

# Minutes

## Nevada State Emergency Response Commission (SERC)

### Second Quarterly Meeting

*Professional Engineers & Land Surveyor's State Board  
1755 E. Plumb Lane, Suite 130  
Reno, Nevada*

**April 9, 2009**

#### Members Present

Richard Brenner, Co-Chair  
Carl Byrd  
Susan Crowley  
Larry Farr  
Stacey Giomi  
John Helmreich  
Dale Lotspeich (teleconferenced)  
Craig Nixon  
Jim O'Brien (teleconferenced)  
Tom Porta  
Jim Reagan  
Jim Wright, Co-Chair

#### Members Absent

Tom Clark  
Ty Cobb  
Tom Czehowski  
Dennis Nolan  
Frank Siracusa  
Doug Webb

#### Staff

Suzie Adam  
Shelley Fleming  
Karen Pabón  
Glade Myler

#### Guests

Mark Bennett  
Sandra Carroll  
Joe Curtis  
Cherie Nevin  
Rick Stever  
John Woytak

#### **I. \*CALL TO ORDER**

Richard Brenner called the meeting to order at 9:04 am

#### **II. INTRODUCTIONS**

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

#### **III. \*APPROVAL OF JANUARY 8, 2009 MEETING MINUTES**

Jim O'Brien made a motion to approve the minutes of the January 8, 2009 meeting. Susan Crowley seconded the motion which was approved unanimously.

#### **IV. NEW BUSINESS**

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

*Carson City LEPC* – Stacey Giomi stated Carson City LEPC completed an

exercise involving State agencies which was successful. The exercise included the Legislative Police and the Department of Public Safety (DPS). There were some communications issues. This exercise was not specifically hazardous materials related.

*Lander LEPC* – Mark Bennett advised less than two years ago Lander LEPC was out of compliance. Over the course of the last year, the LEPC has completed an updated hazardous materials emergency response plan. The LEPC met with Lander County School District officials and trained them on the emergency plan. The LEPC has conducted five tabletop exercises. The LEPC met with the Lander Economic Authority and the Chambers of Commerce of Austin and Battle Mountain to discuss developing a business contingency plan. Lander LEPC purchased a medical surge capacity trailer from the State Health Division. The LEPC also purchased a hazardous materials trailer and emergency kits for the Lander County School District. The LEPC is working with the United Way of Great Basin on a reverse 911 and hopes to include five counties in northern Nevada. The State Fire Marshal's Division (SFM) has trained 13 people to the hazardous materials operation level. The LEPC has implemented an emergency responder ID program with 50 volunteers enrolling in the program.

*Mineral LEPC* – Craig Nixon advised Mineral LEPC had a tabletop exercise on March 20, 2009: a chlorine incident. Law enforcement and Nevada Department of Transportation (NDOT) were not represented.

*Lincoln LEPC* – Rick Steyer advised Lincoln LEPC is updating its emergency operations plan (EOP). The LEPC is working on a drill plan and will send notifications out when completed. The amateur radio people have an exercise at the end of June 2009 and the LEPC wants to incorporate this with the use of the EOP. Lincoln LEPC will hold a Public Day to get the community involved.

*Storey LEPC* – Joe Curtis stated the Storey LEPC had meetings with the seismological lab for equipment in Storey County. The LEPC has four training sessions scheduled using HMEP funds. The training will integrate private and public sectors. The resource directory is almost complete. LEPC meetings have been well attended. Storey County does not have a hospital and is negotiating to hire a doctor and a public health nurse. The LEPC is working with the Division of Emergency Management (DEM) to have a functional exercise in 2010 for the Homeland Security Exercise and Evaluation Program (HSEEP). The LEPC is working to get shelter kits out to the public. The LEPC is preparing to upgrade Storey County's threat assessment.

*Clark LEPC* – Jim O'Brien advised due to the President's comments, Las Vegas is losing business. This could negatively affect the Hazmat Explo Conference. The Hazmat Explo Conference may go back to supporting Nevada with a mix of take home knowledge and skills. The budget for Hazmat Explo is being based on Nevada attendees only. It will continue to be marketed nationwide.

## **B. U.S. Environmental Protection Agency Update – Mike Ardito**

Mike Ardito was not present. The EPA newsletter was disseminated.

**C. U.S. Federal Emergency Management Agency (FEMA) Update – John Woytak**

John Woytak gave a brief summary of his background. FEMA, along with local, state and federal government will hold a national exercise in Clark County in 2010. Jim O'Brien, Clark County Emergency Management, Bud Marshall, DEM, will be the points of contact. FEMA, Region IX, held a National Partnership meeting in Las Vegas, Nevada. The Emergency Alert System will change to include text messaging and e-mail. FEMA is providing \$19,000 assistance for the 2009 Hazmat Explo Conference.

**D. Occupational Safety and Health Administration Update – L. Tom Czehowski**

Tom Czehowski was not present and there was no report.

**E. Nevada Division of Emergency Management Update – Frank Siracusa**

Frank Siracusa was not present and there was no report.

**F. Nevada Division of Environmental Protection Update – Tom Porta**

Tom Porta reported on a mine in north Elko County that was closed. The Nevada Department of Environmental Protection (NDEP) has been on site weekly to monitor and manage fluids. The mine was authorized to re-open on March 25, 2009.

NDEP will be receiving stimulus package funding of \$40,000,000 for waste and safe water treatment infrastructure.

**G. Nevada State Fire Marshal Update – James Wright**

Jim Wright stated SFM and SERC staff continue to roll out the implementation of the hazardous materials database. There are problems with the budget due to facilities not reporting. SFM needs to get all the facilities reported.

SFM has been providing hazardous materials training outreach. They held a class for 80 people at the Nevada Test Site.

Dennis Pinkerton, SFM Bureau Chief, will receive the International Fire Service Accreditation Congress certification for firefighter and hazardous material training next week.

Mr. Curtis requested a list of facilities in Storey County which did not report so he can help ensure proper online submission.

**H. Presentation by Defense Logistics Agency, Defense National Stockpile Center regarding transportation and storage of mercury in Nevada – Anil Mehta**

Mr. Anil Mehta, from the Defense Logistics Agency, gave a presentation of the background of mercury in the United States (U.S.). Mr. Mehta advised the Department of Defense has had a mercury program since World War II when it was realized the U.S. did not have enough strategic materials - metals. The U.S. acquired mercury from Japan, as well as from Europe, Spain and Mexico. Mercury was also extracted from Nevada's McDermott mine. He provided information on the transportation processes that will be used when the stockpile is moved to Mineral County. Plans for this move have not been finalized.

*The Commission adjourned to take a break at 10:20 a.m.*

*The Commission reconvened at 10:28 a.m.*

**I. Report of Legislative Committee**

Jim Reagan advised the Legislative Committee has not met and there was no report. He reviewed legislative bills with nothing of interest to SERC.

**J. Report of Strategic Planning Committee**

Ms. Crowley advised the Strategic Planning Committee has not met and there was no report.

**K. Report of Funding Committee**

**1) \*Discussion/Review of recommendation of fiscal year 2010 SERC grant applications submitted by LEPCs to the SERC**

Ms. Pabón advised the spreadsheet showing the Funding Committee recommendations was included in the handouts. Available funds based on projections for fiscal year 2010 total \$633,412.

The Funding Committee held discussions regarding the justifications for bio-detection equipment, defibrillators, maintenance costs and items for SWAT and narcotics task force. Defibrillators and maintenance costs were not recommended for funding.

Ms. Crowley made a motion to approve the Funding Committee recommendation and SERC grant funds of \$469,946. Mr. Porta seconded the motion.

A discussion ensued about Lander LEPC's grant application. Ms. Pabón advised the Funding Committee's recommendation was for denial due the LEPC submitting the application after the deadline. Mr. Bennett stated a number of months ago, Lander LEPC did not have qualified hazardous materials responders. The LEPC had to go to Newmont mines for assistance

since they have technician trained employees. This SERC grant request was to outfit the hazardous materials trailer Lander LEPC purchased last year. Mr. Bennett advised the grant application was approved by the County Commissioners but did not leave their office in a timely manner. He requested SERC consideration to approve the grant award. He stated they could have submitted it in advance without signatures, but they were trying to do the right thing. Ms. Crowley asked Glade Myler, Senior Deputy Attorney General, based upon the SERC policy, can the Commission give an exemption. Mr. Myler advised the SERC cannot be arbitrary and capricious in its decisions. He recommended not approving the grant award since a precedence has been set. Ms. Crowley advised the LEPC may apply for an HMEP grant. Mr. Nixon advised the LEPC has the opportunity to submit an appeal if the grant is denied. Mr. Stever advised Lincoln LEPC appealed and was partially awarded funds.

Ms. Pabón stated Esmeralda LEPC did not submit all requirements until one day after the 45 day requirement. Mr. Giomi advised there are deadlines for a reason. Mr. Reagan advised the package was only received one day late. Mr. Giomi stated there was no rolling deadline. Mr. Farr stated deadlines are needed to provide a level playing field. Mr. Reagan asked if there was a change to the motion resulting in a negative response. Dale Lotspeich stated the Commission needs to take a look at the current policy, whether it needs to be revisited or given to the Policy Committee.

A vote was taken and the motion was approved unanimously.

**2) \*Discussion/Review of recommendation of fiscal year 2010 SERC grant for funding county license for hazardous materials database**

Ms. Pabón advised the bill is due for the 2009 county accessibility license for the database. The first quarter of the 2009 license in the amount of \$4,590 was paid with additional funds awarded for the database. Ms. Pabón explained the remaining amount is \$13,770 for the 2009 county database license. The amount for the 2010 county database licenses is \$19,094.

The Commission asked if this can be a standing award. Mr. Myler recommended not approving for more than four years.

Ms. Crowley made a motion to pay for the county license for the hazardous materials database from a fiscal year 2010 SERC grant. Mr. Farr seconded the motion which was approved unanimously.

**3) Discussion of U.S. Department of Transportation, Hazardous Materials Emergency Preparedness (HMEP) mid-cycle grant applications submitted by LEPCs**

Ms. Pabón advised Storey LEPC applied for an HMEP mid-cycle grant in the

amount of \$8,800 to be used for training. The Funding Committee awarded the funds.

**4) \*Discussion/Review of recommendation of possible changes to the United We Stand (UWS) grant application kit**

Mr. Brenner advised the Funding Committee discussed creating a template for the UWS grant application. Staff will prepare a new application with evaluation factors separated and a link to the State Homeland Security Strategy.

**L. Report of Bylaws Committee**

**1) \*Discussion/Review of recommendation of possible changes to SERC bylaws**

Ms. Pabón advised many of the changes to the SERC Bylaws are administrative. In Article III, Section I, Membership, a new sentence was added under the representation list, “2 members of the Legislature who shall serve as ex-officio members.” In Article V, Section 1: Meetings, the second to the last sentence in the first paragraph will read, “Any members may make a motion and vote with the exception of ex-officio members.” These changes need to be presented to the Commission 30 days before approval and will be voted on at the SERC meeting in July 2009.

**2) \*Discussion/Review of recommendation of the LEPC membership lists for compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA)**

Mr. Farr advised the Bylaws Committee reviewed membership lists. There were some LEPCs out of compliance. Mr. Farr stated the Committee requested staff to present the exceptions for future Committee review.

There has been a good response of new LEPC members from Douglas LEPC.

**3) \*Discussion/Review of recommendation of LEPC bylaws for compliance with EPCRA**

Mr. Farr stated the Bylaws Committee reviews LEPC bylaws annually. The Committee reviews the bylaws to ensure there are no inconsistencies with the SERC bylaws. There was a discrepancy with Lander LEPC’s bylaws involving the calendar year and fiscal year being used interchangeably.

*Revisited Item L. 1*

Mr. Porta asked if there are any problems resulting from previous decisions voted on by Legislative members. Mr. Myler responded there is no problem as this was a mistake of law.

#### **M. Report of Information Technology Committee**

Mr. Brenner advised the Information Technology Committee has not met and there was no report.

#### **N. Report of Policy Committee**

Ms. Pabón advised the Policy Committee has not met and there is no report.

#### **O. \*Discussion regarding possible funding of SERC member travel, workers' compensation insurance, registration and dues from SERC fees rather than highway fund appropriation due to the current condition of the State economy**

Ms. Pabón stated she received an e-mail from the Legislative Council Bureau (LCB). LCB wants SERC to consider funding Commissioners' travel, workers' compensation insurance, registration and dues from SERC fees instead of the highway fund appropriation because of the State's current economy.

Mr. Giomi made a motion to deny taking the Commissioners' travel, workers' compensation insurance and registration and dues from SERC fees. Mr. Farr seconded the motion which was approved unanimously. A discussion ensued. The SERC did not approve of taking the money available to the LEPCs. The Commission was also concerned with the ability to build this operating cost back into future highway fund budgets. Ms. Pabón stated LCB anticipated this to be a temporary request. Mr. Myler stated the SERC should get the temporary status in writing from LCB. Mr. Giomi amended the motion to include Section IV, Items P and Q. Mr. Farr seconded the amended motion which was approved unanimously.

#### **P. \*Discussion regarding possible funding of an additional VeriSign Security Certificate for the backup database/online reporting system server from SERC fees rather than highway fund appropriation due to the current condition of the State economy**

This item was discussed in Section IV, Item O.

#### **Q. \*Discussion regarding possible funding of an information technology switch and firewall for the backup database/online reporting system server from SERC fees rather than highway fund appropriation due to the current condition of the State economy**

This item was discussed in Section IV, Item O. Ms. Pabón advised, for the record, these items are no longer needed pursuant to the direction from the Department of Public Safety/Information Technology.

#### **R. \*Discussion regarding possible uses of HMEP Planning funds**

Ms. Pabón discussed HMEP planning money and ideas for uses of the funds. There is approximately \$92,000 available. At a previous Funding Committee meeting, three ideas were recommended: 1) create a template or planned development for all emergency response plans; 2) commodity flow studies, and 3) update resource lists.

Ms. Pabón had a discussion with consultant Patrick Steinmetz who works on these types of items. Mr. Steinmetz advised the plan template or a planned development statewide was a good idea. Mr. Steinmetz has experience and the resources to do this. Ms. Pabón stated SERC's previous concerns were with SERC dictating to LEPCs how their plan should be done and having them prepared without the understanding of those who need to use it. There were comments made on this suggestion at the Funding Committee meeting and this idea was not well received.

Mr. Steinmetz recommended commodity flow studies of the Reno and Las Vegas areas. Mr. Steinmetz believes trends through either Reno or Las Vegas areas would show the trends throughout the State. Ms. Pabón suggested Elko and Ely be included. Funding would cover data collection, coordination and statistical analysis.

Mr. Steinmetz did not recommend updating resource lists as it is a wasted effort and out of date almost immediately.

Mr. Steinmetz recommended exercises are always a good expenditure. Ms. Pabón advised Mr. Steinmetz can do tabletops for \$15,000-20,000, functional at \$30,000 and full scale at \$40,000 and up.

A discussion ensued. Any process of using this funding at State level would require a contract and Board of Examiner approval. The Funding Committee recommended staying with the current practice of allowing LEPCs to request funding through the grant or mid-cycle process. Mr. Lotspeich asked if the funds could be used to hire a contractor to help LEPCs come into compliance. Ms. Pabón advised the funds could be used for this purpose.

No action was taken.

## **S. Report of Executive Director**

### **1. Compliance report**

Ms. Pabón advised Elko LEPC remains out of compliance. Humboldt LEPC has come into compliance and is pending review of its plan updates. They did not apply for a grant but will be eligible for the operations funds.

### **2. Database update**

Ms. Pabón stated the database is up and running and has been accessed by

1,705 company users. There are approximately 3,240 submissions in the system with 1,500 permits issued thus far. There is a long way to go to verify information from the old system as there are over 5,300 companies in the system including those converted from the old database. SFM and SERC staff have been working on issues including incorrect reporting and billing. Currently, not many responders/ planners have registered for a user name.

Staff plans to send more information to responders and planners as the first year submissions are completed.

### **3. Budget update**

Ms. Pabón stated the budget process of the current legislature is almost complete. Items in the Governor recommended phase remain in the budget except for those discussed in Section IV, Item O of this agenda.

### **4. Status of request for Attorney General's opinion**

Mr. Brenner advised in January 2009, the Commission requested an Attorney General's (AG) opinion on the Governor's Executive Order. He received the AG's opinion. The AG's office stated the Governor's Executive Order does not conflict with Nevada Revised Statutes. Ms. Crowley asked if the funds for the LEPCs would be overseen by the Department Public Safety. Mr. Brenner stated that issue was not answered in the AG's opinion. Mr. Myler advised under a new administration, this executive order will no longer be in effect.

The next SERC meeting will be July 9, 2009 in Reno at the Sparks Job Connect.

## **V. PUBLIC COMMENTS**

Mr. Myler advised Senate Bill 308 introduced by Senator Nolan that may pertain to SERC, involving emergency response plans, evacuation and immunity, has been withdrawn.

## **VI. \*ADJOURNMENT**

Carl Byrd made a motion to adjourn at 12:02 pm.