

# STATE OF NEVADA

## STATE EMERGENCY RESPONSE COMMISSION

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<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 will review the LEPCs/state agencies hazardous materials emergency response plans and make recommendations for revisions to ensure compliance with the National Response Team Guidelines (NRT-1A). LEPCs/state agencies are required to exercise the hazardous materials emergency response plan annually.

The SERC provides grant funds to LEPCs/grant allocations to state agencies who meet eligibility requirements. To be eligible for funds from the SERC other than United We Stand funds, LEPCs/state agencies must operate under a hazardous materials emergency response plan that must be implemented or exercised annually.

## **POLICY:**

A. The SERC has appointed a Funding Committee. The Funding Committee has appointed a Planning and Training Subcommittee. The Planning and Training Subcommittee is designated to review the LEPCs/state agencies hazardous materials response plans and exercise report forms. The hazardous materials response plan and exercise report form must be submitted to the SERC by January 31<sup>st</sup> of each year. The Planning and Training Subcommittee will verify the plan is appropriate, has been exercised and report their findings to the SERC.

1. Each LEPC/state agency must have a Hazardous Materials Response Plan in compliance with NRT-1 on file with the SERC. The LEPCs/state agencies must annually review and update the plan. Failure to submit the required documentation will designate the plan as non-compliant and subject to the procedures outlined herein.

Non-compliance with these procedures will result in the LEPC/state agency being ineligible for any funding from the SERC other than grant funds, until the Planning and Training Subcommittee reviews required updates and ensures that all forms of non-compliance or deficiencies are met. The LEPCs may be eligible for grant funds from the operations and/or planning category if not in compliance or deficient. 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 funds 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 must include, but are not limited to:
  - contact information
  - equipment lists
  - letter of promulgation
  - Tier II facility list, printed no later than October
  - 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 submit its Level of Response Questionnaire.
- d. 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 being ineligible for future grant funds until the program is deemed compliant.

At least one real event and/or tabletop, functional or full scale exercise, or drill which utilizes and implements the hazardous materials response plan must be submitted to the SERC. 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 three 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.

- a. 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 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.
2. Within forty-five days of notification, the LEPC/state agency must respond to the notice of deficiencies. If an updated plan was submitted and found to be deficient, the LEPC/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 forty-five 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. An exercise is required at least once every third year. A proper report will include;
  - a. a narrative scenario of the incident or exercise;
  - b. one-page SERC exercise form;
  - c. 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 forty-five 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 forty-five 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.

### **ADDITIONAL INFORMATION:**

Below is the list of all items due to the SERC by January 31<sup>st</sup> of each year:

Updated Hazardous Materials Emergency Response Plan, to include:

Contact Information

Equipment List

Training and Exercise Schedules, identified by type and in which calendar quarter to be held

NRT-1A Form

Letter of Promulgation

Tier II Facility list, printed no later than October

LEPC meeting minutes accepting the Plan updates

Exercise/Incident Report, from an event within the last calendar year

Affidavit of Publication of Emergency, Planning and Community Right-to-Know Act in local newspaper

Level of Response Form

Membership List

LEPC Bylaws