

# STATE OF NEVADA

## STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Pabón	ORIGINATED DATE: 04/01/09	APPROVED BY: SERC
REVISED BY: Karen J. Pabón	REVISED DATE: 10/09/14	
DATE ISSUED: 04/01/09	DATE EFFECTIVE: 04/01/09	SUBJECT: SERC and LEPC Release of EPCRA Information
PROCESSED BY: Karen J. Pabón	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.14

### **PRINCIPLE:**

The State Emergency Response Commission (SERC) recognizes the successful operation of the Local Emergency Planning Committees (LEPCs) it coordinates depends, to an extent, upon the support of citizens of the State and their understanding of its activities and responsibilities. Such support and understanding is largely dependent on the SERC's and LEPCs' response to requests for information and efforts to keep the public informed.

Companies which operate facilities in the State of Nevada and store or manufacture extremely hazardous materials are required to submit a chemical inventory pursuant to the provisions under 42 U.S.C. 116, the Emergency Planning and Community Right-to-Know Act (EPCRA). These provisions, known as Tier II reporting, help increase the 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.

### **POLICY:**

Pursuant to EPCRA, any person may submit a request to the SERC or a LEPC for Tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

### **PROCEDURES:**

Hazardous materials facilities submit chemical information and obtain a hazardous materials permit through the Nevada Online Hazardous Materials Reporting System. This information is available to the SERC, LEPCs and first responders throughout the State as a repository for planning and response purposes.

All requests for EPCRA information must be made in writing (Example: SERC Hazmat Repository Information Request form attached). It is acceptable to ask for identification. If the SERC or LEPC suspects the person making the request plans an illegal act, the appropriate course of action is to contact law enforcement.

Pursuant to guidance from the Nevada Attorney General's Office, a balancing test must be conducted to determine if specific information is subject to disclosure. Relevant considerations on a case-by-case basis include the balancing of 1) the document's content and function; 2) the interest and justification of either the agency or the public in general in maintaining the confidentiality of the document; and 3) the extent of the interest or need of the public in reviewing the document. Also to be considered is how dissemination of information could impact the public policy contained in various Nevada Homeland Security related statutes.

After the balancing test and pursuant to NRS 239.0107, within five days of receipt of the written request, the agency must provide the requestor with the information if available or, as applicable, a denial of the request. If the information is not immediately available, the agency must provide the requestor with a date in which to expect the information. Pursuant to EPCRA, requested information must be provided within 45 days of receipt of the request. The information will be provided in a format available through the online reporting system. Caution should be used when providing information from the online system to ensure the security of the system and to maintain confidentiality of information so designated.