

# CHAPTER 58

## Office of the Governor

### ARTICLE 1 DIVISION OF PUBLIC SAFETY PROGRAMS

(Statutory Authority: 1980 Act No. 519, § 1, Item No. 4)

#### **58-1. Local Emergency Management Standards.**

##### A. Counties

1. In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies each county within this state must establish and maintain an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

2. The emergency management standards outlined in the various publications of the Department of Homeland Security and Federal Emergency Management Agency, such as the National Incident Management System and the Comprehensive Preparedness Guide are the overarching basis for the State and local jurisdictions.

3. Each county emergency management agency shall have a director. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed in accordance with appropriate county personnel procedures, and serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws.

4. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

5. Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits as are required and in accordance with state and county emergency management plans and mutual aid agreements. Counties shall serve as liaison for and coordinator of municipalities' requests for state and federal assistance during post-disaster emergency operations.

##### B. Municipalities

1. Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs.

2. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies.

3. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management agencies.

4. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

##### C. Review Committee

1. A review committee shall be formed to review and address any concerns or issues regarding emergency management. The committee shall meet on a bi-annual basis and any recommendations shall be forwarded to the Adjutant General.

2. The Review Committee will be comprised of seven members and will be appointed by the Adjutant General.

a. One elected board member from SCEMA,

b. Two members from counties with a population greater than 200,000,

c. Two members from counties with a population between 50,000 and 200,000, and

d. Two members from counties with a population of less than 50,000.

**HISTORY: Amended by State Register Volume 40, Issue No. 4, Doc. No. 4563, eff April 22, 2016.**

## **58–101. State Emergency Management Standards.**

### **A. General**

1. There shall be established a South Carolina emergency management organization, which shall consist of a state element and forty-six county elements. The state element of this organization shall be comprised of all officials, departments, and employees of state government and may include persons or groups who, by agreement or operation of law, may be charged with duties incident to the protection of life and property within the State during an emergency. The forty-six county elements shall be organized and maintained pursuant to the requirements of Regulation 58–1.

2. There shall be a South Carolina Emergency Plan consisting of a South Carolina Emergency Operations Plan (SCEOP) and forty-six County Emergency Operations Plans. The SCEOP shall outline the emergency roles and responsibilities of the State Emergency Response Team (SERT) and county organizations. The SCEOP shall be developed and maintained pursuant to the requirements of this regulation and will be used for any incident that occurs. The forty-six County Emergency Operations Plans shall be developed and maintained pursuant to the requirements of Regulation 58–1.

a. State government shall be responsible for providing resources to support county government emergency operations and for coordinating support to county government from other sources, including the federal government, unaffected counties of the State, and adjacent states. This assistance may consist of, but not limited to, liaisons, representatives or Incident Management Teams (IMT) that will assist and/or coordinate support using National Incident Management System (NIMS) and Incident Command System (ICS) principals in conjunction with county or local representatives.

b. State government shall assume direction and control of area or county government emergency operations when requested by proper county government authority; or when county government authority has broken down or is nonexistent; or when the nature and magnitude of an emergency is such that effective response and recovery action is beyond the capability of county government, or when, in the event of a war emergency or declared natural or man-made emergency, state direction is required for implementation of a state or national plan in accordance with the Emergency Powers Act (South Carolina Code of Laws, Title 25 - Chapter 1. Article 4; Section 25–1–420 thru 460).

c. Nothing in Item A(2)(b) above is intended to transfer, or otherwise remove from county government, the responsibility for the protection of life and property within their respective jurisdictions. The purpose of these items is to provide for an effective level of direction, control, or coordination in the event a major emergency impacts the State. County government shall continue to be responsible for the conduct of operations within their jurisdiction during all emergency situations; however, under conditions identified in Item A(2)(b), state government shall exercise an appropriate degree of direction, control, or coordination at the discretion of the Governor.

d. Unless otherwise provided for in this Regulation or Regulation 58–1, county government shall be responsible for initial response to, and the conduct of, operations relating to emergency conditions impacting their respective area of jurisdiction.

e. County government shall be responsible for ensuring that all appropriate local resources, including those of municipalities, are being utilized to support the conduct of emergency

operations prior to requesting outside assistance from state government. This requirement is deferred when state or inter-jurisdictional plans or procedures provide for an automatic response by state government.

3. State government's chain of communications, coordination, direction, and control during an emergency shall consist of the following:

- a. The Governor and the Governor's Office,
- b. Emergency Support Functions (ESF), and
- c. The Governor's Command Section (Policy Group/Executive Group) which may include the following:
  - i. The Office of the Adjutant General,
  - ii. The South Carolina Emergency Management Division (SCEMD),
  - iii. The Department of Transportation
  - iv. The Department of Public Safety,
  - v. The State Law Enforcement Division,
  - vi. The Department of Natural Resources,
  - vii. The Department of Social Services,
  - viii. The Department of Health and Environmental Control,
  - ix. The Office of Regulatory Staff,
  - x. The Department of Labor, Licensing, and Regulation,
  - xi. The Department of Administration, and
  - xii. Any other agency as needed.

4. County government's chain of communications, coordination, direction and control during an emergency shall be consistent with Regulation 58-1.

5. When required during an emergency, state direction, control, communication and coordination between state and county government shall be channeled through SCEMD and the County Emergency Management Agency, respectively.

#### B. South Carolina Emergency Operations Plan - Development Requirements

1. The South Carolina Emergency Operations Plan (SCEOP) shall consist of the following elements:

- a. Basic plan, hazard vulnerability analysis, concept of operations and annexes;
- b. ESF annexes and implementing procedures of tasks and responsibilities assigned by the SCEOP. Each functional annex will be assigned a primary organization responsible for ensuring completion of their respective annex. Supporting organizations will also be assigned and provide required support to the primary organization;
- c. Major hazard contingency plans. Such plans shall address major hazards addressed in the hazards vulnerability analysis.

2. Responsibilities for the development of plans, annexes and implementing procedures are as follows:

- a. The SCEOP shall be developed and coordinated with applicable state agencies by SCEMD;
- b. Major hazard contingency plans shall be developed and coordinated with local governments by SCEMD, with the exception of those plans that are the responsibility of other state agencies;
- c. Individual ESF annexes and implementing procedures shall be developed and coordinated with applicable state agencies for all tasks and responsibilities assigned that agency by the SCEOP;
- d. County emergency operation plans, annexes and implementing procedures will be developed by local government in accordance with Regulation 58-1, and will follow the precepts, practices and procedures as defined in NIMS.

#### C. South Carolina Emergency Operations Plan - Review and Approval

1. The Office of the Governor shall be responsible for approval of the SCEOP. SCEMD shall submit the SCEOP to the Governor for review and approval by February 1 of the first year of each new gubernatorial term.

2. Each plan, annex, and standard operating procedure developed pursuant to this Section shall be submitted by the appropriate state agency and local government to SCEMD for review and concurrence.

3. SCEMD will provide to each submitting agency the results of the review.

4. Each plan, annex, or standard operating procedure developed pursuant to this Item shall be reviewed and revised as required but not to exceed a period of more than 3 years. State agencies and local governments shall submit appropriate revisions and certifications for review and concurrence. SCEMD shall establish a schedule for such submissions.

D. State Agency Emergency Management Responsibilities

1. The duties of the Office of the Governor shall include, but are not limited to:

a. Developing of plans and procedures to support the Governor in the exercising of executive responsibilities and authority during an emergency;

b. Providing executive coordination and communication with SCEMD in the development of the SCEOP, approval of the SCEOP, and implementation of such SCEOP during an emergency;

c. Serving as the official point of contact within state government for public information during an emergency. Specific responsibilities may be assigned to state agencies, pursuant to the SCEOP, or at the discretion of the Governor's Press Secretary;

d. Serving as the coordinating agency for public information in accordance with the provisions of Item D (3) below;

e. Acting as final administrative authority for declaratory rulings associated with the implementation of Regulations 58-1 and 58-101.

2. The duties of the Office of the Adjutant General shall include, but are not limited to:

a. Providing administrative and operational guidance to SCEMD;

b. Developing of plans and procedures to support the Governor in the exercising of executive responsibilities and authority during day-to-day and emergency operations;

c. Forming an emergency management review committee in accordance with Regulation 58-1 and consider such recommendations the committee may make;

d. Providing executive coordination and communication with SCEMD in the development of the SCEOP and implementation of such SCEOP during an emergency;

e. Participating within the Governor's Command Section (Policy Group/Executive Group) when a State of Emergency has been declared.

3. SCEMD shall be responsible for functions that include, but are not limited to:

a. Development, coordination, maintenance, review and revision of the SCEOP. Such reviews shall be conducted with the support and direct participation of agencies and organizations identified in the SCEOP to ensure that organizational assignments are appropriate and consistent with the capabilities of those agencies or organizations;

b. Provide program coordination and technical and staff assistance as requested to support the implementation of this Regulation and Regulation 58-1;

c. Development of program guidance to support the implementation of this Regulation and Regulation 58-1;

d. Development and maintenance of state plans as may be required;

e. Conduct periodic review and evaluation, not to exceed a period of more than 3 years, of county governments' accomplishments, deficiencies, and proposed activities as they relate to this Regulation and Regulation 58-1, and maintain copies of such evaluations in accordance with the state retention policy;

f. Review and approval of County Emergency Operations Plans submitted pursuant to the requirements of Regulation 58-1;

- g. Review and concurrence in elements of the SCEOP;
  - h. Serves as the designated coordinating point between the State, state agencies, and county government during an emergency;
  - i. Coordination to support implementation of the Stafford Act.
4. State agencies designated as ESF Lead Agencies in the SCEOP shall be responsible for functions which include, but are not limited to:
- a. Designation of an agency Emergency Management Coordinator(s), who shall be responsible for agency coordination and implementation of planning and administrative requirements as outlined and in support of the SCEOP;
  - b. Coordination of ESF response operations, through the designated Emergency Management Coordinator(s), in accordance with plans and procedures developed in support of the SCEOP and the ESF operations;
  - c. Designation of adequate SEOC representation to provide 24-hour coverage for periods of operations. The Emergency Management Coordinator(s) may also be designated as a SEOC representative;
  - d. Responsible for the review, revision and development of designated ESF plans and procedures.
5. State agencies designated as ESF Support Agencies in the SCEOP shall be responsible for functions which include, but are not limited to:
- a. Designation of an agency Emergency Management Coordinator(s), who shall be responsible for agency coordination and implementation of planning and administrative requirements as outlined and in support of the SCEOP;
  - b. Coordination of ESF response operations, through the designated Emergency Management Coordinator(s), in accordance with plans and procedures developed in support of the SCEOP and the ESF operations;
  - c. Designation of adequate SEOC representation to provide 24-hour coverage for periods of operations. The Emergency Management Coordinator(s) may also be designated as a SEOC;
  - d. Support and participate in the review, revision and development of designated ESF plans and procedures.

#### E. Facilities and Equipment

1. There shall be established a central state warning point from which state government can receive initial notification of (non-law enforcement) emergency occurrences or conditions within the State, and can alert key officials and agencies within state government for response. This facility shall be operated twenty-four (24) hours a day.
2. There shall be established, occupied and maintained by SCEMD a SEOC from which state government can direct, control, and coordinate emergency operations. This facility, upon activation, shall be staffed by those state agency SEOC representatives designated by the SCEOP, or by SCEMD as appropriate. Emergency response activities of all state agencies shall be coordinated with their respective SEOC representatives when the SEOC is activated.
3. There shall be established within the SEOC communications capabilities necessary to support emergency operations.

#### F. State Emergency Management Training and Exercises

1. SCEMD shall establish and manage a training and exercise program for state, county and municipal emergency response personnel. To support this, SCEMD shall annually publish a multi-year training and exercise plan. The multi-year training and exercise plan may be periodically amended during the program year. Training and exercises listed in this plan shall be in addition to that routinely provided or required within a state agency.
2. SCEMD shall establish and conduct annually a major exercise addressing potential hazards affecting the State. Such an exercise shall require participation of the majority of ESFs identified in the SCEOP, shall be conducted in conjunction with an exercise involving 1 or more counties, and shall include the actual deployment of personnel and resources under simulated conditions. An

agency may request certification from SCEMD for participation in an actual event as a substitution for this requirements.

3. Members of the SEOC and the state agency Emergency Management Coordinators shall participate in at least 2 exercise events per year. Exercise events meeting this requirement shall be from the list of exercise events published by SCEMD in the multi-year training and exercise plan. An agency may request certification from SCEMD for a specific training activity, exercise or actual event not contained on the published multi-year training and exercise plan.

4. State agency personnel shall participate in preparedness training and exercise activities in a manner consistent with responsibilities assigned in the SCEOP.

5. SCEMD shall coordinate the provision of staff and technical assistance to support the implementation of this Item.

G. Emergency Management Public Awareness

1. State agencies assigned public information responsibilities under the SCEOP shall assist in the development and coordination of the conduct of public awareness activities within the State.

2. County government shall conduct ongoing educational programs and participate in state special emphasis programs pursuant to Regulation 58-1.

3. SCEMD Public Information personnel shall coordinate the provision of resources to support county government public awareness activities.

4. State special emphasis programs shall be conducted annually in coordination with appropriate county governments. Such programs shall address potential hazards affecting the State.

**HISTORY: Amended by State Register Volume 40, Issue No. 5, Doc. No. 4585, eff May 27, 2016; State Register Volume 41, Issue No. 4, Doc. No. 4703, eff April 28, 2017.**