal

The Commission shall also consist of:

Three (3) members representing industry within the State Three (3) members-at-large Section 4. In conjunction with the duties mandated by SARA, the Commission's responsibilities shall be to:

- (a) Designate and appoint members of a Local Emergency Planning Committee for each of the emergency planning districts;
- (b) Supervise and coordinate the activities of the Local Emergency Planning Committees;
- (c) Review emergency plans prepared by the Local Emergency Planning Committees and make recommendations relating to coordinating emergency response;
- (d) Establish procedures for processing requests from the public for information about emergency response plans, chemical notification forms, the Environmental Protection Agency's list of extremely hazardous substances, and toxic chemical release forms;
- (e) Analyze the need for resources and legislation to appropriately implement the Act at the state and local government levels; and
- (f) Pursue initiatives with private industry, the Legislature, and government agencies to obtain necessary resources to implement the Act.

Section 5. The State Emergency Preparedness Division, the Governor's Office of Emergency Management, and the Department of Health & Environmental Control shall serve as lead agencies for coordinating implementation of the Act and providing staff support to the Commission. These agencies shall enter into a Memorandum of Understanding delineating each agency's responsibilities.

Section 6. In carrying out its responsibilities pursuant to the Act, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports, or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to the extent consistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of the Act and this Executive Order.

Section 7. Nothing in this Executive Order shall restrict or otherwise limit the statutory duties and functions of the involved departments, offices, divisions, or agencies.

Section 8. The Commission shall meet at times and places designated by the Chairman. Any vacancy occurring on this Commission shall be filled in the manner of the original appointment.

Section 9. The Commission may receive grants, donations or gifts of money, equipment, supplies, and services from any public or private source to carry out its duties.

Section 10. This Executive Order shall remain in effect until otherwise rescinded.

Section 11. Executive Order 93-27 is hereby rescinded.