

Minutes

Nevada State Emergency Response Commission (SERC)

Second Quarterly Meeting

Thursday, April 09, 2015 – 9:00am

Reno
Nevada Board of Professional Engineers and Land Surveyors
Board Room
1755 East Plumb Lane, Suite 135
Reno, NV

Members Present

Richard Brenner, Co-Chair
Thomas Burns
Susan Crowley
Matthew DeBurle
John Helmreich
Karen Luna
Resty Malidcem
Peter Mulvihill, Co-Chair
Jim Reagan
Jeff Whitesides

Members Absent

Paul Enos
Stacey Giomi
Clinton Hayes
Chris Smith

Staff

Karen Pabón
Tami Beauregard
Lori Story

Guests

Joe Curtis
Chris Ingram
Bill Jones
Dan Meer
Jim Wulff

1. **CALL TO ORDER**

Peter Mulvihill called the meeting to order at 9:01am.

2. **INTRODUCTIONS**

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

3. **PUBLIC COMMENT**

Mr. Mulvihill called for public comment. There was none.

4. **APPROVAL OF JANUARY 08, 2015 MEETING MINUTES**

Jim Reagan made a motion to approve the January 08, 2015 SERC meetings minutes. Susan Crowley seconded the motion which was approved unanimously.

5. **LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) UPDATE**

Storey County LEPC – Joe Curtis noted the minutes from the LEPC meeting held on April 08, 2015 approving the SERC grant application will be submitted shortly.

Mr. Curtis added there have been no recent incidents.

Mr. Curtis stated the LEPC is in the early planning stages to conduct an exercise with Tesla towards the end of next year and planning a quad county exercise at the industrial complex with Ardagh Group, who manufacture aluminum cans.

Mr. Curtis added the LEPC is continuing the public outreach program and looking at exercises with mining companies to include cyanide.

Clark County LEPC – Richard Brenner stated the LEPC is working with the Henderson Fire Department's technician hazmat team for gasoline tanker truck training in April and Hazmat Incident Command Training Course, both training projects are funded through HMEP grants.

Mr. Brenner added the LEPC had four days of training with the Union Pacific Railroad. Mr. Brenner also noted the LEPC is coordinating with the Department of Energy (DOE) for three days of radiation training at various hospitals.

Washoe County LEPC – Jeff Whitesides stated Aaron Kenneston is beginning to vet the Online Hazmat Reporting System for Tier II facilities information. Mr. Whitesides add the hazard mitigation plan update is continuing and making good progress.

6. U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) UPDATE

Agenda items #6 and #7 were combined at the discretion of the co-chairs.

7. EPA – DEPARTMENT OF HOMELAND SECURITY (DHS) / FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) PRESENTATION ON EXECUTIVE ORDER 13650 REGARDING IMPROVING CHEMICAL FACILITY SAFETY AND SECURITY

Bill Jones with the USEPA, Dan Meer with USEPA and James Wulff with US Department of Labor gave a presentation.

Mr. Meer stated Nevada has a very organized SERC.

Mr. Meer gave a synopsis of general EPA activities within Nevada including: cleanup assistance with a mercury spill in a Winnemucca Junior High School; cleanup assistance at a dumpsite in the middle of Winnemucca on tribal land with an access issue; cleanup assistance in Searchlight at the Black Bear site with an access issue as the site is private property; cleanup assistance in Eureka from arsenic during the historic smelting operations, highest levels ever seen; and Anaconda Mine cleanup assistance.

Mr. Meer stated the reason for the Presidential Executive Order 13650 and noted it is to improve facility's safety and security.

Mr. Meer noted the federal agencies are charged with communicating with SERCs and LEPCs to make sure everyone has good communication and a good understanding of the threats and high risk facilities in the communities. Mr. Meer added a tri-chair has been formed, to include James Wulff, Dan Meer and Rodney Locket, Department of Homeland Security. Mr. Meer also noted participation from the state and local agencies is needed.

Mr. Meer stated there are good opportunities with the HMEP grant process providing exercises and training, focusing on chemical facility safety. Mr. Meer added the fundamental premise is incidents start and end locally, so good communication is necessary.

Mr. Meer noted federal agencies cannot come in and dictate how state and local communities are to operate with regards to facility safety. Mr. Meer added the tri-chair needs to talk about what they are trying to accomplish and what the best way to accomplish their goal is. Mr. Meer also noted they have had a few teleconferences to describe and publish what they are working on.

Mr. Meer stated they are trying to develop a set of Standard Operating Guidelines (SOG), focusing on data management and inspection reform, for example if a local fire department is having an issue with a Tier II facility, USEPA can go with the fire department to address the issue. Mr. Meer also noted it will be important to use private sector resources.

Mr. Wulff noted there is a handout summarizing the work Region 9 is doing.

Mr. Wulff added they want to work with Nevada OSHA to help coordinate information on facilities having chemicals falling under Tier II.

Mr. Jones stated there will be national level online training available in June.

Mr. Meer added a web portal has been established by the Office of Management and Budget (OMB), located at max@omb.eop.gov, regarding the executive order in Region 9.

Mr. Brenner stated the SERC is looking forwarding to working with this group.

A discussion ensued regarding different types of chemicals within the state, including ammonium nitrate, fireworks and crude oil. Mr. Brenner noted Nevada has a Chemical Accident Prevention Program through the Nevada Division of Environmental Protection (NDEP) and they review specific chemicals and thresholds to make sure all policies, procedures and guidelines are in place.

A discussion ensued regarding how much information facilities are required to give the public, what information is available in the Nevada Online Hazmat Reporting System

and who is allowed to view this information. Mr. Meer noted this issue will be addressed in the SOG.

8. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UPDATE

Karen Pabón advised there was nothing new to report.

9. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) UPDATE

Resty Malidcem advised there was nothing new to report.

10. NEVADA DIVISION OF EMERGENCY MANAGEMENT (DEM) UPDATE

Mr. Mulvihill stated Chief Smith has accepted an appointment with FEMA as the Individual Assistance Director and his last day is April 17th. Mr. Mulvihill added he will be the DEM acting Chief and Jim Wright will be filling in as the Homeland Security Advisor.

Mr. Mulvihill noted the National Guard Civil Support Team (CST) is in the process of moving to Carson City from Las Vegas and a public open house will be held soon.

Mr. Mulvihill added AB90, Intrastate Mutual Aid Compact, passed the Assembly and will be going to the Senate Government Affairs Committee with one friendly amendment. Mr. Mulvihill gave a synopsis of the bill.

Mr. Brenner added the DEM is in the middle of the Homeland Security grant program. Mr. Mulvihill stated the DEM has a compressed calendar this year with less money and a shorter time frame for the grant process.

11. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) UPDATE

Matt DeBurle advised there was nothing to report.

12. NEVADA STATE FIRE MARSHAL DIVISION (SFM) UPDATE

Mr. Mulvihill advised the Legislative Commission approved regulation packages for the SFM Division; R123-13, R125-13 amending NAC Chapter 477. Mr. Mulvihill stated R123-13 was a periodic complete review and overhaul of the chapter and updated the codes. Mr. Mulvihill noted R125-13 was in response to the Live Fire Training accident in North Las Vegas.

Mr. Mulvihill noted the budget has been moving through the Legislature with no major changes and the closing will be heard next week.

Mr. Mulvihill added the Hazmat Technician course was completed with all passing.

Mr. Mulvihill stated the SFM received an Assistant Firefighters Grant (AFG) last year for training props, including an LPG vehicle for burning and a portable SCBA maze. Mr. Mulvihill added both items will be received in time for the Nevada State Firefighters Annual Training Conference in Virginia City during June.

Mr. Mulvihill added the SFM training calendar is posted on the website. Mr. Mulvihill also noted the SFM has made a major change to their website, adding a Hot Topics button, including links to statues; alerts and press releases; reports of interest; SFM opinions; American Red Cross; and recalls.

Mr. Mulvihill noted funding for one Hazmat Technician Training Course in each fiscal year, is in the new biennial budget.

Mr. Brenner also added the SFM is responsible to provide training for the different levels of response (awareness, operations, technician, specialists and incident commander), in accordance with adopted national professional qualifications standards.

13. REPORT OF LEGISLATIVE COMMITTEE

Mr. Reagan advised there was nothing new to report.

14. REPORT OF FUNDING COMMITTEE

a. Deobligation of Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Grant Funds for the Clark County LEPC

Mr. Brenner stated the Clark County LEPC did not submit the meeting minutes approving the grant application in time to meet contingencies. Mr. Brenner noted the Funding Committee approved the deobligation of the Clark County LEPC mid-cycle grant application. Mr. Brenner then added the LEPC has submitted a new grant application.

b. Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Grant Applications

Mr. Brenner gave a synopsis of how the HMEP grant money is collected, how the grant money is granted from the USDOT and what the grant money can be used for.

Tami Beauregard stated the following HMEP mid-cycle grant requests were approved by the Funding Committee:

Clark County LEPC for Disaster Response Training in the amount of \$14,900, contingent on approval from USDOT;

Clark County LEPC for Hazmat Training in the amount of \$9,000, contingent on approval from USDOT and application signatures;

Clark County LEPC for the Continuing Challenge Conference in the amount of \$15,220, contingent on application signatures;

Douglas County LEPC for the Continuing Challenge Conference in the amount of \$5,584, with no contingencies; and

Washoe County LEPC for the Continuing Challenge Conference in the amount of \$2,966, with no contingencies.

Ms. Beauregard added with the above awards and \$4,500 awarded to send the Co-Chair and staff to NASTTPO, the remaining balance in Training is \$35,350 and the remaining balance in Planning is \$25,195.

Mr. Brenner asked if a memo will go out to the LEPCs letting them know of the balances for mid-cycle grants. Ms. Pabón stated the LEPCs are advised quarterly of mid-cycle grant balances or when an amount changes.

c. Review of U.S. Department of Transportation, Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Grant Allocation for SERC Co-Chair and Staff to Attend The National Association of SARA Title III Program Officials (NASTTPO) Conference

As previously noted in this meeting, the Funding Committee awarded \$4,500 for the SERC Co-Chair, Mr. Brenner and one staff member to attend the NASTTPO Conference.

Mr. Brenner gave a synopsis the NASTTPO Conference.

d. Report of SERC Planning and Training Subcommittee

Ms. Beauregard stated the following LEPCs had a notice of deficiencies due April 12, 2015 from the Planning and Training Subcommittee:

Douglas County LEPC had plan and exercise deficiencies which were received on April 02, 2015;

Elko County LEPC needs plan updates and an exercise/incident report. The level of response questionnaire and letter of promulgation were received on April 08, 2015;

Esmeralda County LEPC needs plan updates, exercise/incident report, level of response questionnaire and letter of promulgation. Ms. Beauregard added since the LEPC did not do an exercise in 2014 and is already out of compliance, they did not do any of the other requirements;

Lander County LEPC had exercise deficiencies, needed an updated facilities list, letter of promulgation which were received on April 07, 2015;

Lincoln County LEPC had exercise deficiencies which were received on April 08, 2015;

Mineral County LEPC needs plan updates, exercise/incident report, level of response questionnaire and letter of promulgation; and

Nye County LEPC had exercise deficiencies which were received on April 02, 2015.

Ms. Pabón noted from a policy standpoint if the LEPCs do not meet the deficiency deadline of April 12th, they stand to lose any grants from the SERC until they come into compliance the following year. Ms. Pabón added Ms. Beauregard has been in contact with the LEPCs to have all deficiencies corrected.

Mr. Mulvihill asked if a motion was needed. Ms. Pabón stated no action was needed.

e. Review of FY2016 SERC Grant Applications Submitted by LEPCs and State Agencies

Ms. Beauregard listed the grant request, any contingencies, the Planning and Training Subcommittee recommendation, the Funding Committee recommendation and any staff notes for the following LEPCs:

Carson City LEPC – recommended approval from both Committees with \$24,299 in Equipment, \$4,000 in Operations and the LEPC has no contingencies;

Churchill County LEPC – recommended approval from both Committees with \$24,576 in Equipment, \$4,000 in Operations and the LEPC has no contingencies;

Clark County LEPC – recommended approval from both Committees with \$24,526 in Equipment, \$4,000 in Operations and the LEPC has no contingencies;

Douglas County LEPC – recommended approval from both Committees with \$24,931 in Equipment, \$4,000 in Operations and the LEPC's contingency is approval of the exercise deficiencies;

Elko County LEPC – recommended approval from both Committees with \$24,988 in Equipment, \$4,000 in Operations and the LEPC's contingencies are approval of the plan updates and submission of the exercise/incident report by April 12, 2015 and meeting minutes approving the grant application;

Esmeralda County LEPC – did not submit a grant application;

Eureka County LEPC – recommended approval from both Committees with \$24,264 in Equipment, \$4,000 in Operations and the LEPC has no contingencies;

Humboldt County LEPC – recommended approval from both Committees with \$24,960 in Equipment, \$4,000 in Operations and the LEPC’s contingencies are submission of a corrected membership list, meeting minutes approving the grant application and a corrected title page;

Lincoln County LEPC – recommended approval from both Committees with \$24,993 in Equipment, \$4,000 in Operations and the LEPC’s contingencies are approval of the exercise corrections;

Lyon County LEPC – recommended approval from both Committees with \$17,802 in Equipment, \$7,196 in Training, \$4,000 in Operations and the LEPC has no contingencies;

Mineral County LEPC – recommended approval from both Committees with \$23,970 in Equipment, \$4,000 in Operations and the LEPC’s contingencies are submission of plan updates, level of response questionnaire, exercise/incident report and letter of promulgation by April 12, 2015. Additional contingencies are submission of a membership list, meeting minutes approving the grant application, affidavit of publication, compliance certification, minutes from the December 18, 2014 meeting and minutes from January 27, 2015 meeting;

Nye County LEPC – recommended approval from both Committees with \$24,970 in Equipment, \$4,000 in Operations and the LEPC’s contingency is approval of the exercise corrections;

Pershing County LEPC – recommended approval from both Committees with \$24,971 in Equipment, \$4,000 in Operations and the LEPC’s contingency is submission of meeting minutes approving the grant application;

Storey County LEPC – recommended approval from both Committees with \$24,606 in Equipment, \$394 in Training, \$4,000 in Operations and the LEPC has no contingencies;

Washoe County LEPC – recommended approval from both Committees with \$24,977 in Equipment, \$4,000 in Operations and the LEPC has no contingencies; and

White Pine County LEPC – recommended approval from both Committees with \$24,703 in Equipment, \$4,000 in Operations and the LEPC has no contingencies.

Tom Burns made a motion to approve the above SERC grant applications requests subject to noted contingencies. Ms. Crowley seconded the motion.

Ms. Crowley asked how the LEPCs are notified of their deficiencies. Ms. Pabón stated after each Planning and Training Subcommittee meeting and after the Funding Committee meeting staff notifies all LEPCs of the results from the

meeting. Ms. Pabón also added the items noted above are recommendations to the SERC and have not been previously approved.

Mr. Mulvihill called for a vote which was approved unanimously.

Ms. Beauregard stated the details with regards to the Lander County LEPC – both Committees recommend to not approve the grant application due to the equipment not being in line with their level of response as awareness. Ms. Beauregard added the LEPC submitted a new justification for the item and an agreement with Newmont Mining who responds at a technician level. Ms. Beauregard also noted the LEPC has no contingencies.

Ms. Crowley gave a synopsis of why the Funding Committee did not approve the requested item.

Mr. Brenner added he had just reviewed the updated level of response questionnaire and agreement with Newmont Mining as a technician level gives a good justification for the requested item.

Ms. Crowley made a motion to approve the Lander County SERC grant application request on \$25,000 in Equipment and \$4,000 in Operations. Jeff Whitesides seconded the motion which was approved unanimously.

Ms. Pabón noted the budget information is at the bottom of the last page of the spreadsheet. Ms. Beauregard stated the total requested and already obligated amount is \$665,516 and the available SERC funds available is \$740,351, which is a very conservative projection.

f. Review Cost from IDSi International, Inc. and Amend Contract to Change the Online Payment Company from FirstData, PayPoint to Wells Fargo in the Online Hazmat Reporting System

Mr. Mulvihill stated there is a change order from IDSi due to the State Treasurer's Office changing the online payment vendor from FirstData, PayPoint to Wells Fargo.

Mr. Mulvihill added Patrick Bowers from the SFM Division is working with the State Treasurer's Office to see if they have any funds for this change order.

Mr. Mulvihill noted a benefit from this change will be the ability to use debit and charge cards, including Visa and Master Card.

Ms. Pabón added the Funding Committee recommended approval not to exceed \$6,000.

Ms. Crowley made a motion to approve up to \$6,000 for IDSi to make the change in the Online Hazmat Reporting System if funds are not received from the Treasurer's Office. Mr. Burns seconded the motion which was approved unanimously.

15. REPORT OF POLICY COMMITTEE

Mr. Mulvihill advised there was nothing new to report.

16. REPORT OF BYLAWS COMMITTEE

Mr. Mulvihill advised there was nothing new to report.

Mr. Mulvihill stated every ten years all state regulations must be reviewed and the SERC regulations, in Nevada Administrative Code (NAC) Chapter 459, were reviewed eight years ago.

Mr. Mulvihill added the timeline to review statutes is from July 1 of odd years to June 30 of even years and noted this year is the time for the SERC to review its regulations.

Mr. Mulvihill gave a synopsis of the process for updating state regulations. Mr. Mulvihill added if the regulations are not reviewed in the ten year period, the regulations become suspended.

Mr. Mulvihill stated the SERC NAC sections are 459.9912 through 459.99189.

Ms. Pabón stated in the past it was the Legislative Committee who is charged with updating the SERC regulations. Mr. Mulvihill added the Policy and Legislative Committees will work together on this project.

Mr. Mulvihill stated the SERC Nevada Revised Statutes (NRS) sections are 459.735 through 459.744.

Mr. Mulvihill asked what the Planning and Training Subcommittee needed reviewed. Ms. Pabón noted the Planning and Training Subcommittee asked the Policy Committee to review a checklist list for the LEPCs to fill out for the items due by January 31st and to have the Policy Committee decide if the checklist will be a requirement for the LEPCs to provide the SERC.

17. FIRESHOWSWEST (FSW) COMMITTEE UPDATE

Mr. Brenner reviewed the report handed out and gave an update of the Committee.

A discussion ensued regarding what the HMEP grant funds from USDOT will cover for FSW.

Mr. Mulvihill noted the last day of FSW is the date of the 4th quarterly SERC meeting. Mr. Mulvihill added the SERC meeting may have to change and the decision for the new date will be decided at the July SERC meeting.

Ms. Pabón stated the HMEP mid-cycle grant application to the LEPCs for FSW will open at the end of May with a due date at the beginning of July and the awards will go out at the beginning of August.

Ms Crowley asked how the FSW grants will be approved. Ms. Pabón noted this is a mid-cycle grant application and the Funding Committee will approve.

Ms. Pabón stated staff requested an extension of the current HMEP grant from USDOT to cover FSW in October. Ms. Pabón added if the extension is not approved, SERC fees can be used.

18. REVIEW OF THE FEDERAL FISCAL YEAR 2015 APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION (USDOT) FOR THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT

Ms. Beauregard stated the narrative portion of the grant was e-mailed to all Commissioners a couple weeks ago for review. Ms. Beauregard added the grant is for hazardous materials planning and training with eighty percent federally funded and twenty percent funded through SERC fees.

Ms. Beauregard noted the application was standard to the previous years with one specific request from the Storey County LEPC and if the items are approved in the federal award they will not need separate USDOT approval before awarding the subgrant.

Ms. Beauregard stated the application deadline was April 3rd and the application was submitted on March 31st for \$65,236 in Planning and \$115,342 in Training. Ms. Beauregard added the award is due to be granted in September from the USDOT.

Ms. Beauregard noted staff will announce the grant requests in mid July for an end of August due date. Ms. Beauregard also noted the initial grant dates for the LEPCs will run from SERC approval to June 30, 2016, giving the SERC an additional three months re-obligate remaining monies with the mid-cycle grants.

Ms. Pabón stated the amounts noted in the grant application are provided by USDOT and the USDOT has not had an issue in the past with moving funds from Planning to Training or vice versa.

Mr. Burns made a motion to approve the Federal Fiscal Year 2015 application to the USDOT for the HMEP grant. Ms. Crowley seconded the motion which was approved unanimously.

19. REPORT OF EXECUTIVE DIRECTOR

a. Budget – Report on Budget activities occurring since the last SERC quarterly meeting and any future activities

Ms. Beauregard noted the SERC and HMEP balances were discussed during the grant applications update.

Ms. Beauregard added the UWS available funds are \$366,506 with \$462,621 already spent or obligated leaving a negative balance of about \$96,000. Ms.

Beauregard stated there are two payments still to be received in this fiscal year and they average around \$85,000 each.

Mr. Mulvihill added the Legislative biennium budget closing for SERC is April 15th. Ms. Pabón added so far there have been no questions from the Legislative Counsel Bureau on the budget.

b. LEPC compliance report – Report on LEPC compliance issues occurring since the last SERC quarterly meeting and any future activities

Ms. Beauregard noted the compliance issues were addressed in the grant applications update.

c. Hazmat reporting system – Report on current year reporting and system updates

Ms. Pabón stated the system was rolled out since the last SERC meeting and was not as smooth as expected. Ms. Pabón added the vendor has done many updates and continues to work on outstanding issues.

Mr. Mulvihill noted at the beginning of the year the SFM was about \$100,000 down in revenue but is now only about \$21,000 down.

Ms. Pabón stated the biggest issue with the system was right around March 1st which is the deadline for businesses to renew their permit. Ms. Pabón added the SFM extended the deadline to April 1st and the SERC notified Jeremy Johnstone with the EPA of the system issues and the extended deadline.

Ms. Pabón noted there are 5,972 active facilities, 4,631 facilities with a completed report, 59 facilities with an initiated report, 3,432 facilities with issued permits, 1,258 facilities with pending permits and 1,282 facilities with no initiated report.

Mr. Mulvihill noted pending permits are due to the company not having paid the fees yet.

Ms. Pabón added out of the roughly 6,000 active facilities about a quarter of them are Tier II facilities.

A discussion ensued regarding who inspects the Tier II facilities. Mr. Mulvihill added the local fire departments will be notified when facilities in their area have not completed an annual report, specifically in the large cities that have the authority to inspect the Tier II facilities. Mr. Mulvihill noted the SFM has the authority to inspect the Tier II facilities in the rural areas.

d. Toxic Release Inventory (TRI) Viewer program – Report on contract for system upgrade

Ms. Pabón stated the TRI program had to be updated from the Oracle to the SQL Server database software due to the upgrade of the Tier II platform. Ms. Pabón added this program is with a different vendor and there are issues being worked through.

Ms. Pabón noted TRI reports are due July 1st. Ms. Pabón noted the new program is for staff to easily view the TRI reports.

A discussion ensued regarding the fee structure and what types of chemicals are reported on the TRI reports. Ms. Pabón noted facilities report releases of chemicals pursuant to EPCRA, the fee is \$500 per form R (up to \$7,500 maximum) and there are about 120 facilities reporting under this program. Mr. Brenner added most reporting facilities are in the mining industry.

Additional items:

Ms. Pabón added this is her last SERC meeting as May 4th is her last day.

Ms. Pabón stated when she was hired by the SERC, the entire Commission interviewed her. Ms. Pabón stated the SERC needs to determine the process it would follow for hiring a replacement. Mr. Mulvihill noted Ms. Pabón's position is in the classified service of the State and all state personnel rules and regulations will be followed to fill her position. Mr. Mulvihill added he and Co-Chair Mr. Brenner will start the process as soon as Ms. Pabón submits her retirement notice.

20. PUBLIC COMMENT

Mr. Mulvihill called for public comment. There was none.

21. ADJOURNMENT

Mr. Burns made a motion to adjourn the meeting at 11:47am. Mr. Brenner seconded the motion which was approved unanimously.