

# STATE EMERGENCY RESPONSE COMMISSION

Administered by  
Disaster & Emergency Services Division  
ARMED FORCES RESERVE CENTER  
1956 MT MAJO STREET - PO BOX 4789  
FORT HARRISON, MONTANA 59636-4789  
406.324.4777

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<date>

<name>

<address>

Dear <name>:

Congratulations on your appointment to the State Emergency Response Commission (SERC) or selection to a SERC committee. The twenty-nine-member commission advises the Governor on emergency response and preparedness issues relevant to administering state and federal requirements.

Your service to Montana is important and valued. The advice and decisions made by the SERC and its associated committees make Montana a better place to live and work. Enclosed are background materials on the statutory authority of SERC, membership, authorities, department organization, and administrative policies. These materials may also be found at [readyandsafe.mt.gov/Emergency/serc](http://readyandsafe.mt.gov/Emergency/serc) then click on "SERC Member Packet".

The SERC is continually reviewing its mission to see what improvements or changes should be made to strengthen our emergency response capabilities. Making Montana a secure, disaster resilient state requires many stakeholders finding ways to adequately prepare and respond to emergencies. We strive to listen to the whole community so that we ensure the SERC and committees are responsive to their needs.

We appreciate the time and attention you will be committing to this important assignment. If you have any questions regarding these materials, please contact the SERC at [mtserc@mt.gov](mailto:mtserc@mt.gov) or contact Disaster and Emergency Services at (406) 324-4777. Again, congratulations on your appointment and thank you for your service!

Sincerely,

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Delila Bruno, SERC Co-Chair

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Bob Habeck, SERC Co-Chair

# **State Emergency Response Commission (SERC)**

## **February 21, 2017**

### **Vision Statement**

Montana is a secure, disaster resilient state.

### **Mission Statement**

The mission of Montana's State Emergency Response Commission (SERC) is to enable the whole community to effectively prepare for, respond to, and recover from all hazards, emergencies and disasters.

### **Goals**

1. Support and oversee Local Emergency Planning Committees (LEPC).
2. Be prepared to respond to requests from the public for information relating to emergency response in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA).
3. Support All-Hazards, to include hazardous materials, Preparedness, Response and Recovery activities.
4. Establish and maintain the appropriate committees to accomplish the responsibilities of the SERC.

### **Objectives**

- 1.1 – Work cooperatively with LEPCs to achieve all-hazards, including hazardous materials, partnerships across Montana.
  - a. Record at least one designated contact responsible to respond to “requests for information” from the public, as a member of each LEPC.
- 1.2 – Assist local governments to establish and maintain fully functional LEPCs.
  - a. Receive LEPC meeting minutes to the SERC, via Montana Disaster and Emergency Services (“the division”), no less than once a year.
- 1.3 – Advise the Governor and the Adjutant General, through the division, on the status of state and local emergency management.
  - a. Review available assessments and reports at least once every two years.

- 2.1 – Establish procedures for processing information requests from the public regarding hazardous materials incidents.
  - a. Assure a “records request” exercise, conducted by the division, no less than every 2 years.
  
- 3.1 – Develop the partnerships, coalitions and initiatives to promote coordination of all-hazards emergency management activities.
  - a. Participate in the Emergency Management portion of the MACo Mid-Winter Conference every 2 years.
  
- 3.2 – Establish and maintain procedures for the certification, deployment and cost recovery of state hazardous material incident response teams and all-hazard incident management assistance teams.
  - a. The HazMat and the All Hazards Response Committees will review procedures no less than every 2 years.
  
- 3.3 – Act as an advisory board for response partners, including the division of Disaster and Emergency Services.
  
- 3.4 – Participate in and conduct studies to assess the state of preparedness, response and recovery resources within Montana.
  - a. The SERC shall be advised of the summary of Montana’s Threat and Hazard Identification and Risk Assessment (THIRA) and State Preparedness Report (SPR), or equivalent report(s), annually. The Commission may choose to conduct their own additional assessment(s).
  
- 3.5 – Recommend the development and/or strengthening of statewide emergency management standards, practices, policies and strategies.
  - a. The SERC shall collaborate with the division and the Montana Association of Disaster and Emergency Coordinators (MADESC) on the establishment of emergency management baselines, standards and strategies.
  
- 4.1 – Maintain the appropriate SERC representation.
  - a. Maintain SERC and Committee membership in accordance with Montana Code Annotated (MCA) 10-3-1204.
  
- 4.2 – Ensure committees have appropriate SERC and relevant Subject Matter Experts on each committee.
  - a. All established Committees shall meet no less than twice a year and report their progress to the full SERC at the semi-annual meetings.

<b>Montana State Emergency Response Commission Members</b>		
<b>Name</b>	<b>Email</b>	<b>Representing</b>
Delila Bruno	dbruno@mt.gov	MT DES Division
Tony Bacino	tbacino@mtrail.com	Railroad Company Doing Business in Montana
Don Britton	donald.britton@noaa.gov	National Weather Service
Tom Butler	tobutler@mt.gov	Department of Justice
John Culbertson	john.culbertson@montana.edu	Fire Services Training School
Jim Detienne	jdetienne@mt.gov	Emergency Medical Services and Trauma Systems
Gregory Doyon	gdoyon@greatfallsmt.net	Montana League of Cities and Towns
Andy Fjeseth	afjeseth@mt.gov	Department of Agriculture
VACANT		National Guard
Bob Habeck	bhabeck@mt.gov	Department of Environmental Quality
Ron Jendro	rjendro@mt.gov	Department of Fish, Wildlife, and Parks
Walt Kerttula	wkerttula@mt.gov	Department of Transportation
Tom Kuntz	tom@redlodgefire.com	Fire Service Association
Judy Lapan	jlapan@richland.org	Public Health Association
Bradley Shoemaker	bshoemaker@co.yellowstone.mt.gov	An Emergency Management Association
Thomas Luhrsen	thomas.r.luhrsen.mil@mail.mil	University System
Joe Marcotte	jmarcotte@billingsclinic.org	Montana Hospitals
Mike McGinley	mmcginley@beaverheadcounty.org	Montana Association of Counties
Chadwick Messerly	cmesserly@stieginurance.com	Trucking Association
Jim Murphy	jmurphy@mt.gov	Department of Public Health and Human Services
Dale Nelson	dalesn@cskt.org	Tribal Emergency Response Commission
Danny Kaluza	daniel.kaluza@northwestern.com	Utility Company Doing Business in Montana
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Brian Wilkinson	brian.wilkinson.5@us.af.mil	The US Air Force
Maleen Olson	mbolson@ft.newyorklife.com	Montana's Insurance Industry

Updated March 2018



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## The Emergency Planning and Community Right-to-Know Act

On December 4, 1984, methyl isocyanate, an extremely toxic chemical escaped from a Union Carbide chemical plant in Bhopal, India. Thousands died and many more were injured. Some suffered permanent disabilities. Approximately six months later, a similar incident occurred at the Institute, West Virginia. These two events raised concern about local preparedness for chemical emergencies and the availability of information on hazardous chemicals.

In response to these concerns, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986. EPCRA establishes requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

### What Are SERCs, TERCS, and LEPCs?

The Governor of each state designated a State Emergency Response Commission (SERC). The SERCs, in turn, designated about 3,500 local emergency planning districts and appointed Local Emergency Planning Committees (LEPCs) for each district. The SERC supervises and coordinates the activities of the LEPC, establishes procedures for receiving and processing public requests for information collected under EPCRA, and reviews local emergency response plans.

The Chief Executive Office of the Tribe appoints the Tribal Emergency Response Commissions (TERCs). TERCs have the same responsibilities as the SERCs.

The LEPC membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The LEPCs must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.

### What Does EPCRA Cover?

EPCRA has four major provisions:

- Emergency planning (sections 301-303),

- Emergency release notification (section 304),
- Hazardous chemical storage reporting requirements (sections 311-312), and
- Toxic chemical release inventory (section 313).

Information collected from these four requirements helps states and communities develop a broad perspective of chemical hazards for the entire community, as well as for individual facilities. Regulations implementing EPCRA are codified in Title 40 of the Code of Federal Regulations, parts 350 to 372. The chemicals covered by each of the sections are different, as are the quantities that trigger reporting. Table 1 summarizes the chemicals and thresholds.

### **What Are Emergency Response Plans (Sections 301-303)?**

Emergency Response plans contain information that community officials can use at the time of a chemical accident. Community emergency response plans for chemical accidents were developed under section 303. LEPCs are required to update these plans annually. The plans must:

- Identify facilities and transportation routes of extremely hazardous substances;
- Describe emergency response procedures, on and off site;
- Designate a community coordinator and facility coordinator(s) to implement the plan;
- Outline emergency notification procedures;
- Describe how to determine the probable affected area and population by releases;
- Describe local emergency equipment and facilities and the persons responsible for them;
- Outline evacuation plans;
- Provide a training program for emergency responders (including schedules); and,
- Provide methods and schedules for exercising emergency response plans.

Planning activities of LEPCs and facilities initially focused on, but were not limited to, the 406 extremely hazardous substances (EHSs) listed by EPA in 1987 (now currently 355 chemicals). The list includes the threshold planning quantities (minimum limits) for each substance. Any facility that has EHS at or above its threshold planning quantity must notify the State Emergency Response Commission (SERC) or the Tribal Emergency Response Commission (TERC) and Local Emergency Planning Committee (LEPC) within 60 days after they first receive a shipment or produce the substance on site.

### **What Are the Emergency Notification Requirements (Section 304)?**

Facilities must immediately notify the LEPC and the SERC or the TERC if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 355 extremely hazardous substances, as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA section 103(a)(40

CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, calling the operator. This emergency notification needs to include:

- The chemical name;
- An indication of whether it is an extremely hazardous substance;
- An estimate of the quantity released into the environment;
- The time and duration of the release;
- Whether the release occurred into air, water, and/or land;
- Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals;
- Proper precautions, such as evacuation or sheltering in place; and,
- Name and telephone number of contact person.

A written follow-up notice must be submitted to the SERC or the TERC and LEPC as soon as practicable after the release. The follow-up notice must update information included in the initial notice and provide information on actual response actions taken and advice regarding medical attention necessary for citizens exposed.

### **What Are the Community Right-to-know Requirements (Sections 311 and 312)?**

Under Occupational Safety and Health Administration (OSHA) regulations, employers must maintain a material safety data sheet (MSDS) for any hazardous chemicals stored or used in the work place. Approximately 500,000 products are required to have MSDSs.

Section 311 requires facilities that have MSDSs for chemicals held above certain threshold quantities to submit either copies of their MSDSs or a list of these chemicals to the SERC or TERC, LEPC, and local fire department. If the facility owner or operator chooses to submit a list of chemicals, the list must include the chemical or common name of each substance and must identify the applicable hazard categories. These hazard categories are:

- Immediate (acute) health hazard;
- Delayed (chronic) health hazard;
- Fire hazard;
- Sudden release of pressure hazard; and
- Reactive hazard.

If a list is submitted, the facility must submit a copy of the MSDSs for any chemical on the list upon request by the LEPC.

Facilities that start using a hazardous chemical or increase the quantity to exceed the thresholds must submit MSDSs or a list of MSDSs chemicals within three months after they become covered. Facilities must provide a revised MSDS to update the original MSDS or list if significant new information is discovered about the hazardous chemical.

Facilities covered by section 311 must submit annually an Emergency and Hazardous Chemical Inventory Form to the LEPC, the SERC or the TERC, and the local fire department as required under section 312. Facilities provide either a Tier I or Tier II inventory form. Tier I inventory form include the following aggregate information for each applicable hazard category:

- An estimate (in ranges) of the maximum amount of hazardous chemicals for each category present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of hazardous chemicals in each category; and,
- The general location of hazardous chemicals in each category. The Tier II inventory form contains basically the same information as the Tier I, but it must list the specific chemicals. Tier II inventory form provide the following information for each chemical:
  - The chemical name or the common name as indicated on the MSDS;
  - An estimate (in ranges) of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount;
  - A brief description of the manner of storage of the chemical;
  - The location of the chemical at the facility; and
  - An indication of whether the owner elects to withhold location information from disclosure to the public.

Many states now require Tier II inventory form or the state equivalent including electronic reporting under state law. Section 312 information must be submitted on or before March 1 each year for information on chemicals present at the facility in the previous year. The information submitted under sections 311 and 312 is available to the public from LEPCs and SERCs or TERCs.

### **What is the Toxics Release Inventory (Section 313)?**

Section 313 of EPCRA established the Toxics Release Inventory. TRI tracks the management of certain toxic chemicals that pose a threat to human health and the environment. Facilities in different industry sectors must annually report how much of each chemical they managed through recycling, energy recovery, treatment and environmental releases. TRI reporting forms must be submitted to EPA and the appropriate state or tribe by July 1 of each year. These forms cover environmental releases and other management of toxic chemicals that occurred during the previous calendar year.



The information submitted by facilities is compiled in the Toxics Release Inventory and made available to the public through the TRI website: [www.epa.gov/tri](http://www.epa.gov/tri). TRI helps support informed decision-making by industry, government, non-governmental organizations and the public. TRI includes information about:

- On-site releases (including disposal) of toxic chemicals to air, surface water and land;
- On-site recycling, treatment and energy recovery associated with TRI chemicals;
- Off-site transfers of toxic chemicals from TRI facilities to other locations;
- Pollution prevention activities at facilities;
- Releases of lead, mercury, dioxin and other persistent, bioaccumulative and toxic (PBT) chemicals; and
- Facilities in a variety of industry sectors (including manufacturing, metal mining and electric power generation) and some federal facilities.

A complete list of covered facilities is available online:  
<http://www.epa.gov/tri/lawsandregs/naic/ncodes.htm>.

Some of the ways TRI data can be used include:

- Identifying sources of toxic chemical releases;
- Beginning to analyze potential toxic chemical hazards to human health and the environment; and
- Encouraging pollution prevention at facilities.

**Table 1: EPCRA Chemicals and Reporting Thresholds**

	<b>Section 302</b>	<b>Section 304</b>	<b>Sections 311/312</b>	<b>Section 313</b>
<b>Chemicals Covered</b>	355 Extremely Hazardous Substances	>1,000 substances	Approximately 500,000 hazardous chemicals	> 650 Toxic Chemicals and categories
<b>Thresholds</b>	Threshold Planning Quantity 1-10,000 pounds on site at any one time	Reportable quantity, 1-5,000 pounds, released in a 24-hour period	500 pounds or TPQ whichever is less for EHSs; 75,000 gallons for gasoline; 100,000 gallons for diesel and 10,000 pounds for all other hazardous chemicals	25,000 pounds per year manufactured or processed; 10,000 pounds a year otherwise used; persistent bioaccumulative toxics have lower thresholds

## What Else Does EPCRA Require?

**Trade Secrets.** EPCRA section 322 allows facilities to file trade secrets in their reports under EPCRA sections 303, 311, 312, and 313. Only the specific chemical identity may be claimed as a trade secret, though a generic class for the chemical must be provided. The criteria a facility must meet to claim a chemical identity as a trade secret are in 40 CFR part 350. A facility cannot claim trade secrets under EPCRA section 304.

Even if specific chemical identity information can be legally withheld from the public, EPCRA section 323 allows the information to be disclosed to health professionals who need the information for diagnostic and treatment purposes or local health officials who need the information for prevention and treatment. In non-emergency cases, the health professional must sign a confidentiality agreement with the facility and provide a written statement of need. During a medical emergency, the health professional may obtain the specific chemical identity from the facility for treatment.

Any person may challenge trade secret claims by petitioning EPA. The Agency must then review the claim and rule on its validity.

**EPCRA Penalties.** EPCRA section 325 allows civil and administrative penalties ranging up to \$10,000 - \$75,000 per violation or per day per violation when facilities fail to comply with the reporting requirements. Criminal penalties up to \$50,000 or five years in prison apply to any person who knowingly and willfully fails to provide emergency release notification. Penalties of not more than \$20,000 and/or up to one year in prison apply to any person who knowingly and willfully discloses any information entitled to protection as a trade secret.

**Citizens Suits.** EPCRA section 326 allows citizens to initiate civil actions against EPA, SERCs, and the owner or operator of a facility for failure to meet the EPCRA requirements. A SERC or TERC, LEPC, and state or local government may institute actions against facility owner or operator for failure to comply with EPCRA requirements. In addition, states may sue EPA for failure to provide trade secret information.

## Reporting Schedules

### Section

- 302** One time notification to SERC / TERC and LEPC.
- 304** Each time a release above a reportable quantity of an EHS or CERCLA Hazardous Substance occurs to LEPC and SERC or TERC.
- 311** One time submission of MSDS or list of hazardous chemicals. An update is required for new chemicals or new information about chemicals already submitted to the SERC or TERC, LEPC, and the fire department with jurisdiction over the facility.
- 312** Annually, by March 1 to SERC or TERC, LEPC, and the fire department with jurisdiction over the facility.
- 313** Annually, by July 1, to EPA, states and tribes.

## Where Can You Find EPCRA Information?

Regulations, policy memorandums, answers to frequently asked questions related to EPCRA sections 301 to 312 can be obtained from:

[www.epa.gov/emergencies/content/epcra/index.htm](http://www.epa.gov/emergencies/content/epcra/index.htm).

MSDSs, hazardous chemical inventory forms, follow-up emergency notices, and the emergency response plan are available from the SERC or the TERC and LEPC.

EPA has compiled a list of all chemicals covered under these regulations into a single list and published them as The Title III List of Lists, which is available online:

[www.epa.gov/emergencies/tools.htm#lol](http://www.epa.gov/emergencies/tools.htm#lol).

Each year, EPA publishes the TRI National Analysis, a report summarizing the most recent TRI data. TRI data are available through a variety of online tools and applications at [www.epa.gov/tri/tridata](http://www.epa.gov/tri/tridata). Users can search TRI data by year, facility name, geographic location, chemical of interest and industry sector.

Initial emergency release notifications made to the National Response Center or EPA are available online: [www.nrc.uscg.mil/nrchp.html](http://www.nrc.uscg.mil/nrchp.html).

A list of SERCs is available online:

[www.epa.gov/emergencies/content/epcra/serc\\_contacts.htm](http://www.epa.gov/emergencies/content/epcra/serc_contacts.htm)

Factsheet on Chemical Emergency Preparedness and Prevention in Indian Country can be obtained from <http://www.epa.gov/oswer01/docs/chem/tribalalert.pdf>.

## Are There Other Laws That Provide Similar Information?

The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills that are similar to EPCRA provisions for extremely hazardous substances. Plans are developed at the local, state and federal levels. The OPA plans offer an opportunity for LEPCs to coordinate their plans with area and facility oil spill plans covering the same geographical area.

The 1990 Clean Air Act Amendments require the EPA and OSHA to issue regulations for chemical accident prevention. Facilities that have certain chemicals above specified threshold quantities are required to develop a risk management program to identify and evaluate hazards and manage those hazards safely. Facilities subject to EPA's Chemical Accident Prevention regulations must submit a risk management plan (RMP) summarizing its program.

### For More Information

Contact the Superfund, TRI, EPCRA, RMP & Oil Information Center:  
800-424-9346 or 703-412-9810

TDD 800-553-7672 or 703-412-3323 Metropolitan DC area and international TDD

Monday - Friday, 10:00 AM to 5:00 PM, EST

For information on the Office of Emergency Management, visit:  
[www.epa.gov/emergencies](http://www.epa.gov/emergencies).

For EPA EPCRA Regional contacts, visit:  
<http://www.epa.gov/emergencies/content/regional.htm>.

For information on chemical emergency preparedness and prevention in Indian country, visit: <http://www.epa.gov/tribalcompliance/pubsafety/pspublicdrill.html#chemical>

For more information about the TRI Program, visit: [www.epa.gov/tri](http://www.epa.gov/tri).

## TITLE 10. MILITARY AFFAIRS AND DISASTER AND EMERGENCY SERVICES

## CHAPTER 3. DISASTER AND EMERGENCY SERVICES

## Part 12. Response to Hazardous Material Incidents

# State Emergency Response Commission -- Members -- Duties -- Establishment Of Incident Response And Incident Management Teams

**10-3-1204. State emergency response commission -- members -- duties -- establishment of incident response and incident management teams.** (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of 29 members appointed by the governor. The commission must include representatives of the national guard, the air force, the department of environmental quality, the division, the department of transportation, the department of justice, the department of natural resources and conservation, the department of public health and human services, a fire service association, the fire services training school, the emergency medical services and trauma systems section of the public health and safety division in the department of public health and human services, the department of fish, wildlife, and parks, the department of agriculture, Montana hospitals, an emergency medical services association, a law enforcement association, an emergency management association, a public health-related association, a trucking association, a utility company doing business in Montana, a railroad company doing business in Montana, Montana's petroleum industry, Montana's insurance industry, the university system, a tribal emergency response commission, the national weather service, the Montana association of counties, the Montana league of cities and towns, and the office of the governor. At least one representative must be a member of a local emergency planning committee. Members of the commission serve terms of 4 years and may be reappointed. The members shall serve without compensation. The governor shall appoint two presiding officers from the appointees, who shall act as copresiding officers.

(2) The commission shall implement the provisions of this part. The commission may create and implement a state hazardous material incident response team to respond to hazardous material incidents. The members of the team must be certified in accordance with the plan.

(3) The commission may enter into written agreements with each entity or person providing equipment or services to the state hazardous material incident response team.

(4) The commission or its designee may direct that the state hazardous material incident response team be available and respond, when requested by a local emergency response authority, to hazardous material incidents according to the plan.

(5) The commission may contract with persons to meet state emergency response needs for the state hazardous material incident response team.

(6) The commission may advise, consult, cooperate, and enter into agreements with agencies of the state and federal government, other states and their state agencies, cities, counties, tribal governments, and other persons concerned with emergency response and matters relating to and arising out of incidents.

(7) The commission may encourage, participate in, or conduct studies, investigations, training, research, and

demonstrations for and with the state hazardous material incident response team, local emergency responders, and other interested persons.

(8) The commission may collect and disseminate information relating to emergency response to incidents.

(9) The commission may accept and administer grants, gifts, or other funds, conditional or otherwise, made to the state for emergency response activities provided for in this part.

(10) The commission may prepare, coordinate, implement, and update a plan that coordinates state and local emergency authorities to respond to incidents within the state. The plan must be consistent with this part. All state emergency response responsibilities relating to an incident must be defined by the plan.

(11) The commission has the powers and duties of a state emergency response commission under the federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001, et seq., except that the division shall oversee the creation, annual local review, and exercise and revision of the local emergency operations plan as provided by state law.

(12) The commission shall promulgate rules and procedures limited to cost recovery procedures, certification of state hazardous material incident response team members and all-hazard incident management assistance team members, and deployment of the state hazardous material incident response team and all-hazard incident management assistance teams, which must be a part of the plan.

(13) The commission shall act as an all-hazard advisory board to the division by:

(a) assisting the division in carrying out its responsibilities by providing the division with recommendations on issues pertaining to all-hazard emergency management;

(b) authorizing the establishment of subcommittees to develop and provide the recommendations called for in subsection (13)(a); and

(c) establishing all-hazard incident management assistance teams.

(14) The commission shall appoint the members of the Montana intrastate mutual aid committee provided for in **10-3-904**.

(15) All state agencies and institutions shall cooperate with the commission in the commission's efforts to carry out its duties under this part.

**History:** En. Sec. 4, Ch. 270, L. 1995; amd. Sec. 1, Ch. 45, L. 1999; amd. Sec. 1, Ch. 37, L. 2003; amd. Sec. 13, Ch. 354, L. 2005; amd. Sec. 7, Ch. 44, L. 2007; amd. Sec. 1, Ch. 67, L. 2007; amd. Sec. 3, Ch. 18, L. 2015.

# **SERC AND REPORTING COMMITTEES**

## **State Emergency Response Commission**

The State Emergency Response Commission (SERC) was created through the Emergency Planning and Community Right-to-Know Act (EPCRA) as well as the Montana Code Annotated (MCA). EPCRA was passed in 1986 due to concerns that arose from the 1984 disaster in Bhopal, India where an accidental release of a deadly chemical killed or injured over 2,000 people.

MCA 10-3-1204 identifies the members of the SERC their roles in Hazardous Material Incident Response including acting as an all-hazards advisory board to the Montana Disaster and Emergency Services (MT DES). The overall mission of the SERC is to ensure that Montana is a secure, disaster resilient state, able to effectively prepare for, respond to, and recover from all emergencies and disasters. The SERC meets twice a year. There are several committees which have been established to increase emergency preparedness in the state. Some committees are responsible to the SERC; other committees assist the SERC to fulfill its all-hazards advisory board responsibilities.

## **Steering Committee**

The Steering Committee is comprised of members that have volunteered to help develop the strategic direction of the SERC. The Steering Committee meets on a monthly basis.

## **Hazardous Materials Committee**

The Hazardous Materials Committee is a permanent standing component of the SERC, established to provide relevant information and recommendations concerning chemicals and other hazardous materials. The Committee meets twice a year and on an ad-hoc basis.

## **All-Hazards Response Committee**

In statute, the All-Hazard Response Committee is referred to as the Montana Intrastate Mutual Aid Committee. The All-Hazards Response Committee is a permanent standing component of the SERC established to share information; recommend coordinated direction; review and endorse procedures; draft and/or develop, evaluate, and recommend policy relating to response to and management of all hazard incidents that exceed the capability of the responsible agency. The All-Hazards Response Committee meets on a quarterly and ad-hoc basis.

## **Senior Advisory Committee**

The Senior Advisory Committee (SAC) is required through the federal Department of Homeland Security Grant program. The SAC meets on a quarterly and ad-hoc basis to recommend funding priorities and projects that will be paid for through the State Homeland Security Grant Program. The SAC responsible to MT Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role.

## **Montana Emergency Response Framework & Emergency Support Function Committee**

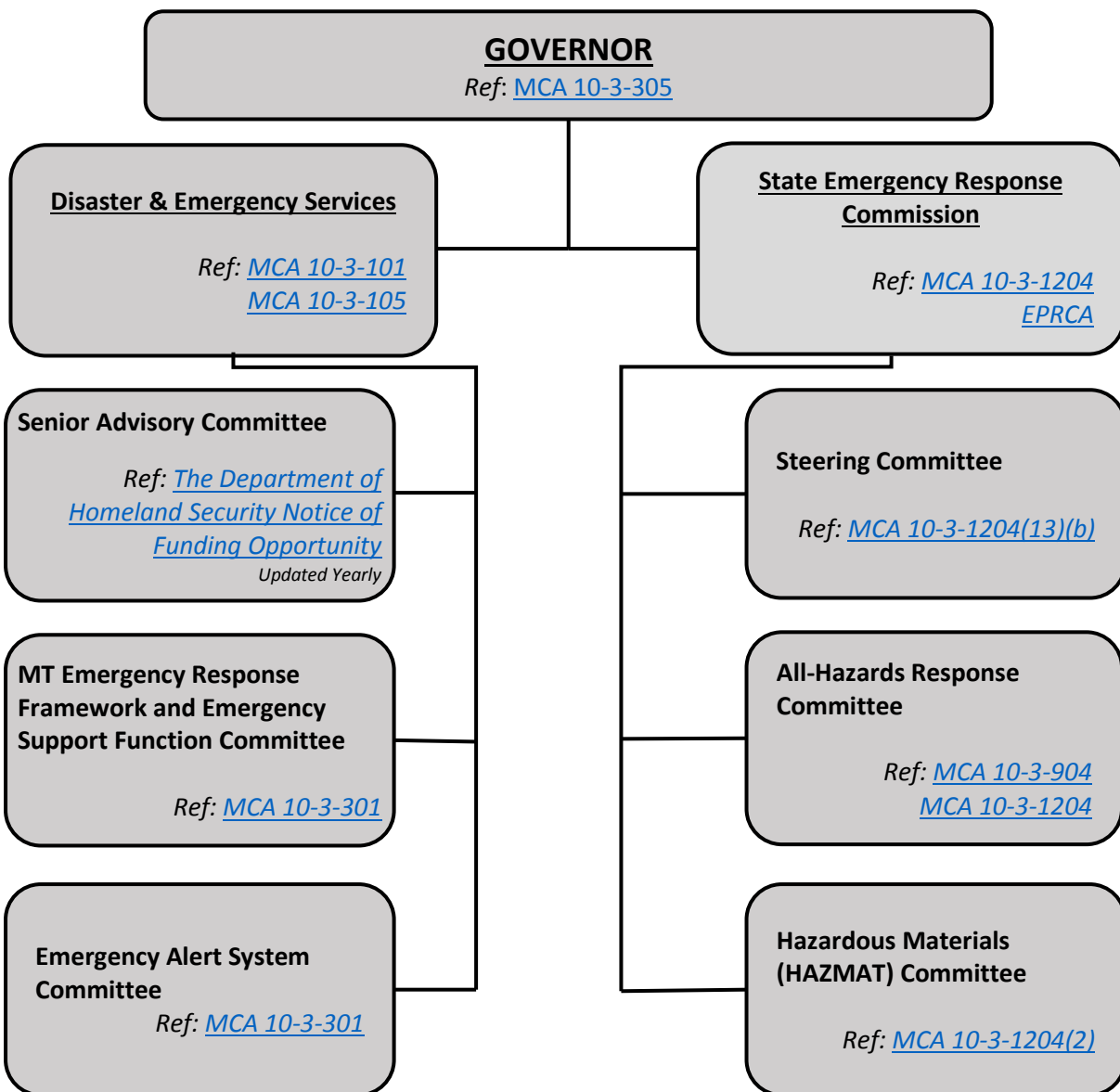
The Montana Emergency Response Framework & Emergency Support Function (MERF/ESF) Committee that state agencies work together to coordinate their roles during an emergency or disaster. The MERF/ESF Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The MERF/ESF Committee meets on a quarterly basis.

## **Emergency Alert System Committee**

The Emergency Alert System (EAS) Committee coordinates the EAS and the Integrated Public Alert & Warning System efforts between partners, including broadcasters, cable companies, National Weather Service, FEMA, FCC, other states and other present and future EAS participants. The EAS Committee is chaired through Montana Disaster and Emergency Services, and provides reports to the SERC in their All-Hazards Advisory Board role. The EAS committee meets twice a year.

### SERC & MT DES Committees Relationships

Disaster and Emergency Services (MT DES) and the State Emergency Response Commission (SERC) are established through the Montana Code Annotated (MCA). The SERC acts as the All-Hazards Advisory Board to MT DES to better prepare Montana to respond to and recover from disasters. Each entity identified committees to work in subject areas with these committees providing reports to the SERC to enable the SERC to make informed recommendations. This chart represents the relationships between the SERC, MT DES, associated committees and their working relationships.



*This chart represents the SERC's best interpretation of Montana Code Annotated.*



**Excerpts of the Montana Code Annotated as related to the State Emergency Response Commission, MT  
Disaster and Emergency Services and associated committees and subcommittees**

**10-3-101. Declaration of policy.** Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action and natural disasters and in order to provide for prompt and timely reaction to an emergency or disaster, to ensure that preparation of this state will be adequate to deal with disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety and to preserve the lives and property of the people of this state to the fullest extent practicable, it is declared to be necessary to: (1) authorize the creation of local or interjurisdictional organizations for disaster and emergency services in the political subdivisions of this state;

(4) clarify and strengthen the roles of the governor, state agencies, local governments, and tribal governments in prevention of, preparation for, response to, and recovery from emergencies and disasters;

(5) authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;

(6) authorize and provide for coordination of activities relating to disaster prevention, preparedness, mitigation, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state, its political subdivisions, and tribal governments may participate;

(7) provide an emergency and disaster management system embodying all aspects of emergency or disaster prevention, preparedness, response, and recovery;

**10-3-105. Division of disaster and emergency services -- duties.** (1) A division of disaster and emergency services is established in the department. The division must have an administrator and other professional, technical, secretarial, and clerical employees as necessary for the performance of its functions.

(2) The department through the division of disaster and emergency services is responsible to the governor for carrying out the planning and program for disaster and emergency services of this state.

(3) The division shall prepare and maintain a comprehensive plan and program for disaster and emergency services of this state. The plan and program must be coordinated with the disaster and emergency plans and programs of the federal government, other states, political subdivisions, tribal governments, and Canada to the fullest extent possible.

(4) The division shall:

(a) coordinate the preparation of the plan and program for disaster and emergency services with the political subdivisions of this state;

(b) coordinate disaster and emergency prevention and preparation activities of all departments, agencies, and organizations within the state;

(c) advise and assist the political subdivisions of this state in executing their disaster and emergency services responsibilities;

**10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and program may provide for:

(e) recommendations for preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) organization of personnel and chains of command;

(g) coordination of federal, state, and local disaster and emergency activities; and

(2) In preparing and maintaining the state disaster and emergency plan and program, the division may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the division may encourage them to seek advice from these sources.

**10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or assign command authority by prior arrangement embodied in the state disaster and emergency plan and program and appropriate executive orders.

(2) The governor shall use the services and facilities of the existing officers and agencies of the state, and all officers and agencies shall cooperate with and extend their services and facilities to the governor as the governor may request in the carrying out of the purposes of parts 1 through 4 of this chapter.

**10-3-904. Montana intrastate mutual aid committee -- members -- officers -- meetings -- compensation.** (1) There is a Montana intrastate mutual aid committee.

(2) All members of the committee must be appointed by and serve at the pleasure of the state emergency response commission established in **10-3-1204**.

**10-3-1204. State emergency response commission -- members -- duties -- establishment of incident response and incident management teams.** (1) There is a state emergency response commission that is attached to the department for administrative purposes. The commission consists of 29 members appointed by the governor....

(2) The commission shall implement the provisions of this part. The commission may create and implement a state hazardous material incident response team to respond to hazardous material incidents. The members of the team must be certified in accordance with the plan.

(3) The commission may enter into written agreements with each entity or person providing equipment or services to the state hazardous material incident response team.

(4) The commission or its designee may direct that the state hazardous material incident response team be available and respond, when requested by a local emergency response authority, to hazardous material incidents according to the plan.

(7) The commission may encourage, participate in, or conduct studies, investigations, training, research, and demonstrations for and with the state hazardous material incident response team, local emergency responders, and other interested persons.

(8) The commission may collect and disseminate information relating to emergency response to incidents.

(10) The commission may prepare, coordinate, implement, and update a plan that coordinates state and local emergency authorities to respond to incidents within the state....

(11) The commission has the powers and duties of a state emergency response commission under the federal Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001....

(13) The commission shall act as an all-hazard advisory board to the division by:

(a) assisting the division in carrying out its responsibilities by providing the division with recommendations on issues pertaining to all-hazard emergency management;

(b) authorizing the establishment of subcommittees to develop and provide the recommendations called for in subsection (13)(a); and

(c) establishing all-hazard incident management assistance teams.

(14) The commission shall appoint the members of the Montana intrastate mutual aid committee provided for in **10-3-904**.

(15) All state agencies and institutions shall cooperate with the commission in the commission's efforts to carry out its duties under this part.

# Fort William H. Harrison

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**North end, 1<sup>st</sup>**  
**door on left as**  
**you walk in**  
**from parking**  
**lot**

