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The Adjutant General

SARA

Title III

"The SERC"



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<i>An Overview</i>	<i>KDEM-S1</i>
<i>The LEPC</i>	<i>KDEM-S3</i>
<i>Emergency Response Plan</i>	<i>KDEM-S4</i>
<i>Notification of Substance Release</i>	<i>KDEM-S5</i>
<i>Information Dissemination</i>	<i>KDEM-S6</i>
<i>Enforcement</i>	<i>KDEM-S7</i>

THE SERC

The framework of the state and local structure and process for planning response to an accidental or unplanned release of a hazardous substance, specified in Section 301(a) of the "Superfund Amendments and Reauthorization Act of 1986" (SARA, Title III), starts with gubernatorial appointment of the State Emergency Response Commission (SERC). "The Kansas Emergency Planning and Community Right-to-Know Act" (K.S.A. 65-5701 *et. seq.*) defines authority and responsibility for Kansas' implementation of Title III.

Per the Executive Reorganization Order No. 29 of 1999, the Commission on Emergency Planning and Response (CEPR) was established. The CEPR is the conversion of the SERC, which primarily addressed hazardous materials to an organization that addresses all hazards.

Membership

Instead of the Governor appointing the SERC, the state statute specifies the size and composition of the SERC. The seventeen members of the SERC include 12 state officials, three representatives of the general public and two representatives of owners and operators of facilities regulated by the act. The 12 state officials include the Governor, Lieutenant Governor and the

directors (or their designees) of 10 state agencies. The Governor appoints the remaining 5 members.

Members of the SERC appointed by the Governor serve two-year terms. Annually, members of the SERC elect the chairperson. Meetings of the SERC are subject to the "Kansas Open Meetings Act".

The federal law specifies that the SERC shall: designate emergency planning districts; appoint local emergency planning committees; supervise and coordinate activities of the committees; receive and review committees' emergency response plans; make recommendations that may be necessary to ensure such plans are coordinated with other emergency planning districts; and establish procedures for receiving and processing information requests from the public. The federal law further stipulates: "Interested parties may petition the State Emergency Response Commission to modify the membership of a local emergency planning committee."

The Kansas Act stipulates that the SERC was created for carrying out duties as specified in the federal law and providing assistance in the coordination of state agency activities related to the federal law.

While the federal law stipulates that the SERC shall designate emergency planning districts in the state, the Kansas Act stipulates that SERC designation of emergency planning districts shall be subject to approval by the Secretary of Health and Environment and the Adjutant General.

Administration

Two state agencies, the Adjutant General's Department and the Kansas Department of Health and Environment (KDHE), are assigned implementation authority and responsibility under the Kansas Act. The Adjutant General's Department is responsible for emergency planning and related activities.

KDHE is responsible for supporting the SERC; receiving, processing and managing hazardous substance information; establishing a list of Kansas reportable substances; and designating threshold planning and reporting quantities for the list of Kansas reportable substances.