

# STATE OF NEVADA

## STATE EMERGENCY RESPONSE COMMISSION

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<b>REVISED BY:</b> Stephanie Parker	<b>REVISED DATE:</b> 01/14/16	
<b>DATE ISSUED:</b> 05/01/03	<b>DATE EFFECTIVE:</b> 05/01/03	<b>SUBJECT:</b> Hazardous Materials Response Plan and Exercise
<b>PROCESSED BY:</b>	<b>SPECIAL INSTRUCTIONS:</b>	<b>POLICY NO:</b> SERC 8.1

**Reference: NAC 459.99133**

### **PRINCIPLE:**

The State Emergency Response Commission (SERC) and the Local Emergency Planning Committees (LEPCs) are established by the federal Superfund Amendment Reauthorization Act, Title III (SARA Title III), and Emergency Planning and Community Right-to-Know Act (EPCRA). Pursuant to these laws, the SERC shall supervise and coordinate the activities of the LEPCs. The SERC reviews the local hazardous materials emergency response plans and makes recommendations for revisions to ensure compliance with the National Response Team Guidelines (NRT-1). LEPCs are required to exercise the hazardous materials emergency response plan annually.

The SERC provides grant funds to LEPCs who meet eligibility requirements. The SERC also provides grant allocations to state agencies who meet eligibility requirements. To be eligible for funds from the SERC other than United We Stand funds, state agencies must operate under a hazardous materials emergency response plan that must be implemented or exercised annually. All key elements of the NRT-1A must be addressed through implementation or exercise every 3 years. The SERC reviews the emergency response plans and makes recommendations for revisions.

Among the SERC's working committees is a Planning and Training Subcommittee which has been designated to review the LEPC and state agency hazardous materials emergency response plans and the Exercise Report Forms (Appendix A-2) and report to the SERC.

**POLICY:**

- A. The State Emergency Response Commission has appointed a Funding Committee. The Funding Committee has appointed a Planning and Training Subcommittee. This Planning and Training Subcommittee is charged with review of LEPC and state agency hazardous materials response plans and exercise report forms. The Planning and Training Subcommittee will verify the plan is appropriate and has been exercised.
1. Each LEPC/state agency must have a Hazardous Materials Response Plan in compliance with NRT-1 on file with the SERC office. The LEPCs/state agencies must annually review and update the plan. Written notice of plan review results and plan updates along with minutes of the LEPC meeting indicating review and acceptance of updates to the plan must be submitted to the SERC by January 31<sup>st</sup> of each year. Detailed meeting minutes may be submitted in lieu of written notice. Failure to submit meeting minutes and updates will designate the plan as non-compliant and subject to the procedures outlined herein. Non-compliance with these procedures will result in the LEPC being ineligible for any funding from the SERC other than grant funds from the operations category and/or the planning category until the Planning and Training Subcommittee reviews required updates and ensures that all other forms of non-compliance or deficiencies with hazardous materials plans are met. Upon satisfactory completion LEPCs may apply for funding opportunities available. Operation funds may be awarded to LEPCs pursuant to Policy 8.2 provided the LEPC submits a compliance work plan demonstrating progress towards full compliance. Operation grant approval for LEPCs is subject to review and approval by the SERC Co-Chairs. Planning funds may be awarded to appropriately review, develop, revise and/or update the plan.
    - a. Annual updates to the hazardous materials response plan include, but are not limited to:
      - contact information
      - equipment lists
      - letter of promulgation
      - training and exercise schedules identified by type and in which calendar quarter to be held.
    - b. In conjunction with the review and update of the hazardous materials response plan, the LEPC/state agency must submit an updated National Response Team form (NRT-1A). This form must indicate the page numbers where each of the nine required elements can be found in the plan.

- c. In conjunction with review of the hazardous materials response plan, the LEPC/state agency must annually review its Level of Response Questionnaire. Updates or written notice of no changes must be submitted to the SERC by January 31<sup>st</sup> of each year.

Each LEPC/state agency must report to the SERC on at least one real event and/or tabletop, functional or full scale exercise, or drill which utilizes and implements the hazardous materials response plan by January 31<sup>st</sup> of each year. The exercising or implementation of all key elements of the plan as listed in the NRT-1A is required at least once within the past 3 consecutive years. The Planning and Training Subcommittee will review all exercise report forms submitted to verify the hazardous materials emergency response plan has been properly exercised. The SERC will notify the LEPC or state agency of any non-compliance. Non-compliance will result in suspension of the current unencumbered grant funds and being ineligible for future grant funds until the program is deemed compliant.

## **PROCEDURES:**

### **A. Hazardous Materials Response Plan**

1. During February of each year the Planning and Training Subcommittee will review plans/plan updates submitted by LEPCs/state agencies and approve the plan or identify deficiencies. As applicable, staff will notify each LEPC Chair/Head of the state agency of any identified deficiencies.
2. Within 45 days of notification, the LEPC or state agency must respond to the notice of deficiencies. If an updated plan was submitted and found to be deficient, the LEPC or state agency must bring the plan into compliance and resubmit the corrected plan to the SERC for review by the assigned member(s) of the Planning and Training Subcommittee.
3. After 45 days, the Planning and Training Subcommittee will submit to the Funding Committee a list of LEPCs/state agencies that have complied with this policy. Only LEPCs/state agencies compliant with this policy will be eligible for funds as available.

**B. Exercise Report Form**

1. Each LEPC/state agency will report to the SERC on at least one real event and/or tabletop, functional or full scale exercise or drill which utilizes and implements the hazardous materials emergency response plan by January 31<sup>st</sup> of each year. An exercise is required at least once every third year. A proper report will include a narrative scenario of the incident or exercise, the one-page SERC exercise form, four-page FEMA form, or HSEEP (Homeland Security Exercise and Evaluation Program) report, and a narrative of any corrective actions necessary. Narratives may be achieved by attaching the actual incident report and evaluation of the hazardous materials plan.
2. During February of each year, the Planning and Training Subcommittee will review the exercise report to verify the LEPC/state agency has properly exercised the hazardous materials emergency response plan. Staff will notify each LEPC/state agency of any identified deficiencies.
3. Within 45 days of notification, the LEPC/state agency must respond to the notice of deficiencies. The SERC will notify the LEPC/state agency of any non-compliance. Non-compliance will result in suspension of the current unencumbered grant funds and the LEPC/state agency being ineligible for future grant funds until the program is deemed compliant.
4. After 45 days, the Planning and Training Subcommittee will submit to the Funding Committee a list of LEPCs/state agencies that have complied with this policy. Only LEPCs/state agencies compliant with this policy will be eligible for funds during the year.