

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Mary Lynne Evans	ORIGINATED DATE: 04/20/00	APPROVED BY: SERC
REVISED BY: Stephanie Parker	REVISED DATE: 01/14/16	
DATE ISSUED: 04/20/00	DATE EFFECTIVE: 04/20/000	SUBJECT: Certified Assurances and Compliance Certification
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.3

Reference: NAC 459.99149 and 459.99171

PRINCIPLE:

The State Emergency Response Commission (SERC) will invoke all federal and state rules and regulations which are pertinent to establishing, supervising and coordinating the Local Emergency Planning Committees (LEPCs) and grant management. To enforce the laws, regulations and rules, the SERC must be able to demonstrate the LEPCs and grantees/sub grantees are aware of the rules and regulations.

POLICY:

Certified Assurances state various requirements of the grantee in managing grants received from the SERC. Each grantee/sub-grantee is required to submit signed Certified Assurances prior to preparation of the grant award.

LEPC Compliance Certification states the various requirements of LEPCs to show accountability of federal and state laws and regulations. A LEPC Compliance Certification will be submitted with each grant application. In the event a LEPC does not submit a SERC grant application, the LEPC is required to submit a signed LEPC Compliance Certification by March 31st of each year.

A State Agency Compliance Certification states the various requirements of the agency to show accountability of federal and state laws and regulations. A State Agency Compliance Certification will be submitted with each application for funding allocation.

PROCEDURES:

- A. The following requirements must be complied with prior to the start of a grant. The Funding Committee will be notified if an applicant is or is not in compliance of the following:

1. **CERTIFIED ASSURANCES:** The grantee/sub-grantee must sign and submit the Certified Assurances agreeing to abide by the rules and regulations governing grant funds awarded. This agreement requires the signatures of the Governmental Unit (County Commission, County Manager, head of State agency) and the chairman of the Local Emergency Planning Committee or the State agency project manager. A grant award will not be prepared until the Certified Assurances are properly signed and submitted. Reference the Program and Grant Management Handbook; policies 8.5 – Funding of Grants; 8.6 – Reporting; Policy 8.7 - Grant Change Request; and Policy 8.8 – Subrecipient Program Monitoring and Financial Audits.

2. **LEPC COMPLIANCE CERTIFICATION:** The LEPC Chair must sign the LEPC Compliance Certification indicating compliance with administrative requirements annually, by March 31st. Staff will verify each requirement. The following must be met by the LEPCs to comply with all applicable federal, local, and state regulations and reported timely to the SERC, even if not currently receiving grant funds:
 - a. Bylaws and the current membership list form identifying representation from the 13 EPCRA categories must be submitted by January 31st. (policy 8.9).
 - i. LEPC membership lists may include designated alternate members if alternate members are approved in the LEPC Bylaws. (Enabling statute: The SERC is created in NRS 459.738 to carry out the provisions of 42 U.S.C. § 11001 et seq. These codes require the SERC to appoint the LEPC and give the SERC authority to revise the appointments. The SERC finds these codes are the legal authority creating the LEPCs and therefore the SERC has the authority to allow designated alternate members. The SERC asserts this process complies with NRS 241.025.)

 - b. LEPC meetings must be held at least quarterly. All meetings must be conducted in compliance with the Nevada Open Meeting Law (OML), ref: http://ethics.nv.gov/COE_website_files/coe_publications_and_media/OML%20Manual.pdf. Agendas and minutes of all meetings, including special meetings, must be forwarded to the SERC.

- i. EPCRA requires LEPCs to hold “regularly scheduled meetings”. The SERC has defined regularly scheduled meetings as quarterly meetings.
 - ii. A meeting, to qualify as a quarterly meeting, must have a posted agenda, meeting held and minutes taken, whether or not there was a quorum present. (Refer to Nevada Open Meeting Law).
 - iii. The LEPC may apply to the SERC for a waiver of the quarterly meeting requirement due to extenuating circumstances. Upon cancellation of a timely noticed quarterly meeting for reasons beyond the control of the LEPC, the meeting may be rescheduled to the following quarter with approval of the SERC Co-chairs.
 - iv. The LEPC may apply to the SERC for an exemption of one meeting per fiscal year (July to June), if it is impossible to conduct four meetings for reasons beyond the control of the LEPC. Approval for an exemption of one meeting may be approved by the SERC Co-chairs.
- c. If a recipient of grant funds, all required reports which summarize the financial management of these grants must be submitted by the required due dates to the SERC (policies 8.5 and 8.6).
 - d. The County Hazardous Materials Emergency Plan (or hazmat portion of the jurisdiction’s “all hazards” plan) must be reviewed and updated annually. Plan updates must be submitted by January 31st each year (SERC policy 8.1).
 - e. Each LEPC must report on at least one real event and/or tabletop, functional or full scale exercise or drill which tests the hazardous materials response plan by January 31st of each year. An exercise is required at least once every third year (SERC policies 8.1, and 8.6).

- f. The Emergency Planning and Community Right-to-Know Act “information availability” must be published in the local newspaper annually (EPCRA Section 312). A copy of the standard Affidavit of Publication must be sent to the SERC. The notice must be published at least once annually to inform the public of the availability of the Material Safety Data Sheets (MSDS) reports, Tier II reports and hazardous material response plans and provide the location and hours for public view.
3. STATE AGENCY COMPLIANCE CERTIFICATION: The head of the State agency must sign the State Agency Compliance Certification indicating compliance with administrative requirements along with an application. The SERC will verify each requirement. The following must be met by the State agency to comply with all applicable federal and state regulations and reported timely to the SERC:
 - a. If a recipient of grant allocations, all required reports which summarize the financial management of these grants must be submitted by the required due dates (SERC policies 8.5 and 8.6).
 - b. If recipient of funds from the SERC other than United We Stand funds, the agency must operate under a Hazardous Materials Emergency Plan and that plan must be reviewed and updated annually. Updates must be submitted by January 31st (SERC policy 8.1).
 - c. The agency must report on at least one real event and/or tabletop, functional or full scale exercise or drill which tests the hazardous materials response plan by January 31st of each year. An exercise is required at least once every third year (SERC policies 8.1, and 8.6).
4. Failure to accomplish all eligibility and compliance requirements could result in denial of a grant award by the SERC. Failure to maintain all eligibility and compliance requirements could result in the suspension or deobligation of the current grant awards by the SERC.