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EXECUTIVE OFFICE  
LINCOLN

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EXECUTIVE ORDER  
92-2

WHEREAS, disaster and emergency preparedness and response is a vital function of state government; and

WHEREAS, Title III the Superfund Amendments and Reauthorization Act of 1986 (SARA) has established Emergency Planning and Community Right-to-Know requirements relating to hazardous materials for State and Local Governments and the chemical industry; and

WHEREAS, the State of Nebraska has a commitment to comply with those requirements;

NOW, THEREFORE, I, E. Benjamin Nelson, under the powers given to me under the Nebraska Disaster and Civil Defense Act; RRS 31-829.31 to 31-829.74, as Governor of the State of Nebraska, hereby do order and direct;

In accordance with the Superfund Amendments and Reauthorization Act and this Executive Order, I direct the State Civil Defense Agency to establish and maintain a State Emergency Response Commission (SERC). The SERC is charged with overseeing compliance with the requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 to include the appointment and oversight of Local Emergency Planning Committees (LEPC's) as specified in section 301 of Title III. The SERC will be chaired by the Adjutant General (State Civil Defense Director) or his designated representative. Membership will consist of the Directors from the Nebraska Department of Environmental Control, State Department of Health, Nebraska State Patrol, Nebraska Department of Roads, and the State Fire Marshal, or their designated representatives. Additionally, membership shall include the Commissioner of Education, a representative from the agribusiness and chemical industries, a representative from the highway transportation and rail transportation industries and a representative from the general public as appointed by the Governor.

The Nebraska Civil Defense Agency (SCDA), Military Department, is designated the agency of state government having primary responsibility and authority to ensure compliance with section 303, emergency planning; and with management of any training funds received under section 305a of Title III or any other federal funds channeled through the Federal Emergency Management Agency or the SERC which are specifically designated for hazardous materials planning and/or training.

The Department of Environmental Control (DEC) is designated as the agency of state government having the primary responsibility and authority for compliance with sections 324, Community Right-to-Know; 302, Facility Planning Notification; 304, Spill Reporting; 311, Material Safety Data Sheets; 312, Annual Inventory Reporting; and 313, Toxic Release Inventory. The Department shall coordinate with other related agencies of the Federal Government, other states and the private sector, on all matters which deal with reporting and the Community Right-to-Know; as outlined in those sections noted above.

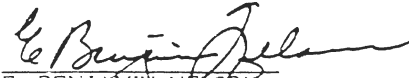
Further, all departments and agencies having disaster responsibilities, as defined in the State Emergency Operations Plan, shall designate a representative of their department or agency to serve as an emergency coordinator who shall have the authority to coordinate and direct all emergency planning and response functions for that department or agency to include the exercising of all state and local emergency plans which have been approved by the State Civil Defense Agency. Each agency

or department shall insure that their Emergency Coordinator, or their representative participate at scheduled emergency planning meetings, or other meetings relating to emergency response, recovery or hazard mitigation.

This Executive Order shall take effect immediately.

Dated this 18th day of  
March, 1992



  
E. BENJAMIN NELSON  
Governor

ATTEST:

  
ALLEN J. BEERMANN  
Secretary of State