

State of Nevada State Emergency Response Commission



PROGRAM and GRANT MANAGEMENT HANDBOOK

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Introduction

The purpose of this handbook is to provide general guidelines of federal and state laws and regulations. The handbook is not an all-inclusive manual, but will emphasize significant administrative functions being enforced.



The handbook will define responsibilities and requirements of the State Emergency Response Commission (SERC), Local Emergency Planning Committees (LEPCs), and State agencies, and assist grantees or sub-grantees and fiscal personnel in the management of grants received from the SERC.

A grantee or sub-grantee receiving grant funding from the SERC must comply with SERC policies, and all applicable local, state and federal regulations.

This handbook is intended to be continually updated to keep LEPCs and State agencies informed as SERC adopts changes. Please read and include updates in this binder as they are announced.

Overview

The Emergency Planning and Community Right-to-Know Act (EPCRA) is a stand-alone law passed in 1986 as a part of the Superfund Amendment and Reauthorization Act (SARA) and is found as SARA Title III. Congress intended it to improve state and local planning and response capabilities to react to hazardous materials emergencies and to provide access to information about hazardous materials to the public.

EPCRA specifies what kinds of releases and quantities require notification, to who reports and notification are required, and establishes threshold-planning quantities. The provisions of EPCRA require industry to comply with reports of storage, manufacture and releases to specific agencies. Along with these reporting requirements, fees required by State law are collected and granted to state and local agencies to provide assistance in planning, training and equipment activities to prevent, respond to and mitigate hazardous materials incidents.

A brief overview of substantive provisions of EPCRA and Nevada's implementation:

Emergency Planning (Sections 301 to 303):

Section 301 establishes State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs). In Nevada, the Governor appoints SERC members. Pursuant to federal law, the SERC shall supervise and coordinate the activities of the LEPCs. The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws.



Section 302 establishes the list for extremely hazardous substances (EHS), the threshold planning quantity (TPQ), applicable facilities, and emergency planning notification requirements. Reporting is made by submission of the Nevada Combined Agency Hazmat Facility Report to the SERC through the State Fire Marshal, the appropriate LEPC, and the local fire department.

Section 303 requires LEPCs develop a hazardous materials emergency response plan compliant with National Response Team (NRT-1) planning elements. The LEPCs and the SERC must review these plans at least once a year and the plan must be exercised annually by the LEPCs. The federal publication NRT-1A contains specific guidance on how each of the required planning elements should be addressed.

The planning elements are:

1. Identification of facilities subject to EPCRA requirements, routes likely to be used to transport hazardous substances, and additional facilities contributing to additional risk due to their proximity to facilities, such as hospitals and natural gas facilities;
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel in hazardous materials response;
3. Designation of community and facility emergency coordinators;
4. Emergency notification procedures to coordinators, responders and the public that a release has occurred;
5. Methods for determining the occurrence of a release and the area or population likely to be affected;
6. Description of emergency equipment and facilities, and at each facility in the community subject to EPCRA requirements, and identification of the persons responsible for the equipment and facilities;
7. Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;
8. Training programs and schedules for emergency response and medical personnel; and
9. Methods and schedules for exercising the emergency plan.

Emergency Release Notification (Section 304):

Section 304 establishes notification requirements and defines emergency notification procedures upon a hazardous substance release including required contents of such notification. Releases must be reported to the Nevada Division of Environmental Protection, 1-888-331-6337; the local fire department; the LEPC; U.S. Environmental Protection Agency National Response Center, 1-800-424-8802 (if the release is above the reporting requirement); and written follow-up to the SERC of status and corrective action.

Community Right-to-Know Reporting (Sections 311 and 312):

Section 311 requires submission of material safety data sheets (MSDS) or a chemical list for each covered chemical to the appropriate LEPC, the SERC and the local fire department. The State Fire Marshal's Office collects the chemical list for the SERC with the Nevada Combined Agency Hazmat Facility Report.

Section 312 requires a facility prepare and submit a chemical inventory by March 1st of each year to the SERC, LEPC and the local fire department. The inventory form must include information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. This information is available to the public. Nevada has a state specific reporting system. The Nevada Online Hazardous Materials Reporting System is designed to accept combined reporting for EPCRA and the State Fire Marshal's Hazardous Materials Permit. The State Fire Marshal's Office collects fees for the submission of chemical inventories pursuant to NAC 459.9916.

Toxic Chemical Release Inventory Reporting (Section 313):

Section 313 requires facilities to report releases and other waste management of specifically listed chemicals and transfers of toxic chemicals for waste management to off-site locations. Facilities meeting all three of the following criteria are subject to Section 313 reporting:

1. The facility has 10 or more full-time employees;
2. The facility is included in a TRI-covered North American Industry Classification System (NAICS) code (see the [TRI NAICS code webpage](#) or Table I of the current Reporting Forms and Instructions for a complete list); and
3. The facility manufactures (defined to include importing), processes or otherwise uses any [EPCRA Section 313 chemical](#) in quantities greater than the established threshold in the course of a calendar year.

Reports under Section 313 (EPA Form R or Form A) must be submitted annually to EPA and to SERC (with appropriate fees pursuant to NRS 459.744) by July 1 each year. The report covers activities at the facility during the previous calendar year.

SERC Structure and Responsibilities

The SERC consists of not more than 25 members appointed by the Governor. To the extent practical, appointments will be made of persons who have technical expertise in responding to emergencies. The SERC has developed standing committees to accomplish its tasks:

- Funding Committee
 - Planning and Training Subcommittee
- Legislative Committee
- Policy Committee
- Bylaws Committee

The SERC is charged with establishing, supervising and coordinating the LEPCs; reviewing local hazardous materials emergency response plans; and making recommendations for revisions. The SERC is the center of EPCRA's system for handling information requests about chemicals by establishing procedures for responding to such requests and maintaining the Nevada Hazardous Material Database.

The SERC also awards and manages grants/subgrants from federal grants and from fees collected through the filing of the Nevada Combined Agency Hazmat Facility Report; Toxic Release Inventory reports; and sale and annual renewal of United We Stand license plates.

The SERC designated each county as a planning district and established one LEPC in each planning district. The purpose of this structure is to:

- simplify and accomplish comprehensive emergency response planning for hazardous materials incidents, accidents, or releases
- involve state and local governments, and private industries in developing and exercising hazardous materials emergency response plans
- improve public safety capabilities to prevent, respond to, and mitigate hazardous materials impact on activities and environment
- provide residents access to information concerning hazardous materials under the Community Right-to-Know portion of the law
- manage reports of hazardous materials manufacture, use, and transportation within the state

The SERC staff is dedicated to supporting the goals and objectives of the State Emergency Response Commission, which include supporting Local Emergency Planning Committees. Agencies represented on the SERC have numerous resources and skills which may benefit LEPCs in many ways. Technical assistance is available upon request.



STATE OF NEVADA EMERGENCY RESPONSE COMMISSION

MISSION AND VISION STATEMENTS

The State Emergency Response Commission is the executive agency for Nevada's compliance with the Federal Emergency Preparedness and Community Right-to-Know Act.

Our mission:

“Protect the citizens of the state of Nevada against the negative effects of hazardous materials and terrorism.”

Our vision:

We will be known as the state agency responsible for collecting hazardous materials information from fixed facilities regarding the use and storage as mandated by SARA Title III. We will provide to the public and first responders hazardous materials information for both planning and reference purposes. We will be the agency that generates funding through fees, and regulates and administers all monies deposited into the contingency account for hazardous materials. We will support Local Emergency Planning Committees (LEPCs) in equipment, training and planning activities needed to prevent and respond to hazardous materials incidents and terrorism. We will continually seek to enhance public safety by developing a working relationship among state agencies, local government, federal facilities and private industry.



**STATE OF NEVADA
EMERGENCY RESPONSE COMMISSION**

BYLAWS

ARTICLE I

Authority:

The State Emergency Response Commission (hereinafter Commission) is created pursuant to NRS 459.738.

ARTICLE II

Section 1: Purposes

The purpose of the Nevada State Emergency Response Commission is to develop means to protect the citizens of the State against the negative effects of hazardous materials= use, manufacture, storage, transportation, release and/or spill and the negative effects of terrorism. The Commission continually seeks to enhance public safety by developing a working relationship among state agencies, local governments, federal facilities and private industries. The Commission works cooperatively with Local Emergency Planning Committees, (hereinafter LEPCs), to achieve a partnership of equals among state, local and private organizations that are involved with hazardous materials management. The Commission is the executive agency for Nevada's compliance with Superfund Amendments and Reauthorization Act (SARA), Title III.

Section 2: Duties

The Commission accomplishes these purposes by:

- (1) Providing management and oversight of all provisions of the SARA Title III and the Emergency Planning and Community Right-To-Know Act of 1986;
- (2) Providing management and oversight of hazardous materials related funding pursuant to Public Law 99-499 or Title I of Public Law 93-633 and NRS 459.735 through NRS 459.773;
- (3) Providing management and oversight of United We Stand license plate related funding pursuant to NRS 482.379.365 and NRS 459.735 (4);
- (4) Obtaining, administering and providing grants to Nevada's LEPCs to implement these acts and enhance public safety;

- (5) Carrying out tasks as assigned to the Commission by acts of the United States Congress, the Nevada State Legislature, or the Governor of the State of Nevada.

The Commission's Co-Chairs shall direct the staff and conduct appropriate personnel actions, and ensure fiscal responsibility of the Commission.

ARTICLE III

Section 1: Membership

The Commission shall consist of no more than 25 members as appointed by the Governor. It is the intent of the Commission to maintain a balance reflecting private industry, local and state government, and geographic area. Complying with the legislative directive, the Commission will endeavor to maintain the membership at a lower level than 25. It is the recommendation of the Commission to have representation as follows:

7 members representing the private sector and regulated industry;

5 members representing local government with an affiliation with fire service, law enforcement, occupational safety, environmental protection, emergency management or health;

5 members representing state government with an affiliation with the fire service, law enforcement, occupational safety and health, environmental protection, emergency management, and health;

2 members who are private citizen(s) or representative of a citizens' group; and

2 members of the Legislature who shall serve as ex-officio members.

Additional appointed members to the Commission should be designated to maintain the balance as equally as possible.

The term of each member of the Commission is 4 years. A member may be reappointed, and there is no limit on the number of terms that a member may serve.

The member is appointed on the basis of their position and personal expertise. If a member leaves their represented category, the Commission shall request his or her resignation for presentation to the full Commission.

Appointed Commissioners retain their commission until replaced at the pleasure of the Governor, as specified in appropriate Nevada Revised Statutes.



Commissioners with two or more unexcused meeting absences will be asked to resign their appointment to the Commission. An unexcused absence is when staff is not notified of the member's inability to attend a meeting.

Section 2: Chairpersons

At the pleasure of the Governor, it is recommended Co-Chairs are appointed to represent two sectors of the membership.

Section 3: Staff

The Commission shall employ sufficient staff as required for the execution of its tasks within the limitation of legislative authority and Commission directives.

The staff shall regularly report to the Commission on fiduciary and administrative matters.

The staff shall provide administrative and logistical support as requested to assist appropriate programs.

ARTICLE IV

Section 1: Committees

The Commission shall establish standing committees as shown below and may establish other committees or subcommittees as may be required to recommend actions pursuant to its work and objectives. The Committees shall be chaired by Commission members. The Chair of each committee is appointed by the Co-Chairs. The membership of each committee is appointed by the committee chair, with the approval of the Co-Chairs. All committees must have a minimum of three Commission members.

Committees may establish technical advisory subcommittees to provide technical expertise required to meet stated objectives or goals, as recommended by the Committee chairs and approved by the Commission Co-Chairs.

The Commission may fund travel and per diem to support committee activities. Reimbursement shall be at the rate applicable to all state employees.

Committee members and Commissioners with two or more unexcused absences will be asked to resign their appointment to the committee.

Section 2: Standing Committees

The following Standing Committees shall be formed with the designated powers and duties as defined:



Funding Committee: The Committee reviews all grant requests and applications, internal or external; tracks progress on project expenditures; and makes recommendations to the Commission for expenditure of grant funds. The Funding Committee will also provide oversight for the Planning and Training subcommittee.

Planning and Training Subcommittee: The Subcommittee reviews LEPCs hazardous materials response plans and advises LEPCs with respect to their plans compliance with applicable laws, regulations and procedures. The Subcommittee ensures grant requests are appropriate to levels of training and levels of response.

Legislative Committee: The Committee tracks and proposes regulation changes and/or laws relative to the Commission's oversight responsibilities.

Bylaws Committee: The Committee maintains and interprets the Commission's bylaws, recommending changes accordingly. The bylaws Committee also reviews the LEPC bylaws and membership lists to ensure compliance with Federal and state laws and regulations.

Policy Committee: The Committee develops, reviews and recommends policies to the Commission as needed and/or to satisfy audit findings. The Committee also recommends policies for migration to statutes and/or regulations.

ARTICLE V

Section 1: Meetings

The Commission meets once each quarter, as called by the Co-Chairs, or as scheduled by a simple majority of Commissioners. Special meetings may be called by the Co-Chairs or by a majority of the voting members of the Commission. At least seven business days notice shall be given in writing to all the members of the Commission of the date and time of the special meeting. Meetings are conducted under the provisions of Nevada's open meeting laws. A quorum is defined as one more than half the Commissioners. Members of the Commission may attend meetings either in person or by telephone or video conference. All action taken by the Commission shall only be taken by a majority vote of the members present at a meeting. Nevada Statute does not authorize voting proxies. Meetings are conducted under the general guidelines of Robert's Rules of Order, as revised. Any member may make a motion and vote with the exception of ex-officio members. Committee and subcommittee meetings are conducted under similar conditions.

Per diem rates for the Commission members shall be reimbursed at the rate applicable to all state employees.

ARTICLE VI

Section 1: Bylaws

(1) The Commission shall adopt Bylaws consistent with the Emergency Planning and Community Right-to-Know Act and Nevada Revised Statutes. The Bylaws shall be reviewed annually by the Bylaws Committee with recommendations made to the Commission.

(2) Recommended changes to the Bylaws shall be presented in written or electronic form to the Commission members at least 30 days prior to the meeting in which they will be considered for approval.

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Contact Information

The SERC and its staff are available to answer questions and provide technical assistance and can be reached as follows:

State Emergency Response Commission
107 Jacobsen Way
Carson City, NV 89711

Phone: 775-684-7511
Fax: 775-684-7519

Web address: www.serc.nv.gov

Stephanie Parker, Executive Administrator
e-mail: sparker@dps.state.nv.us

Tami Beauregard, Administrative Assistant
e-mail: tbeauregard@dps.state.nv.us



LEPC Structure and Responsibilities

The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws. Each LEPC should include (as recommended by EPCRA) representatives from each of the following 13 groups or organizations:



- ❖ elected state and local officials;
- ❖ law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel;
- ❖ broadcast and print media;
- ❖ community groups; and
- ❖ owners and operators of facilities subject to the requirements of EPCRA

The EPA and the SERC encourage the appointment of broad-based LEPCs which include representatives from the 13 individual categories. In some cases, one person could represent more than one category. The appointment may be made by job title/position rather than individual names to ensure continuity of membership of the LEPC and to make the appointment of replacement members easier.

The major legal responsibility of LEPCs is to ensure compliance with EPCRA Public Law 99-499 including:

1. Review local hazardous materials emergency response plans, at least once a year;
2. Collect and make available each MSDS, chemical list described in Section 311 (a) (2) or Tier II report, inventory form, and follow-up emergency notice to the general public;
3. Accept follow-up emergency information as soon as practical after a release which requires the owner/operator to submit a notice; and
4. Designate an official to serve as "Coordinator of Information" to respond to public requests.

Additional responsibilities defined in EPCRA include evaluating and making recommendations as to the need for resources necessary to develop, implement, and exercise the hazardous materials emergency response plan; and annually publishing a notice in the local newspapers that the LEPC Hazardous Materials Emergency Response Plan, MSDS, follow-up release notifications, and inventory forms have been submitted and are available for public review. The notice must include where and when the information is available for public review.

The SERC provides funding through grants from money collected from facility fees, fees derived from the sale of the United We Stand license plates, and awards from federal agencies. In addition to EPCRA responsibilities, the Nevada SERC requires LEPC compliance in order to be eligible for receipt of grant funds as follows:

1. Maintain an active membership and provide current bylaws and membership list, including the discipline represented by each member, to the SERC annually;
2. Conduct regularly scheduled meetings at least quarterly and submit meeting agendas and minutes to the SERC;
3. Provide financial reports and documentation of expenditures to the SERC in a timely manner; and
4. Develop, maintain, and exercise (at least once a year) a current hazardous materials emergency response plan.



Take a closer
look around your
community!

Planning

The largest planning task of the LEPC is the identification of potential facility or transportation hazards and vulnerable locations. To complete a community hazard assessment, the committee must integrate information from individual facilities into the community plan. Under EPCRA, each facility is required to provide information to the LEPC necessary for developing and implementing the Hazardous Materials Emergency Response Plan. A complete analysis of hazards in the community is an overview of risks posed not only by facilities, but also by trucks or railcars transporting hazardous materials passing through the planning district. In addition, it identifies local facilities which might contribute to a hazard such as a natural gas facility, and lists local institutions such as hospitals, nursing homes or schools, which might be at additional risk during an emergency.

The plan must cover facilities with one or more extremely hazardous substance present in amounts exceeding the threshold planning quantities (TPQ). EPCRA lists those materials requiring specific planning.

The objective of the emergency response structure described above is to improve the planning levels in local jurisdictions, communities and regions; and to maintain an awareness of available resources, deployment methods and policies. The development of a working group which includes state and local governments, health officials, industry, and residents of the community is the foundation for comprehensive planning. Each phase of emergency response, from discovery and notification to recovery and site remediation, involves each group in critical ways which must be addressed in comprehensive and effective plans.



Pursuant to EPCRA and SERC Policy 8.1, the LEPC and/or state agency must review and update their Hazardous Materials Emergency Response Plan and NRT-1A form annually, and submit them to the SERC by January 31 each year. The SERC must review and make recommendations concerning the plan and/or updates. The Hazardous Materials Emergency Response Plan may be an annex to the County All-Hazards Plan, or a stand-alone operations directive. The LEPC and/or state agency must have an approved plan on file with the SERC to be eligible for grant funding. The SERC may, upon grant application, provide resources to review, update, implement, and exercise the plan.

In conjunction with review of the Hazardous Materials Emergency Response Plan, the LEPC and/or state agency must review its level of response questionnaire and submit updates annually.

The SERC has tasked the Planning and Training Subcommittee to review the Hazardous Materials Emergency Response Plans. This subcommittee uses the nine NRT-1 elements to ensure a proper plan and to make recommendations to the LEPC and/or state agency.

Exercises

SERC Policy 8.1 requires the LEPC and/or state agency to exercise the Hazardous Materials Emergency Response Plan at least once annually and submit a report to the SERC, by January 31 each year. A proper exercise report will include a narrative scenario of the incident or exercise, either the SERC, FEMA, or Homeland Security Exercise & Evaluation Program (HSEEP) report form must be used and a narrative including any corrective actions necessary. Narratives may be achieved by attaching the actual incident report and evaluation of the hazardous materials plan.



Exercises are the most effective way to continue the planning process. Exercises may range in scope from table-top discussion to full-scale field exercises, or a real event. In order to fulfill the compliance requirements of EPCRA, schedules of planned exercises and trainings must be developed and included as part of the emergency response planning activity.

In each case, the objective of drills or exercises is to test and evaluate the appropriateness, adequacy and effectiveness of the local Hazardous Materials Emergency Response Plan. The participants in any exercise should be carefully briefed on the objectives of the exercise, the expected outcomes, ground rules, exceptions and the scenario and timing of events. Some ground rules to be observed are:

- ◆ The exercise will terminate if a real emergency occurs during the exercise;



- ◆ Safety of the public, the responders and the simulated “casualties” must take precedence over all other exercise considerations and actions. Any participant has the authority and the responsibility to stop the exercise if an unsafe act or condition is observed;
- ◆ Suggestions for improving the emergency response or the planning for actual response are welcome during the critique following the exercise.

The LEPC should provide sufficient evaluators who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review. After the exercise, critiques and debriefings should be held to discuss successes and failures and to make recommendations and plans for necessary modifications and adjustments.



SERC GRANTS

Grant Application and Awards

The SERC awards grants from funds received from the federal government (HMEP grant), from fees collected from facilities within the State of Nevada (SERC grant), and from funds received from the sale of United We Stand license plates (UWS grant). Grant applications will be posted on the SERC website a minimum of 6 weeks prior to the due date. The application will specify whether the grant award will be from State or federal funds. The request for funding must be submitted in the format provided in the application. Objectives and expected accomplishments must be stated in quantifiable and measurable terms.

SERC and HMEP grant requests must support state or local hazardous materials emergency response plans and must relate to the risk analysis contained in the plans. Grants may be made to any eligible LEPC or state agency to further the response capabilities of first responders to hazardous materials incidents. Funding may be requested to train, equip, and/or improve planning for such contingencies. Each grant request limit will be announced in the notice of the grant application. Eligible LEPCs will receive \$4,000 in the operation category of the SERC grant.

The United We Stand grant funding must be expended to provide financial assistance to support preparedness to combat terrorism, as outlined in the State Homeland Security Commission's documentation of priorities including, without limitation, planning, training, and purchasing equipment and supplies.



Grant Management

It is the responsibility of the SERC to ensure grant funds are used and reported consistent with appropriate accounting procedures. Grant management must occur at each level of state and LEPC fiscal personnel to show proper accountability. Reports of expenditures must meet appropriate fiduciary requirements.

Local accounting and auditing procedures must be followed where specifically required.

Accounting systems must be developed to ensure accurate accounting, expending, and reporting of grant funds. Fiscal responsibilities and accounting requirements include:

1. All recipients of federal funding are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records will include both federal funds and matching funds, if applicable.
2. Each grant received must be reported on and accounted for separately.
3. Funds awarded will be expended only for activities and purposes stated in the approved budget of the grant award.



4. Grant funds may not be obligated until the first day of the grant period.
5. Grant funds must be obligated before the end date of the grant period.
 - a. Obligated funds are those for which goods or services have been ordered or received, but which have not been paid.
 - b. Expenditure (payment in full of all obligations) must occur by the final report date which is 45 days after the end of the award period.
6. Supplanting budgets is prohibited. Federal funds are used to **supplement** existing funds for program activities and **not to replace** those funds that have been appropriated for the same purpose.

Reporting of expenditures must be made in accordance with federal, state, local laws and regulations, and SERC policies. A separate Financial Report must be submitted for each grant, and expenditures must be made in accordance with the grant award. Financial Reports requesting reimbursement must be submitted no later than 30 days after the last day of the quarter, but may be submitted as often as the grantee chooses. If there are no expenditures in a quarter, a financial report is due within 30 days following the end of the quarter stating no expenditures were made and explaining why. A final Financial Report is due 45 days after the end of the award period. All remaining expenditures and supporting documentation must be submitted for reimbursement. All unexpended funds will be de-obligated after processing of the final report.

Grantees must have an approved Grant Change Request prior to implementing a change to the original grant. Failure may result in being ineligible for the funding.

Recipients of grant funds are encouraged to make the results and accomplishments of their activities available to the public. Announcements of activities and major purchases may be made on radio, television, newspapers, etc. Prior approval is not needed for publishing the results of an activity under a project; however the grantee is required to add the **appropriate** statement to the announcement:

"This program was supported by Grant # _____, awarded by the Nevada State Emergency Response Commission (and, if a HMEP grant, the U.S. Department of Transportation). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position of policies of the State Emergency Response Commission (and, if a HMEP grant, the U.S. Department of Transportation)."

The SERC has adopted policies and procedures to regulate the EPCRA program, the grant application and award process, and to assist in the proper administration of grants. SERC policies are appendices to this Handbook and provide requirements for compliance. Many policies have also been included in the Nevada Administrative Code, 459.9912 et seq.

(See separate list of appendices)