



Ohio Sunset Review Committee  
Agency Questionnaire

State Emergency Response Commission  
Agency Name \_\_\_\_\_

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Point of Contact \_\_\_\_\_

Agency's primary purpose and its various goals and objectives

Under the Federal Superfund Amendment and Reauthorization Act (SARA) Title III, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986, after an industrial accident in Bhopal, India, which caused more than two thousand fatalities. Under the EPCRA law, each state was required to establish a State Emergency Response Commission (SERC) to promote chemical emergency planning and preparedness.

The Ohio SERC was created by Governor's Executive Order 87-16 dated April 15, 1987. The General Assembly then enacted Chapter 3750, Emergency Planning of the Ohio Revised Code in December 1988, which formally established the Ohio SERC that serves as the state commission body for the administration and implementation of the requirements as outlined within Chapter 3750. The Ohio SERC and through the establishment, support, and activities of its Local Emergency Planning Committees (LEPCs), assists in chemical emergency planning and preparedness, provides public access to chemical data, raises public awareness of chemical hazards within our state and encourages public participation in the local emergency planning and preparedness activities involving hazardous materials. In addition, the law requires regulated facilities to submit annual chemical inventory reports to the SERC, county designated LEPC and jurisdictional fire department.

In Ohio, LEPCs are established at the county level. The SERC appoints the membership of these local planning committees, performs annual reviews of their hazardous material emergency response plans, as well as, ensures that they conduct their annual exercises of those plans. In addition, SERC collects annual chemical inventory information from companies and associated filing fees and then incorporates those funds to make grants to the LEPCs to support their local planning, exercise, and training activities involving hazardous materials.

The duties of the SERC are outlined in Section 3750.02(B), of the Ohio Revised Code. A summary of these duties are as follows:

- designate local emergency planning districts;
- appoint LEPC memberships for each district (county) every two years;
- annually review the emergency plans developed by the LEPCs;

- receive chemical spill/release verbal notifications and 30-day written follow-up reports;
- evaluate annual LEPC exercises;
- develop a state emergency response plan;
- conduct an annual state exercise of that plan;
- handle public information requests for information available under this program;
- identify additional extremely hazardous substances;
- identify additional facilities subject to inventory reporting;
- establish approved forms for inventory reporting;
- establish a procedure for handling trade secret information;
- collect fees established for chemical inventory reporting;
- administer a grant program to distribute the industry filing fees to the SERC, statewide LEPCs, and for first responder training;
- enforce the requirements of Chapter 3750.

Agency's past and anticipated workload, number of staff required to complete workload, and total number of staff

SERC is co-chaired by Ohio EPA and the Ohio Department of Public Safety (DPS), which divide the duties of the Commission. DPS through the Ohio Emergency Management Agency (OEMA) oversees the state and local chemical emergency plan development and exercise functions, while Ohio EPA handles the collection, distribution of chemical information and finances. SERC itself has no staff, but state agencies involved in the commission do provide administrative support to handle SERC responsibilities. OEMA has fifteen full time staff available to assist this effort, and Ohio EPA has four employees which assist with SERC duties. Additional support is provided by the State Fire Marshal, and the Ohio Attorney General Office.

The SERC meets the second Wednesday of every other month (February, April, June, August, October and December). The Revised Code requires the SERC to meet at least annually. The SERC has four working committees to carry out its duties: Executive, Training & Education, Administration & Funding, and Operations and Issues. These committees also meet six times per year.

Ohio EPA's Right-to-Know (RTK) Unit within Ohio EPA's Division of Air Pollution Control conducts the administrative, fiscal, data management and compliance activities as related to the Emergency Planning and Community Right-to-Know Program. The staff distributes the annual reporting package, manages the reports submitted by reporting facilities, processes the annual industry filing fees, conducts compliance/enforcement activity under ORC Chapter 3750, manages the annual grant program, provides technical assistance to regulated communities and to statewide LEPCs, and serves the SERC with most of its day to day administrative needs.

OEMA serves the state role in all planning and exercise activities as it relates to ORC Chapter 3750 and assisting the LEPCs. The work is handled by the OEMA Regional Operations Branch and consists of approximately fifteen full time employees available to assist the LEPCs. OEMA ensures that the hazardous materials emergency response and preparedness plans are developed and/or annually updated for the State of Ohio and all LEPCs. In addition, they provide planning assistance, training, and facilitate all annual exercises of these plans to ensure the plans remain current. The OEMA Preparedness Grants Branch also administers for the SERC, the annual federal Hazardous Materials Emergency Planning (HMEP) grant program of approximately \$750,000 from the U.S. Department of Transportation.

The State Fire Marshal's (SFM) Office, through the State Fire Academy, coordinates training programs involving issues of hazardous materials.

The Environmental Section of the Attorney General's Office (AGO) serves as the designated legal representation for the SERC.

Agency's past and anticipated budgets and its sources of funding

Ohio EPA once received General Revenue Funds (GRF) funding for SERC administrative support up through SFY 2004. Starting in SFY 2005, GRF funding support no longer was directed to the Ohio EPA to fund SERC activities and as a result, SERC administrative support was reduced by three positions from previous levels.

Currently, Ohio law provides for a filing fee to accompany the industries annual chemical inventory filing. Monies collected solely from the regulated industry filing fees under ORC Chapter 3750 support this grant and program. For SFY 2024, the fee income totaled \$2.9 million. Ohio EPA and OEMA each receive 10% of the filing fees to help support the staff assigned to handle administrative SERC support and duties. This year, \$575,835 is designated to support state agency programs, with Ohio EPA and OEMA each receiving \$287,917. The remainder is distributed according to a SERC-approved funding formula to the 88 LEPCs to fund their local administrative costs associated with implementing the program at the local level and to support training classes for emergency responders in the area of hazardous materials. Local programs can also use LEPC funds to purchase first response equipment for hazardous material teams and/or fire departments within their planning district.

In addition to this, OEMA receives allocated funds from the U.S. Department of Transportation Hazardous Material Emergency Planning Grant to support training and planning activities addressing the unique challenges of responding to transportation related spills. LEPCs can apply for U.S. DOT Hazardous Material Emergency Planning Grants through OEMA to support emergency planning associated with transportation. SERC grant monies can be utilized as matching funds to secure the U.S. Department of Transportation funds.

Number of members of its governing board or other governing entity and their compensation, if any

SERC is comprised of 19 members: nine agency representatives and ten members appointed by the Governor that represent local government, fire fighters/fire chiefs, the chemical/petroleum industry, environmental advocacy, and LEPC's. All members serve without compensation but can be reimbursed for travel expenses related to the Commissions six (6) annual meetings.

Current membership consists of:

**STATE AGENCIES**

Environmental Protection Agency (serves as SERC Co-Chair)  
Ohio Department of Public Safety/OEMA (serves as SERC Co-Chair)  
Attorney General's Office  
State Fire Marshal  
Public Utilities Commission of Ohio  
Department of Health  
Department of Transportation  
State Highway Patrol  
Department of Natural Resources

**GOVERNORS APPOINTEES**

Two Industry Representatives including the Chemical Sector/Petroleum Sector  
Three Fire Representatives- Fire Chiefs Association, Professional Fire Fighters Association and Volunteer Fire Fighters Association  
Two Representatives of Environmental Advocacy Organizations  
One Representative of the Interests of Municipal Corporations  
One Representative of County Interests  
One Local Emergency Management Agency

Additional notes

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