

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 04/14/05	APPROVED BY: SERC
REVISED BY: Karen J. Pabón	REVISED DATE: 05/28/10	
DATE ISSUED: 04/14/05	DATE EFFECTIVE: 04/14/05	SUBJECT: Appeal Process
PROCESSED BY: Karen J. Kennard	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.12

NAC 459.99189

PRINCIPLE:

The State Emergency Response Commission (SERC) is the executive agency to ensure Nevada's compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA). As such, the SERC coordinates and supervises Local Emergency Planning Committees (LEPCs) in the program areas of EPCRA. The SERC also awards grants with funds from the federal government, fees collected from facilities and other sources of revenue within the State of Nevada. Policies and regulations have been imposed to govern the SERC and LEPCs EPCRA program and/or grantee financial management. It may become necessary for the program staff, applicant or grantee to request an appeal of a staff, committee or SERC decision.

POLICY:

The programs are managed and grant funds are awarded consistent with SERC policies, and federal and State laws and regulations. Program managers, applicants or grantees have the right to appeal if they disagree with a decision made by staff, committee or the SERC. A written appeal must be submitted to the Executive Director within 35 days after receipt of notice of the decision.

PROCEDURES:

1. If program managers, applicants or grantees disagree with a decision made by staff, a committee or the SERC, they may file an appeal with the Executive Director within 35 days after receipt of notice of the decision. The appeal must be submitted in writing, with original signature of LEPC chair or co-chair, and include grounds for the appeal and all supporting documentation.

2. The Executive Director will review the material submitted to determine timeliness. The Executive Director or designee will present a report to the SERC at its next meeting. If an appeal is received after the deadline for placing the item on the agenda, it will be presented to the SERC at the following meeting.
3. Not later than 10 days before the date of the meeting in which the appeal will be heard by the SERC, staff will notify the appellant of the date, time and place of the meeting.
4. The report presented to the SERC by the Executive Director or designee will include the grounds for the appeal, supporting documentation, information concerning the claim and recommendations for action by the SERC.
5. The appellants may appear to present their appeals and the reasons why they are not satisfied with the decision of the SERC.
6. The SERC may render a decision on the appeal at that time during its open meeting or defer action to a future meeting if additional information is required for review.
7. The Executive Director or designee shall mail to the appellant by first-class mail, notice of the decision of the SERC within 15 days after the decision is rendered.
8. A decision of the SERC on an appeal is final.