

**Minutes
Nevada State Emergency Response Commission (SERC)
First Quarterly Meeting**

**Clark County Fire Department Training Center
4425 W. Tropicana Avenue
Las Vegas, Nevada**

January 10, 2008

Members Present

Richard Brenner, Co-Chair
Susan Crowley
Tom Czehowski
Larry Farr
Stacey Giomi
John Helmreich
Tim McAndrew, Co-Chair
Senator Dennis Nolan
Jim O'Brien
Tom Porta
Jim Reagan
Doyle Sutton
Douglas Webb
Jim Wright

Members Not Present

Carl Byrd
Frank Siracusa

Staff

Suzanne Adam
Bruce Ferrel
Karen Pabón
Binu Palal

Guests

Mike Ardito

I. CALL TO ORDER

Richard Brenner, Co-Chairman, called the meeting to order at 9:07 a.m.

II. INTRODUCTIONS

Members, staff and guests introduced themselves as shown above. A quorum was present.

III. APPROVAL OF OCTOBER 11, 2007 MEETING MINUTES

Jim O'Brien made a motion to approve the minutes of the October 11, 2007 meeting. Jim Reagan seconded the motion which was approved unanimously.

IV. NEW BUSINESS

A. Local Emergency Planning Committee (LEPC) Updates (*attending LEPC Representatives*)

Clark LEPC – Mr. O’Brien advised Clark LEPC will have an exercise on June 24, 2008 on the Fusion Center, earthquake recovery, and terrorism warning with a hazardous materials component.

Carson City LEPC – Stacey Giomi advised Carson LEPC is planning a continuity of government exercise. No date is set but it will be sometime in March or early April 2008.

Nye LEPC – Bruce Ferrel, SERC staff, completed a site visit to the LEPC and an audit. He advised Nye LEPC’s hazmat plan has been updated and their bylaws and membership list have been completed. Mr. Ferrel stated Nye LEPC might be doing an exercise in April 2008.

Lincoln LEPC – Mr. Ferrel advised the scheduled site visit and audit of the LEPC were cancelled due to the unavailability of the LEPC Chair.

B. U.S. Environmental Protection Agency Update

Mike Ardito provided a hand out and highlighted portions of the information.

Mr. Ardito advised the U.S. Environmental Protection Agency (US EPA), Office of Emergency Management initiated a new website in December 2007. The website address is www.epa.gov/emergencies. Suggestions or comments on the website may be emailed to OEM_Homepage@epa.gov.

Mr. Ardito stated the LEPC survey went through a lengthy review, and at this time there is no definite date as to when it will be released. LEPCs will be emailed advising of the survey’s release date.

On December 20, 2007 the EPA Administrator signed the Notice of Proposed Rulemaking for the Emergency Planning and Community Right-to-Know Act (EPCRA), reporting exemption for releases to the air from animal waste at farms of any hazardous substance at or above the reportable quantity for those hazardous substances. The proposed rule was entered in the Federal Register on December 28, 2007. Any comments on the proposed rule must be received on or before March 27, 2008.

Mr. Ardito stated the National Association of SARA Title III Program Officials (NASTTPO) will have its 2008 Annual Conference the week of April 6, 2008 in Savannah, Georgia. The mid-year EPA meeting will be held with HazMat Explo at the Tuscany Hotel and Conference Center in Las Vegas, Nevada.

Mr. Ardito advised US EPA is using a new provider for distributing their news releases to subscribers in less time via email. Subscribers can limit the releases they receive to specific topics or expand to receive EPA headquarters or other regional news. To register for a customized set of EPA news releases agencies can visit www.epa.gov/newsroom/emailsignups.htm.

The EPA summarizes the enforcement actions it has done in each state at the end of the fiscal year. The EPA working with Nevada took legal action against two Las Vegas-area power plants for air emissions violations. The EPA continues efforts to protect groundwater at the Anaconda copper mine in Yerington, NV, requiring comprehensive investigation of radiological and heavy metal contamination at the site. For more information, go to www.epa.gov/region09/enforcement/results/.

There are EPA emergency contact calendar cards for 2008 available.

The TOPOFF 4 exercises were held in October 2007. There were thousands of people involved nationwide and three venues. The exercise was very costly and time consuming. Mr. Ardito advised EPA learned a lot from its mistakes. The EPA is working on after action reports.

C. U.S. Federal Emergency Management Agency (FEMA) Update

Matthew Bradley was not present and there was nothing to report.

D. Occupational Safety and Health Administration Update

Tom Czehowski advised for the past eight months he has been standing in as the Interim Administrator for a sister agency. It is unknown at this time whether Mr. Czehowski will return to working in the Occupational Safety and Health Administration (OSHA) office. Steve Colefield is the Interim Administrator at OSHA.

E. Nevada Division of Emergency Management Update

Frank Siracusa was not present and there was nothing to report.

F. Nevada Division of Environmental Protection Update

Tom Porta advised the Nevada Department of Environmental Protection (NDEP) sent duty officers to the Emergency Operations Center (EOC) for the Fernley levee break incident and worked with the utility companies for water and wastewater. They were able to keep the drinking water systems pressurized, which made it faster for Fernley residents to return to their homes. There were minor problems with the wastewater treatment plant. Waste Management has

agreed to work with NDEP to coordinate collection efforts of household materials from residents whose homes were flooded.

Mr. Reagan asked if NDEP and Lyon County were going to compile an after action report with background information on the Fernley incident. If so, he asked this information be shared at the next SERC meeting. Mr. Porta advised he would check into it.

Mr. O'Brien stated the incident was probably the first one where Nevada would have been able to implement the Nevada Emergency Management Assistance Compact (NEMAC). Lyon County was requesting 10 building inspectors from Clark County. Clark County began process of implementation of NEMAC, when Reno self deployed inspectors to Lyon County. This self deployment cancelled the request for Clark County assistance. Mr. O'Brien advised that self-deployment will not be reimbursed through NEMAC. Mr. O'Brien stated clear implementation procedures for NEMAC should be established within the next six months.

Mr. Brenner advised of gas fumes coming up from the sewer lines located right off the Strip. Clark County Fire Department was working with NDEP.

G. Nevada State Fire Marshal Update

Jim Wright, Chief of the State Fire Marshal's Division (SFM), reported on hazardous materials training. Mr. Wright advised SFM has not cancelled any courses it has advertised over the last year. Mr. Wright advised 400 certificates have been issued from July through December 2007. SFM currently has a Request for Proposal (RFP) out for a contract instructor for technician classes.

Mr. Wright advised SFM staff have been testing the new hazardous materials database program for three days.

Mr. Wright stated SFM's first quarter draw went to SERC and has been processed. Mr. Wright advised SFM accounting staff will be working overtime to complete the draw for the second quarter. When the second draw is completed, SFM can begin to assemble the mandated report to SERC due in February 2008.

Mr. Wright advised he met with representatives from Carlin State Fire School at the meeting in Winnemucca for the service training standards. Mr. Wright advised he is going to follow up and travel to Carlin. Carlin is very interested in the International Fire Service Accreditation Counsel (IFSAC) certification.

H. Report of Legislative Committee

Mr. Reagan advised the Legislative Committee will be working on the Nevada Administrative Codes (NACs) and SERC policies, but have not recently met.

I. Report of Strategic Planning Committee

Susan Crowley advised the Committee has not met, but she would like to begin scheduling meetings to discuss 2008 goals.

J. Report of Funding Committee

Mr. Brenner advised the Funding Committee has not met and there is nothing to report.

K. Report of Bylaws Committee

Mr. Farr advised the Bylaws Committee has not met and there was nothing to report.

L. Report of Information Technology Committee

Mr. Brenner advised the IT Committee has not met. The focus is on implementing the hazardous materials database.

M. Report of Policy

1. *Discussion/Action of possible revision to Policy 8.12, Appeal Process, to include appeal process decisions not related to grant applications or funding

Ms. Pabón advised this revision was previously agendaized for the SERC and there were questions and comments regarding the definition of "Program Manager." The Committee reviewed the definition and has included it in the Definitions Page. The intent is to provide an avenue of appeal for items that are not related to grants.

Mr. Farr made a motion to approve the changes to Policy 8.12 as proposed. Doug Webb seconded the motion which was approved unanimously.

2. *Discussion/Action of possible revision to Policy 8.3, Certified Assurances and Compliance Certification, to require LEPCs to submit agendas and minutes to the SERC

Ms. Pabón stated the proposed changes were recommended by the Policy Committee. However, after discussing this with the Deputy Attorney General's (DAG) office after the meeting, it was determined the SERC cannot be more stringent than the Open Meeting Law. This policy is

proposed at saying it must be delivered to the SERC three days before a meeting, as opposed to saying it must be delivered to the Post Office three days before a meeting. The Open Meeting Law DAG recommended requesting submission of agendas via email. A discussion ensued.

No action was taken.

3. *Discussion/Action of possible revision to Policy 8.5, Funding of Grants, regarding per diem policies for state/local grantees

Ms. Pabón advised the Policy Committee discussed the changes made due to the State's acceptance of General Services Administration (GSA) per diem and lodging rates. Staff queried the LEPCs to see if State or local rates would prevail individually, with the results being mixed. Ms. Pabón stated the Committee recommended having the policy remain the same and to document the procedure for reimbursement of travel costs. The procedure has been included in Policy 8.5. Ms. Pabón advised implementation of GSA policies is still being adopted at the State level. Additional changes to this procedure are likely to occur. A discussion ensued.

Mr. O'Brien made a motion to approve changes to Policy 8.5 as proposed. Senator Nolan seconded the motion which was approved unanimously.

4. *Discussion/Action of possible update to Definitions Page

Mr. O'Brien stated the only update to the Definition Page is the term Program Manager.

Mr. Farr made a motion to approve the update to the Definitions Page as proposed adding the Program Manager definition. Mr. Reagan seconded the motion which was approved unanimously.

5. Discussion of policy changes for migration to the NACs

The Policy Committed continues to address this item and took no action.

N. *Discussion/Action regarding approval of Storey LEPC Hazardous Materials Emergency Preparedness (HMEP) mid-cycle grant request

Ms. Pabón advised as a matter of efficiency, the Storey LEPC's HMEP mid-cycle grant request was not agendized for the Funding Committee. The grant request was agendized for this meeting for SERC approval. There is approximately \$49,000 remaining in the HMEP planning grant, which makes this request fundable.

Mr. Farr made a motion to approve the Storey LEPC HMEP mid-cycle grant request. Mr. Czehowski seconded the motion which was approved unanimously.

O. *Discussion/Action regarding the status of the hazardous materials database implementation and possible approval of additional funding needed as discovered through the Alpha testing of the product

Mr. Brenner advised Ms. Pabón recruited people to test the new database system. Ms. Crowley and John Helmreich advised they could test the database within the next week. Ms. Pabón advised the testing identified additional requirements and enhancements requiring further funding for the vendor.

Ms. Pabón stated the budget projections show maintaining a balance forward of \$400,000 to FY09, SERC still has approximately \$340,000.

Ms. Pabón advised with the changes requested, IDSi has estimated the development hours. The vendor estimated 48 hours for the enhancements at \$75 per hour, plus testing, totaling approximately \$6,000.

Mr. Farr made a motion to authorize expenditure not to exceed \$10,000 for database upgrades. Mr. O'Brien seconded the motion which was approved unanimously.

P. *Discussion/Action regarding approval of a SERC grant to supplement the SERC travel category due to increased travel costs per new State rates

Ms. Pabón stated with the GSA travel per diem rates in effect, SERC staff will be \$1,000 short by the end of the fiscal year based on projected travel expenditures. There will be a projected \$700 remaining in the Commission travel category. Extra meetings will be required to work on the NACs and Mr. Ferrel will be traveling to conduct audits. Ms. Pabón requested an additional \$2,000 for traveling. A discussion ensued.

Mr. O'Brien made a motion to approve a \$4,000 grant to be used for SERC staff and Commission member travel. Mr. Porta seconded the motion which was approved unanimously.

Q. *Discussion/Action regarding the maximum dollar amount of applications submitted by State agencies and LEPCs for the 2009 SERC grant

Ms. Pabón advised SERC may want to set a standard dollar amount for grant applications. The projected \$340,000 remaining in the SERC fees includes grants at \$30,000.

Mr. O'Brien made a motion to establish a maximum standard of \$30,000 for

LEPC and State agency applications. Mr. Farr seconded the motion which was approved unanimously.

R. *Discussion/Action on possible revision to SERC budget performance measures

Ms. Pabón stated staff is preparing for the next Legislative and budget sessions. Ms. Pabón went through the performance measures handout for SERC approval. Ms. Pabón advised a SERC member asked to include attendance at a LEPC exercise as part of the performance measure to attend LEPC meetings. A discussion ensued regarding possible changes to the performance measures. Mr. Farr stated the SERC members were to attend LEPC meetings to support the LEPCs and to report any problems to the SERC. LEPC exercises do not afford that opportunity.

No changes were necessary therefore no action was taken.

S. Report of Executive Director

Ms. Pabón advised Steve Orr has resigned as SERC Commissioner. Mr. Orr has taken a position in Idaho.

Ms. Pabón stated Elko LEPC remains out of compliance. The LEPC has no updated plan, no EPCRA publication, and has not completed an exercise. Mr. Ferrel has had contact with the Elko LEPC. Elko LEPC has been out of compliance for the last year.

Ms. Pabón advised a letter was sent to Phil Galeoto, Director of the Department of Public Safety (DPS), urging DPS participation in the LEPCs. Ms. Pabón has not received a response. Senator Nolan stated there had been some changes within the Highway Patrol and suggested Ms. Pabón send a letter to Colonel Chris Berry. Mr. Wright advised he could talk with John Douglas, Deputy Director of DPS.

At SERC's direction, Ms. Pabón sent approximately 150 letters to facilities in Douglas County to help with their membership. Ms. Pabón has been informed they have two new members, with at least one coming from private industry.

Ms. Pabón reported HazMat Explo¹¹ Conference was a success. There were approximately 750 attendees. The Conference was held at a new venue, the Tuscany Hotel. There were positive comments about the courses offered, and the venue, and a suggestion was made to include the basic classes as new people come in. The 2008 Explo will be held the first week of November.

Ms. Pabón stated she, Mr. Brenner and Mr. Ferrel will be attending a NASTTPO Conference in Savannah, Georgia the week of April 6 and asked if the April 10

SERC Quarterly meeting could be rescheduled. It was decided the next SERC meeting would be Thursday, April 17 in Reno, Nevada.

V. PUBLIC COMMENTS

No public comment.

VI. ADJOURNMENT

Mr. O'Brien made a motion to adjourn the meeting at 10:30 a.m.

DRAFT