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SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 75

**AN ORDER RENAMING THE TENNESSEE EMERGENCY RESPONSE COUNCIL
AS THE STATE EMERGENCY RESPONSE COMMISSION AND REPLACING
EXECUTIVE ORDER NO. 7 DATED APRIL 1, 1987**

WHEREAS, the proliferation of hazardous materials poses a significant risk to the public's health, safety, and welfare unless responsible planning and coordination measures are instituted; and

WHEREAS, to address such risks and promote health, safety, and public welfare, the Superfund Amendments and Reauthorization Act of 1986, Title III, "Emergency Planning and Community Right-To-Know Act of 1986", codified at 42 U.S.C. § 11001 et seq., and hereinafter referred to as the "Act", requires the Governor of Tennessee to appoint a State emergency response commission with the authority to perform certain activities with respect to hazardous materials, as delineated in the Act; and

WHEREAS, in accordance with the Act, on April 1, 1987, Governor Ned McWherter issued Executive Order No. 7, which created the Tennessee Emergency Response Council.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and applicable law, do hereby direct and order the following:

1. The Tennessee Emergency Response Council is hereby continued in existence, but its name is changed to the "State Emergency Response Commission", hereinafter referred to as the "Commission", to better comport with the Act.
2. The Commission shall be responsible for:
 - a. Designating the State's 95 emergency planning districts to facilitate preparation and implementation of emergency plans, as required under Section 301(b) of the Act;
 - b. Appointing members of local emergency planning committees for each of the emergency planning districts, as required under Section 301(c) of the Act;
 - c. Supervising and coordinating the activities of the local emergency planning committees;

- d. Reviewing the emergency plans prepared by the local emergency planning committees and making recommendations relating to coordinating emergency responses;
 - e. Establishing procedures for processing requests from the public for information regarding emergency response plans, chemical notification forms, the United States Environmental Protection Agency's list of extremely hazardous substances, and toxic chemical release forms, as required by Section 324 of the Act;
 - f. Analyzing the need for resources and legislation to support implementation of the Act;
 - g. Designating additional facilities that may be subject to the Act under Section 302 and notifying the Administrator of the United States Environmental Protection Agency; and
 - h. Adopting and implementing a standard set of bylaws and operating guidelines for the Commission.
3. The members of the Commission shall be appointed by, and serve at the pleasure of, the Governor.
4. The Commission shall be chaired by the Director of the Tennessee Emergency Management Agency.
5. The Commissioner of Environment and Conservation, or the Commissioner's designee, shall serve as a member of the Commission, and shall serve as the alternate chairperson in the absence of the Director of the Tennessee Emergency Management Agency.
6. The Commission shall also include as members the Commissioner, or the Commissioner's designee, of each of the following state agencies:
 - a. Department of Transportation;
 - b. Department of Labor and Workforce Development;
 - c. Department of Safety and Homeland Security;
 - d. Department of Health; and
 - e. Department of Commerce and Insurance.
7. Upon recommendation from the Commission, the Governor may appoint representatives from the following industries, organizations, or public interest groups to serve on the Commission in an advisory, nonvoting capacity:
 - a. The chairperson of a Local Emergency Planning Committee;
 - b. Two persons representing environmental or consumer organizations;
 - c. Two representatives of the Tennessee Fire Chiefs Association, one representing full time departments and one representing volunteer fire departments;
 - d. One person representing the petroleum industry;
 - e. One person representing the liquefied petroleum gas industry; and
 - f. One person representing the agricultural industry.
8. The Tennessee Emergency Management Agency shall serve as the primary agency for coordinating and providing staff support for the Commission and the emergency planning requirements under the Act.

9. The Office of the General Counsel of the Department of Military shall advise the Commission on all legal issues affecting its decisions and shall review and approve the Commission's bylaws and any subsequent amendments to the bylaws for legal sufficiency.
10. The Tennessee Emergency Management Agency's 24-hour State Watch Point will serve as the primary state agency for reporting accidental releases under Section 304 of the Act, as well as hazardous substances as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any releases of these substances in quantities greater than the corresponding Reportable Quantities (RQs) shall be reported to the 24-hour State Watch Point.
11. The Commission is hereby designated to receive the Safety Data Sheets and the list of hazardous chemicals as required by Sections 311 and 312 of the Act. Additionally, the Commission is designated to receive all submitted toxic chemical release forms as required by Section 313 of the Act.
12. The Commission shall meet at least twice annually.
13. This Executive Order is effective immediately and rescinds and supersedes Executive Order No. 7, dated April 1, 1987, and shall remain in effect unless otherwise rescinded.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 17th day of January, 2019.



GOVERNOR

ATTEST:



SECRETARY OF STATE

