

SERC History and Background

How did the SERC and LEPCs come to be:

The Emergency Planning and Community Right-to-Know Act (EPCRA) was created by the Federal Government in 1986. (below are portions of the Act)

“Not later than six months after October 17, 1986, the Governor of each State shall appoint a State Emergency Response Commission. The Governor may designate as the SERC one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the SERC who have technical expertise in the emergency response field.”

“Not later than nine months after October 17, 1986, the SERC shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the SERC may designate existing political subdivisions or multi-jurisdictional planning organizations as such districts.”

“A State Emergency Response Commission may revise its designations and appointmentsas it deems appropriate. Interested persons may petition the SERC to modify the membership of a LEPC.”

NRS 459.738 Creation of Commission; appointment and terms of members; appointment of Chairman or Cochairmen; employment of staff

459.738.1 The State Emergency Response Commission is hereby created for the purpose of carrying out the provisions of 42 U.S.C. 111001 et seq. And other matters relating thereto.

“Not later than thirty days after designation of emergency planning districts...the SERC shall appoint members of a Local Emergency Planning Committee for each emergency planning district. Each LEPC shall include, at a minimum, representatives from each of the following 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 this subchapter. Such LEPC shall appoint a chairperson and shall establish rules by which the LEPC function. Such rules shall include provisions for public notifications of LEPC activities, public meetings to discuss the emergency plan, public comments, response to such comments by the LEPCs, and distribution of the emergency plan. The LEPC shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.”

NAC 459.991265 “Local Emergency Planning Committee” means the committee appointed by the Commission pursuant to 42 U.S.C. 11001. Nevada opted to create a LEPC in each of the seventeen counties.

“A substance is subject to the requirements of this subchapter if the substance is on the list published under paragraph (2).”

“.....(1) Except as provided in section 11004 of this title, a facility is subject to the requirements of this subchapter if a substance on the list referred to in subsection (a) is present at the facility in any amount in excess of the threshold planning quantity established for such substance.”

“Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) shall notify the SERC.....that such a facility is subject to the requirements of this subchapter.....if a substance on the list of extremely hazardous substances.....becomes present at such facility in excess of the threshold planning quantity.....the owner or operator of the facility shall notify the SERC and the LEPC.....”

“Each LEPC shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The LEPC shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.”

“Each LEPC shall evaluate the need for resources necessary to develop implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.”

“Each emergency plan shall include (but is not limited to) each of the following: (1) identification of facilities subject to the requirements of this subchapter that are within in the emergency planning district; methods and procedure to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances; designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan; procedure providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public that a release has occurred; methods for determining the occurrence of a release, and the area or population likely to be affected by such release; a description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter; evacuation plans; training programs; and methods and schedules for exercising the emergency plan.”

“For each facility subject to the requirements of this subchapter:the owner or operator of the facility shall notify the LEPC of a facility representative who will participate in the emergency planning process as a facility emergency coordinator; the owner or operator of the facility shall promptly inform the LEPC of any relevant changes occurring at such facility as such changes occur or are expected to occur; and upon request from the LEPC, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan”

“After completion of an emergency plan.....the LEPC shall submit a copy of the plan to the SERCthe SERC shall review the plan and make recommendations to the LEPC on revisions of the plan.....”

“Any person may request a SERC or 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”

“Each emergency response plan, material safety data sheet...shall be made available to the general public.....”

“Each LEPC shall annually publish a notice in the local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section.....Such notice shall announce that members of the public who wish to review any such plan, sheet, form or follow up notice may do so at the location designated under section (a)”

How does the SERC/LEPC/State keep compliant with EPCRA:

The SERC has Performance Measures which are submitted to the Governor’s Office during the budget build; below are a portion of what the Performance Measures are and how the SERC/LEPCs are meeting them.

By January 31st of each year the LEPCs are required to submit the following documentation to the SERC for review:

- Exercise/Incident Report
- Affidavit of Publication of Emergency, Planning and EPCRA in local newspaper
- Level of Response Form
- Membership List
- LEPC Bylaws
- Updated Hazardous Materials Emergency Response Plan, to include:
 - Contact Information
 - Equipment List
 - Training/Exercise Schedules
 - NRT-1A Form
 - Letter of Promulgation
 - Tier II Facility List
 - LEPC meeting minutes accepting the Plan updates

Compliance Certificate (included with every application or submitted to the SERC no later than March 31st)

Throughout the year, the LEPCs must also submit meeting agendas and minutes as well as grant reimbursement request reports quarterly.

The other Performance Measures are related to how much funds are made available to the LEPCs via grants and how much of those funds are spent by the LEPCs.

How does the SERC keep LEPCs compliant with EPCRA:

Planning and Training Subcommittee – reviews the exercise report, hazmat plan and level of response for EPCRA compliance and makes suggested corrections, if needed. Reviews equipment requests submitted in the OPTE grant application. Makes recommendations to the Funding Committee with regards to the LEPCs being out of compliance with EPCRA and equipment being requested in the OPTE grant application.

Bylaws Committee – reviews LEPC bylaws and membership list for EPCRA compliance and makes suggested corrections, if needed. Makes recommendations to the full SERC with regards to the LEPCs being out of compliance with EPCRA. The Bylaws Committee also reviews the SERC Bylaws and makes recommendations to the full SERC for any needed amendments.

Funding Committee – reviews recommendations from the Planning and Training Subcommittee with regards to hazmat plans and requested equipment submitted with the OPTE grant application. Reviews all grant applications (OPTE, UWS and HMEP) and makes recommendations to the full SERC to approve or not; with the exception of the HMEP mid-cycle applications which can be approved by the Funding Committee.

Staff tracks LEPC compliance throughout the year and works closely with the LEPC to correct any deficiencies before reporting them to the SERC.

Staff follow all State laws, rules, regulations, policies, procedures, audit finding corrections, internal controls and the State Administrative Manual – keeping the SERC and LEPCs out of trouble.

How does the SERC help the LEPCs:

The SERC provides eligible LEPCs the ability to apply for three separate grants (OPTE, UWS and HMEP).

The OPTE (Operations, Planning, Training and Equipment) including funds for the operation of the LEPC and is hazmat related. The funds for this grant are generated from fees from facilities that have hazardous materials on site, via Tier II and TRI reports.

The UWS (United We Stand) is terrorism related. The funds for this grant are generated from the sale and renewal of the United We Stand license plates

The HMEP (Hazardous Materials Emergency Preparedness) is hazmat in transportation related. Funds for this grant are from the USDOT federal grant received by the SERC. There is a twenty percent match required for this federal grant and SERC meets this match with OPTE funds.

The SERC provides, maintains and funds the Online Hazmat Reporting System. This database consists of all facilities in the State which contain hazardous materials and must retain a hazmat permit from the State Fire Marshal. The information in the database is available to all LEPCs, government officials and first responders at all times.