

1. Plan Overview

A. Purpose

The purpose of this Hazardous Materials Emergency Response Plan is:

1. To establish common guidelines for responding to hazardous materials incidents anywhere within the State of Nevada.
2. To protect life, property and the environment from risks associated with the discharge, release or misuse of hazardous materials.

This plan is an operational plan as well as a reference document; it may be used for pre-emergency planning, and recovery, as well as emergency response. Agencies having roles and responsibilities established by this plan are encouraged to develop standard operating procedures (SOPs) and emergency response checklists to supplement the provisions of this plan.

B. Objectives

Enable emergency response personnel and support agencies to evaluate hazardous materials emergencies and take appropriate emergency actions in order to save lives, reduce injuries, and prevent or minimize damage to property and the environment. These actions may include:

1. Securing the affected area, isolating the hazard, and denying the entry of unauthorized persons into the area.
2. Identifying of the hazardous material(s) involved.
3. Providing rapid and effective warning, information, and instructions to threatened populations.
4. Providing means to access technical resources to stabilize the affected area and return to normal conditions as quickly as possible.
5. Training and equipping emergency responders and support agencies for efficient and effective mitigation of hazardous materials incidents.
6. Describing the overall emergency response organization for hazardous materials incidents occurring within the State.
7. Delineating the responsibilities of local, state, and federal agencies in the event of a hazardous materials incident in the state.
8. Establishing lines of authority and coordination for hazardous materials incidents.
9. Facilitating mutual aid agreements to supplement local resources.
10. Describing procedures for accessing outside funding (e.g., state and federal funding) for the mitigation of, and recovery from, hazardous materials incidents.

C. Scope

1. The policies, procedures, and provisions of this plan are applicable to all agencies and individuals, public and private, having responsibilities for hazardous materials emergency preparedness, response, recovery and/or mitigation in the State of Nevada.
2. For the purpose of this plan, the term hazardous material, or HazMat, is used in a generic sense to mean any chemical, substance, material or waste which may pose an unreasonable risk to life, health, safety, property or the environment and includes:
 - Hazardous Materials as defined in Nevada Revised Statutes and Nevada Administrative Code.
 - Hazardous materials as defined by United States Department of Transportation (USDOT);
 - Hazardous wastes, hazardous substances and extremely hazardous substances as defined by EPA; hazardous chemicals as defined by OSHA; other regulated substances; and other substances or pollutants that pose a hazard to the public health, safety and environment.
 - Radioactive materials
 - Other materials, which by their nature may cause hazards, i.e., sewage, vegetable oils, etc.
3. This plan is intended to address releases and threatened releases of hazardous materials, including oil spills. A stand-alone plan exists for response to radiological incidents, and is included as Appendix A to this plan. Separate plans for response to WMD incidents and response to biological incidents are currently being developed, and will be included as Appendices B and C to this plan.
4. This plan is limited to hazardous materials incident emergency response and may not address the problems associated with the clean up or remediation of non-emergency or long-term hazardous waste sites.

D. Authorities

The authority for this plan is derived from the following:

Federal

Civil Defense Act of 1950

Public Law 100-707 Robert T. Stafford Disaster Relief and Emergency Assistance Act (amended earlier. Public Law 93-288)

CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act of 1980

National Oil and Hazardous Substances Pollution Contingency Plan (Section 105,

CERCLA)

RCRA – Resource Conservation and Recovery Act Hazardous and Solid Waste Amendments of 1984

Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), Emergency Planning Community Right to Know (EPCRA)

State of Nevada – Nevada Revised Statutes (NRS)

NRS 244.2961 - District for County Fire Department

NRS 414.020 to 414.160 – Emergency Management

NRS 415 – Interstate Civil Defense and Disaster Compact

NRS 445A – Water Controls

NRS 459 – Hazardous Materials, Western Interstate Nuclear Compact, State Emergency Response Commission

NRS 474.160 - County Fire Protection Districts

NRS 586.010 to 586.450 – Pesticides

NRS 704 - Regulation of Public Utilities Generally

E. Relationship to Laws and Other Plans

1. All portions of this plan shall be in accordance with the current federal, state and local laws governing hazardous materials emergency response.
2. This plan is an Appendix to the State Comprehensive Emergency Management Plan (SCEMP). The Emergency Support Function (ESF) # 10 Hazardous Materials Annex of the SCEMP generally outlines the state response to an emergency/disaster involving hazardous materials and Emergency Support Function (ESF) # 13-1 Terrorism/Weapons of Mass Destruction Annex of the SCEMP outlines the state response to an emergency/disaster involving hazardous materials associated with an act of terror. The State Hazardous Materials Emergency Response Plan provides more detailed information on the manner in which state agencies would provide support to local agencies during hazardous materials emergencies. This plan may also be used as a stand-alone document for response to a hazardous materials incident for which a State of Emergency has not been declared.
3. All portions of this plan must coordinate with and be complementary to Local Emergency Planning Committee (LEPC) plans required by the Superfund Amendments and Reauthorization Act of 1986 (SARA) under Title III, “Emergency Planning and Community Right-To-Know.
4. Numerous agreements exist in the form of Mutual Aid Agreements, Automatic Aid Agreements, Interlocal Agreements, and Intergovernmental Agreements. These agreements among the many jurisdictions within the State allow for response regardless of jurisdictional boundaries.
5. Other plans exist which identify specific notification and response strategies for critical areas. One such plan is the Truckee River Geographic Response Plan. Similar plans for other critical areas are currently in development. This plan is intended to be consistent these geographic response plans.

F. Situation and Assumptions

1. Hazardous materials are formulated, used, stored and transported throughout the State of Nevada.
2. The discharge, release or misuse of a hazardous material may pose a significant threat to public health and safety.
3. Local government has the primary responsibility to protect public health and safety. Local firefighters, paramedics and law enforcement officers are usually first-on-the-scene of hazardous materials incidents.
4. The State Emergency Response Commission (SERC) of Nevada has divided the State into hazardous materials emergency planning districts. These districts are defined by county boundaries. Each of these planning districts has a Local Emergency Planning Committee (LEPC). LEPCs are made up of elected officials, law enforcement officers, emergency responders, emergency managers, media, community members, industry, transportation, and medical representatives. They are mandated to develop and implement comprehensive emergency response plans regarding potential hazardous materials emergencies or disasters within their respective planning districts.
5. Hazardous materials emergency response and recovery operations often require extensively trained teams and specialized equipment. Local government may not have adequate resources to develop and maintain the personnel, specialized training, and equipment needed to safely and effectively respond to hazardous materials emergencies or disasters.
6. The state is responsible for providing emergency support and response when local government is unable to provide adequate response or recovery actions, or when an incident occurs in an area that is directly under state jurisdiction or involves certain state regulated activities.
7. The federal government may respond to hazardous materials incidents under the provisions of the hazardous materials annex of the Federal Response Plan (FRP), National Response Plan (NRP), National Contingency Plan (NCP) (40 CFR, part 300), United States Department of Energy (DOE) Federal Radiological Emergency Response Plan (FRERP) or DOE's Region 7 Radiological Assistance Plan (RAP). Federal response is typically at the request of the state but federal agencies may also respond under their own authority.

G. Concept of Operations

1. Under federal regulations and provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the primary responsibility for the control of hazardous materials resides with the owner, user, shipping agent, carrier, or other individuals in whose custody the material has been placed. However, in the event of an incident or accident resulting in the release of a hazardous material by the responsible party, it is the responsibility of local government to respond and seek assistance as necessary. Exceptions would be incidents that occur within state or federal jurisdictions, such as state highways or

military installations, or in situations where state or federal pre-emption is mandated by law.

2. State involvement, with exceptions as noted above, would be at the request of a local jurisdiction when it is has been determined that additional resources or expertise is necessary to effectively deal with the situation.
3. The National Incident Management System (NIMS) provides the flexibility to rapidly activate and establish an organizational form around the functions that need to be performed in order to efficiently and effectively mitigate an emergency. For this reason, NIMS will be used during all hazardous materials incidents in the State of Nevada.

H. Training/Certification

1. Compliance with Title 29 Code of Federal Regulations (29 CFR) section 1910.120 will be adhered to in any response or recovery operation involving state agencies or employees.
2. State personnel who are present at the site of a hazardous materials incident will operate under the safety standards provided for in 29 CFR 1910.120(q)(3), and, if required, participate as an incident commander under 29 CFR 1910.120(q)(6)(v).
3. State personnel who respond at the Technician and Specialist employee level will be provided with medical surveillance and consultation as provided for in 29 CFR 1910.120(q)(9).
4. Chemical protective clothing and equipment used by state hazardous materials response personnel will meet the applicable requirements of 29 CFR 910.120(q)(10), and National Fire Protection Association (NFPA) standards 1991/1992/1993.
5. State response personnel will also adhere to their respective departmental personal protection guidelines and policies.
6. State personnel will respond only at the level of training and certification they have achieved and maintained through refresher training. Training will be based on the duties and function to be performed as provided for in 29 CFR 1910.120(q)(6) and 1926.65(q)(6).

I. Plan Development and Maintenance

1. NDEP has primary responsibility for development, review, and coordination of this plan.
2. NDEP will solicit information from those agencies having assigned responsibilities under this plan. These agencies shall form a Hazardous Materials Emergency Response Plan Committee. These agencies, along with NDEP, will be responsible for the review and maintenance of this plan.
3. This plan will be reviewed by NDEP and the Hazardous Materials Emergency Response Plan Committee at least annually and updated in its entirety every four years. Any changes resulting from this review will be published and available to agencies holding this plan.

4. This plan may be modified as a result of hazardous materials post-incident and post-exercise critiques. Proposed changes shall be submitted in writing to NDEP. These changes shall be published and distributed to agencies holding this plan.
5. This plan may also be modified any time responsibilities, procedures, laws, rules, or regulations pertaining to hazardous materials incidents change. Those agencies having assigned responsibilities under this plan are obligated to inform the NDEP when changes occur or are imminent. These changes will be published and available to agencies holding this plan.
6. An electronic version of the plan will be maintained and updated between distributions of printed versions. These electronic updates, as well as current complete copies of the plan will be available for download by contacting NDEP or NDEM.