

LCB File No. R177-05

PROPOSED REGULATION OF THE STATE EMERGENCY RESPONSE COMMISSION

The State Emergency Response Commission (SERC) is seeking to establish and revise permanent regulations in the Nevada Administrative Code (NAC) regarding the fees collected and grant management policies. Statutory authority for the maximum fee is NRS 459.744. NRS 459.740 allows the SERC to adopt regulations.

During the 2005 legislative session, SB 73 was passed. This bill revises NRS 459.744 to include a \$15,000 maximum fee for storage of hazardous materials and/or submission of Toxic Release Inventory Report (TRI). As stated at the legislative hearings, it is the intent of the SERC, with the concurrence of the manufacturing community, to establish a lower maximum fee in the NAC. Workshops and public hearings will be held as the need arises to request additional increase of the maximum fee within the \$15,000 cap. Additionally, the fee per report is to be set in NAC rather than NRS.

The SERC requests the following definitions be added to the NACs:

- *“Department” defined. “Department” means the Department of Public Safety. (This may be defined already and just needs reference.)*
- *“Hazardous materials” defined. This may already be stated in NAC and needs to be referenced as is that for extremely hazardous materials. The following is the Federal definition: **Hazardous chemical means any hazardous chemical as defined under Sec. 1910.1200(c) of Title 29 of the Code of Federal Regulations, except that such term does not include the following substances: (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration. (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use. (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual. (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.***
- *“Local emergency planning committee” defined. “Local emergency planning committee” means the committee appointed by county government and approved by the State Emergency Response Commission for coordination of response to, and prevention and mitigation of hazardous material incidents.*

The SERC submits the following request for a new regulation:

- *Add fee for the filing of each Toxic Release Inventory Report of \$500 to NAC.*
- *Add overall fee cap of \$7,500 to the NAC.
(See proposed wording attached.)*

The SERC has revised grant management policies and requests revisions to the NACs. The policies are attached with specific areas of focus highlighted. The following is a summary of the requested NAC revisions:

- *NAC 459.99132 to include hold quarterly meetings and conditions thereof; submit copies of agendas and minutes of all meetings to the Commission; maintain a hazardous material emergency response plan in compliance with NAC 459.99133; annually publish the “information availability” notice, and provide hazardous material information pursuant to the Emergency Planning and Community Right-to-Know Act; submit applicable reports pursuant to NAC 459.99151 to 459.99153 and NAC 459.155; annually submit Compliance Certification form. (Ref. SERC Policy 8.3)*
- *NAC 459.133 (3) to read “If a local emergency planning committee fails to submit the emergency plan pursuant to subsection 1 or within 45 days after receipt...” (Ref. SERC Policy 8.1)*
- *NAC 459.133 to include the requirement to implement the emergency plan annually by exercise, drill or responding to a real event and to submit a report of said exercise or real event. Failure to comply will result in the suspension of the current unencumbered grant funds and the ineligibility for future grants. (Ref. SERC Policy 8.1 and 8.6)*
- *NAC 459.99135 and 459.99161 to include provisions of the “United We Stand” license plate funding source. (Ref. SERC Policy 8.2a)*
- *NAC 459.99147(3) to insert “based on the compliance of the local emergency planning committee”. (Ref. SERC Policy 8.2 and 8.3)*
- *NAC 459.99149 and 459.99171 to change the name of the “Grant Eligibility Certification Form” to the Compliance Certification form”. (Ref. SERC Policy 8.3)*
- *NAC 459.99155 to be deleted.*
- *NAC 459.99176 2 (a) to read “The activities performed during the year relating to the allocation received from the Commission;”*

The following request for amendment to NAC is made prior to revision of the SERC Policy so policy would not be inconsistent with NAC:

- *NAC 459.151(2) and 459.172(2) to delete “not later than 30 days after the local emergency planning committee [state agency] makes the expenditure” and replace with “at least quarterly”. (SERC Policy 8.5 has not been revised pending NAC change.)*

The SERC has established and adopted an appeal process policy and requests its inclusion in NACs:

- *Add the SERC Appeal Process (Ref. SERC Policy 8.12)*

**State Emergency Response Commission
Proposed additions to NAC**

Proposed wording for new NAC regarding fees

Fees for toxic release inventory reports

The reporting fee required for the submission of toxic release inventory is \$500 per report.

Overall maximum fee

The Commission will not require any person to pay more than \$7,500 in fees imposed pursuant to NAC 459.9918(1), 459.99181 and NAC ? (the number assigned to the toxic release inventory fee, above)

Proposed wording for new NAC regarding faxed/electronic signatures

“Electronic signature” defined. “Electronic signature: means the signature to indicate the approval of the signer that is generated, communicated, received or stored by electronic means for use in an information system or transmission between separate information systems. (See proposed wording attached.)

Substitution of electronic signature for handwritten signature. Based on the following conditions, an electronic signature may be applied to documents required by the Commission indicating approval of the signer:

The document is on official letterhead of the agency submitting or on the official Commission form;

The first document of a new signer must be an original;

The Commission is familiar with the signature.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 05/01/03	APPROVED BY:
REVISED BY: Karen J. Kennard	REVISED DATE: 10/13/05	SERC
DATE ISSUED: 05/01/03	DATE EFFECTIVE: 05/01/03	SUBJECT: Annual Review of Hazardous Materials Response Plan and Exercise Report Form
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.1

Reference: NAC 459.99133

PRINCIPLE:

The State Emergency Response Commission (SERC) and the Local Emergency Planning Committees (LEPC) are established by the federal Superfund Amendment Reauthorization Act, Title III (SARA Title III), Emergency Planning and Community Right to Know (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 will monitor exercises conducted by review of the exercise report form submitted by the LEPCs.

Among the SERC's working committees is a Planning and Training Subcommittee which has been designated to review the LEPC hazardous materials emergency response plans and exercise report forms.

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 hazardous materials response plans and exercise report forms. The Planning and Training Subcommittee will verify the plan is in compliance with the NRT-1 and has been exercised pursuant to EPCRA.
 - 1. Each LEPC must have a hazardous materials response plan in compliance with NRT-1 on file with the SERC office. The LEPC must annually review the plan. Plan review results and/or updates must be filed in writing, along with minutes of the LEPC meeting indicating review of the plan, with the SERC by January 31st of each year. Failure to submit plan review results and/or 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 until the Planning and Training Subcommittee reviews plans in February of the next year.

2. Pursuant to EPCRA and SERC Policy 8.6, LEPCs are required to exercise hazardous materials emergency response plans annually and submit a report form to the SERC. Each LEPC must report to the SERC on at least one real event and/or tabletop, functional or full scale exercises or drills which test the hazardous materials response plan within 60 days of the exercise or incident. The Planning and Training Subcommittee will review all exercise report forms submitted by LEPCs to verify the LEPC has properly exercised the hazardous materials emergency response plan. The SERC will notify the LEPC of any non-compliance. Non-compliance will result in suspension of the current unencumbered grant funds and the LEPC 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 the plan review results and/or updates submitted and notify each LEPC Chair of any identified deficiencies.
2. Within 45 days of notification, the LEPC must respond to the notice of deficiencies. If an updated plan was submitted and found to be deficient, the LEPC 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 that have complied with this policy. Only LEPCs compliant with this policy will be eligible for funds during the year.

B. Exercise Report Form

1. Each LEPC will report to the SERC on at least one real event and/or tabletop, functional or full scale exercises or drills which test the hazardous materials emergency response plan within 60 days of the exercise or incident. A proper report will include a narrative scenario of the incident or exercise, the one-page SERC exercise form or the four-page FEMA form, 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. The Planning and Training Subcommittee will review the exercise report to verify the LEPC has properly exercised the hazardous materials emergency response plan.
3. The SERC will notify the LEPC of any non-compliance. Non-compliance will result in suspension of the current unencumbered grant funds and the LEPC being ineligible for future grant funds until the program is deemed compliant.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J Kennard	ORIGINATED DATE: 4-14-05	APPROVED BY:
REVISED BY:	REVISED DATE:	SERC
DATE ISSUED: 4-14-05	DATE EFFECTIVE: 4-14-05	SUBJECT: Appeal Process
PROCESSED BY: Karen J. Kennard	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.12

No applicable NAC

PRINCIPLE:

The State Emergency Response Commission (SERC) awards grants with funds from the federal government, fees collected from facilities and other sources of revenue within the State of Nevada. Policies and regulations have been imposed to govern the SERC and grantee program and financial management. It may become necessary for the applicant or grantee to request an appeal of a staff, committee or SERC decision.

POLICY:

Grant funds are awarded and programs managed consistent with SERC policies and federal and State laws and regulations. Applicants or grantees have the right to appeal if they disagree with a decision made by staff, committee or the SERC. A written appeal must be submitted to the Executive Director within 35 days of notice of the decision.

PROCEDURES:

1. If applicants or grantees disagree with a decision made by staff, a committee or the SERC, they may file an appeal with the Executive Director within 35 days of notice of the unfavorable decision. The appeal must be in writing and include grounds for the appeal and all supporting documentation.
2. The Executive Director will review the material submitted to determine timeliness. The Executive Director or designee will present a report to the SERC at its next meeting. If an appeal is received after the deadline for placing the item on the agenda, it will be presented to the SERC at the following meeting.
3. Not later than 10 days before the date of the meeting in which the appeal will be heard by the SERC, staff will notify the appellant of the date, time and place of the meeting.

8.12-1

4. The report presented to the SERC by the Executive Director or designee will include the grounds for the appeal, supporting documentation, information concerning the claim and recommendations for action by the SERC.
5. The appellants may appear to present their appeals and the reasons why they are not satisfied with the decision of the SERC.
6. The SERC may render a decision on the appeal at that time during its open meeting or defer action to a future meeting if additional information is required for review.
7. The Executive Director or designee shall mail to the appellant by first-class mail, notice of the decision of the SERC within 15 days after the decision is rendered.
8. A decision of the SERC on an appeal is final.

8.12-2

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 7/10/03	APPROVED BY:
REVISED BY: Karen J. Kennard	REVISED DATE: 04/14/05	SERC
DATE ISSUED: 7/10/03	DATE EFFECTIVE: 7/10/03	SUBJECT: Grant Application, Grant Awards
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.2

Reference: NAC 459.99135 through 459.99148, inclusive

PRINCIPLE:

The State Emergency Response Commission awards grants with funds from the federal government and fees collected from facilities within the State of Nevada. Grants are awarded to assist the counties, through the Local Emergency Planning Committees, and state agencies, to conduct planning and training, and identify equipment needs for first responders. (Additional funds derived from the sale of "United We Stand" license plates are administered by the SERC pursuant to SERC policy 8.2a.)

POLICY:

A. Applications to apply for grants will be sent to the Local Emergency Planning Committees (LEPCs), and state agencies, allowing at least six weeks for the applications to be returned to SERC for funding consideration. Applications may be submitted requesting appropriate elements as outlined in the application kit.

1. The SERC receives two main revenue sources for funding grants relating to responding to hazardous materials incidents:

a. Fees

Fees collected from fixed facilities provide revenue for SERC grants. Approved expenses include planning, training, equipment, operations and community right to know activities as they relate to hazardous materials.

All training requests must first be made through the State Fire Marshal's Office (SFM). If the SFM declines the training, the request may be included in the SERC grant application.

Any application including consultant/contractor services must include a quote and scope of work from the consultant/contractor. Contract costs are limited to \$450 per day.

Requests for equipment must be made in accordance with the costs on the list attached to the grant application. For equipment not included on the list, the application must include a firm quote for the equipment.

Operation funds are automatically awarded to each LEPC from this revenue source. These funds are to pay the general operation costs of the LEPC as they relate to hazardous materials under SARA Title III, EPCRA, and SERC laws, regulations and policies. Costs must be reasonable and appropriate to the operation of the LEPC and include:

- Postage
- Office supplies
- Telephone charges
- Copying
- Publication costs
- Equipment maintenance
- Meeting costs
- Refreshments*
- Travel to SERC/LEPC meetings for all LEPC members
- Clerical Assistance**
- Grant writing
- Announcement of LEPC activities on radio, television, newspapers, etc.

*Expenses incurred for food and/or beverages provided at LEPC training sessions, LEPC meetings or LEPC conferences are allowed provided they satisfy the following three tests:

- < the costs of the food and/or beverages are considered reasonable
- < the food and /or beverages are provided at a LEPC function
- < the food and/or beverages provided are not related directly to amusement and/or social events (Any event where alcohol is being served is considered a social event and, therefore, costs associated with that event are not allowable.)

** Clerical Assistance is limited to 50% of the amount awarded in the operation category and must be declared as a line item of the budget presented in the grant application. Clerical assistance is defined as: prepare and post agendas; attend LEPC meetings; prepare and distribute minutes of the meetings; travel to and from meetings to include mileage; prepare grant applications to the SERC; prepare financial reporting forms; prepare an Annual Progress Report to the SERC.

b. Federal Grants

Money awarded from federal agencies to SERC provides revenue for SERC subgrants. The SERC may award state or local subgrants for planning and training activities as they relate to hazardous materials and are in compliance with federal and SERC terms and conditions. State agencies, including SERC, which receive subgrants will comply with state purchasing rules and state budgetary authority.

All training requests other than for HazMat Explo must first be made through the SFM. If the SFM declines the training, the request may be included in the HMEP grant application.

Any application including consultant/contractor services must include a quote and scope of work from the consultant/contractor. Contract costs are limited to \$450 per day.

After the initial open grant application cycle and award of subgrants, eligible applicants may submit a “mid-cycle” grant application for grant awards of available, unobligated funds, if any, any time throughout the remainder of the federal grant period.

c. Unallowable Expenses

Expenses not related to LEPC functions pursuant to federal and state laws and regulations are not allowed. Unallowable expenses include, but are not limited to, activities relating to homeland security, weapons of mass destruction, terrorism, search and rescue, drug labs, and functions of other agencies. Training expenses will not be reimbursed if the training was not attended. Additionally, finance charges, late fees and taxes are unallowable expenses from grants provided by the SERC.

PROCEDURES FOR OPEN GRANT CYCLE APPLICATIONS:

- A. At its quarterly meeting, or a special meeting if necessary, the LEPC must discuss, determine, and approve the appropriate funding request, including the percentage of operation funds to be used towards clerical assistance. The LEPC will submit an application based on its determined needs for the county as a whole. As determined by the LEPC, the funding request may provide planning, training and equipment to, but not limited to, state and local entities, private companies, non-profit corporations, public utilities owned and operated by political subdivisions of the State and general improvement districts involved in preventing, responding to and mitigating hazardous materials incidents. A copy of the LEPC meeting minutes approving said request will accompany the grant application.
- B. Upon receipt of the applications, SERC staff will review to ensure compliance with state and federal terms and conditions.

- C. SERC staff will distribute the applications to the Planning & Training Subcommittee and the Funding Committee within ten working days of the application deadline for submittal.
- D. The Planning & Training Subcommittee meet and review the applications to determine appropriateness and eligibility of the request when compared to the level of response. The Planning & Training Subcommittee will make recommendations to the Funding Committee.
- E. The Funding Committee will meet and review the applications to determine appropriateness and eligibility based on the Planning and Training Subcommittee's recommendations. The Committee will also determine the amount of funds to award. The Committee will make recommendations to the SERC.
- F. Funding of the applications will be placed on a SERC agenda for approval. Grants will be awarded based on the applications submitted and the availability of money. If time constraints do not permit review of an application by the Planning and Training Subcommittee and/or the Funding Committee, the SERC may consider an award of any application which has been agendized.
- G. SERC staff will prepare the award documents, obtain the Executive Director's approval and signature, and distribute consistent with the SERC approved amounts and conditions.
- H. Grant awards are signed by the LEPC Chair or the head of the grantee agency and returned to the SERC for filing.

PROCEDURES FOR MID-CYCLE FEDERAL GRANT APPLICATIONS:

- A. After the initial award of funds received on a federal grant through an open grant cycle, the SERC will notify eligible applicants of the availability of unobligated funds, if any. These funds, if any, will be available throughout the year at the request of an applicant and upon approval of the Funding Committee.
- B. The SERC will notify eligible applicants of the availability of unobligated funds, if any, at least quarterly throughout the year.
- C. An eligible applicant may submit to the SERC a brief application in letter form including the purpose of the request, goals, objectives and budget. All other requirements apply such as LEPC approval of the request, SFM declination of training, and scope of work and quotes from contractors. A copy of the LEPC meeting minutes approving said request will accompany the grant application.
- D. Staff will forward the request to the Funding Committee. Within five days, the Funding Committee will set a meeting to consider the request.
- E. The Funding Committee may approve or deny the request with a report of its action being made to the SERC at its next regularly scheduled meeting.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 01/13/05	APPROVED BY:
REVISED BY:	REVISED DATE:	SERC
DATE ISSUED:	DATE EFFECTIVE: 01/13/05	SUBJECT: License Plate Funding Grant Application, Grant Awards
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.2a

No applicable NAC

PRINCIPLE:

The State Emergency Response Commission awards grants with funds received from the sale of “United We Stand” license plates. Pursuant to NRS 459.735(4), this funding must be expended solely to provide financial assistance to this state or to local governments in this state to support preparedness to combat terrorism, including, without limitation, planning, training and purchasing supplies and equipment.

POLICY:

- A. Applications to apply for grants from “United We Stand” license plate funding pursuant to NRS 459.735(4) will be sent to the Local Emergency Planning Committees (LEPCs), or state agencies, allowing at least six weeks for the applications to be returned to SERC for funding consideration. Applications may be submitted requesting appropriate elements as outlined in the application kit.
 - 1. Fees collected from the sale of “United We Stand” license plates provide revenue for these grants. Approved expenses pursuant to NRS 459.735(4) include planning, training and purchasing supplies and equipment to support preparedness to combat terrorism. Agencies receiving grants will comply with appropriate state and/or local purchasing policies.
 - a. All training requests must first be made through the State Fire Marshal’s Office (SFM). If the SFM declines the training, the request may be included in the SERC grant application.
 - b. Any application including consultant/contractor services must include a quote and scope of work from the consultant/contractor. Contract costs are limited to \$450 per day.
 - c. Requests for equipment must include a firm quote for the item.

PROCEDURES:

- A. At its quarterly meeting, or a special meeting if necessary, the LEPC must discuss, determine, and approve the appropriate funding request pursuant to the grant application kit and guidelines provided by the SERC. The LEPC, or state agencies, will submit an application based on its determined needs. As determined by the LEPC, or state agencies, the request may be made for financial assistance to this state or to local governments in this state to support preparedness to combat terrorism, including, without limitation, planning, training, supplies and equipment.
- B. Upon receipt of the applications, SERC staff will review to ensure compliance with state terms and conditions.
- C. SERC staff will distribute the applications to the Planning & Training Subcommittee and the Funding Committee within ten working days of the application deadline for submittal.
- D. The Planning & Training Subcommittee will meet and review the applications to determine appropriateness and eligibility of the request when compared to the level of response. The Planning & Training Subcommittee will make recommendations to the Funding Committee.
- E. The Funding Committee will meet and review the applications to determine appropriateness and eligibility based on the Planning and Training Subcommittee's recommendations. The Committee will also determine the amount of funds to award. The Committee will make recommendations to the SERC.
- F. Funding of the applications will be placed on a SERC agenda for approval. Grants will be awarded based on the applications submitted and the availability of money. If time constraints do not permit review of an application by the Planning and Training Subcommittee and/or the Funding Committee, the SERC may consider an award of any application which has been agendaized.
- G. SERC staff will prepare the award documents, obtain the Executive Director's approval and signature, and distribute consistent with the SERC approved amounts and conditions.
- H. Grant awards are signed by the LEPC chair or the head of the grantee agency and returned to the SERC for filing.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Mary Lynne Evans	ORIGINATED DATE: 04/20/00	APPROVED BY: SERC
REVISED BY: Karen J. Kennard	REVISED DATE: 10-13-05	
DATE ISSUED: 04/20/00	DATE EFFECTIVE: 04/20/00	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 will invoke all federal and state rules and regulations which are pertinent to establishing, supervising, and coordinating the LEPCs and grant management. To enforce the laws, regulations and rules, the SERC must be able to demonstrate the LEPCs are aware.

POLICY:

Certified Assurances state various requirements of the grantee in managing grants received from the SERC. Each grantee/subgrantee is required to submit signed Certified Assurances prior to receiving a 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 Certifications by March 31 of each year.

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/subgrantee 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) and the chairman of the Local Emergency Planning Committee. A grant award will not be forwarded to the grantee/subgrantee until the Certified Assurances are properly signed and submitted. Reference the Local Emergency Planning Committee Handbook Policies 8.5 and 8.6 - Financial Reports, Policy 8.8 and Policy 8.7 - Grant Change Request.

2. LEPC COMPLIANCE CERTIFICATION: The LEPC Chair must sign the LEPC Compliance Certification indicating compliance with administrative requirements annually, by March 31. The SERC 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 must be reviewed by the LEPC annually. All changes in the Bylaws, or a letter stating there are no changes, and a current membership list, must be submitted to the SERC by March 31 (Policy 8.9).
 - 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://ag.state.nv.us/oml/oml.htm>. 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 timely submitted to the SERC (Policies 8.5 and 8.6).
 - d. The County Hazardous Materials Emergency Plan (or haz-mat portion of the jurisdiction’s “all hazards” plan) must be reviewed and/or updated annually. Any changes, or written verification there are no changes, must be submitted to the SERC by January 31 (SERC Policy 8.1).

- e. LEPCs must exercise their hazardous materials emergency response plans at least annually. This exercise may be a tabletop, full scale, or both (EPCRA Section 303(b) and SERC Policies 8.1, 8.6 and 8.8).

- 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.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 01/09/03	APPROVED BY:
REVISED BY: Karen J. Kennard	REVISED DATE: 04/14/05	SERC
DATE ISSUED: 07/01/03	DATE EFFECTIVE: 07/01/03	SUBJECT: Funding of Grants
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.5

Reference: NAC 459.99151 through 459.99153, inclusive

PRINCIPLE:

The State Emergency Response Commission distributes grant funds to the Local Emergency Planning Committees within each of the seventeen counties. For proper grant management, the SERC will provide funds on a reimbursement basis.

POLICY:

The State Emergency Response Commission may provide funding to LEPCs on a reimbursement basis. Upon request by the LEPC, advanced funding for expenses over \$2,000 may be made.

PROCEDURES:

- A. During open grant cycles, applications will be submitted by LEPCs. Applications will be reviewed by the Planning & Training Subcommittee, Funding Committee and approved as appropriate by the SERC.
- B. Grant awards will be prepared, signed by the Executive Director and sent to the LEPC chairs. Signature of the LEPC chair on the grant award finalizes the agreement between the LEPC and the SERC for the grant funding amount and purpose.
- C. For the purpose of these procedures, the SERC designates quarters based on a fiscal year, July to June, as follows:

1 st quarter	July – September
2 nd quarter	October – December
3 rd quarter	January – March
4 th quarter	April – June

- D. The following procedures will be implemented to provide the funds to the grantee/subgrantee:

1. Reimbursement:

- a. The LEPC will request reimbursement by completing and submitting a Financial Report form with the appropriate box checked. The submission must include dated invoices and proof of payment. Reimbursement will not be made for training that was not attended. Supporting documentation in requesting reimbursement for clerical assistance includes time sheets, LEPC log showing the time spent on LEPC business, mileage claims and the appropriate agenda, minutes, grant application, annual report, etc. Requests for reimbursement shall be submitted within 30 days of the expenditure. This policy to be changed after adoption of NAC change requiring requests for reimbursement at least quarterly.
- b. If no expenditures have been made, a financial report indicating this is due the end of the month following the end of the quarter.
- c. Within 5 working days of receipt, SERC staff will conduct a desk audit of the report and information submitted. Expenses are examined to ensure compliance with federal and/or SERC terms and conditions. Discrepancies or questions will be immediately addressed with the submitting agency. Upon approval of the request, SERC staff will process the report for payment through the state Integrated Financial System within one day.
- d. A “Final” Financial Report is due 45 days after the end of the grant period. All remaining expenditures and supporting documentation must be submitted for reimbursement.

2. Advanced Funding:

- a. The LEPC may make a request for advanced funding for purchases totaling more than \$2,000. The Financial Report with the appropriate box checked must be submitted with a copy of the purchase order showing the processing date and costs of purchase.
- b. Within 5 working days of receipt, SERC staff will verify the purchase is appropriate to the grant award and process the request for payment through the state Integrated Financial System.
- c. The LEPC will report on expenditure of advanced funds by completing and submitting a Financial Report form with the appropriate box checked. The submission must include invoices and proof of payment. Funding will not be allowed for training which was not attended. Report of expenditure of advanced funds must be filed within 30 days of the date of

the check. Failure to submit timely proof of payment may jeopardize future funding from the SERC.

- d. If the purchase is not timely completed or the advanced amount was more than the actual purchase price, the unspent funds must be returned to the SERC within 45 days of the date of the check. Failure to return unexpended funds timely may jeopardize all future funding from the SERC.

STATE OF NEVADA

STATE EMERGENCY RESPONSE COMMISSION

ORIGINATED BY: Karen J. Kennard	ORIGINATED DATE: 09/06/02	APPROVED BY: SERC
REVISED BY: Karen J. Kennard	REVISED DATE: 10-13-05	
DATE ISSUED: 09/06/02	DATE EFFECTIVE: 09/06/02	SUBJECT: Reporting
PROCESSED BY:	SPECIAL INSTRUCTIONS:	POLICY NO: SERC 8.6

Reference: NAC 459.99151 to 459.99153, inclusive and 459.99155

PRINCIPLE:

The State Emergency Response Commission (SERC) requires proper reporting by grantees to provide integrity to the use of grant funds and to provide program review.

POLICY:

- A. Grantees are required to submit proper financial reporting pursuant to SERC policy 8.5.
 - 1. The Financial Report form will be submitted to request an advance of funds, to report on expenditures made with advanced funds, or to request a reimbursement for expenditures. If no funds are requested, a financial report indicating no expenditures were made is due by the end of the month following the end of the quarter.
- B. LEPCs are required to submit a report of exercises conducted pursuant to SERC Policy 8.1 and 8.3.
 - 1. Pursuant to the Emergency Planning and Community Right to Know Act (EPCRA), LEPCs are required to conduct an annual exercise of the hazardous materials emergency response plan. This requirement may be met by tabletop exercise, functional exercise, drill, full scale exercise or a real event involving hazardous materials. Reports must be submitted to the SERC. The SERC will accept the FEMA exercise report form or the modified 1 page SERC version of this form, whichever is deemed appropriate by the LEPC. The reports must be submitted within 60 days of the exercise or incident.
- C. Grantees are required to report on any additional information requested by the SERC on its behalf or on behalf of granting federal agencies to include, but not limited to, the annual information requested for the Hazardous Materials Emergency Planning (HMEP) grant final report.

D. Failure to submit proper reports pursuant to this policy may jeopardize future funding from the SERC.

PROCEDURES:

After conducting a tabletop exercise, functional exercise, drill, full scale exercise or responding to an incident involving hazardous materials, the LEPC must complete and submit either the FEMA Exercise Report form or the 1 page SERC Exercise Report form to show compliance with EPCRA. These forms are attached. (Refer to SERC Policy 8.1 and 8.3)