

Minutes

Nevada State Emergency Response Commission (SERC)

Third Quarter Meeting

Thursday, July 09, 2015 – 9:30 a.m.

Video Conference

Carson City

NDOT Conference Room
1263 S. Stewart Street
Carson City, NV

Las Vegas

NDOT Conference Room
123 E. Washington Avenue
Las Vegas, NV

Elko

NDOT Training Room
1951 Idaho Street
Elko, NV

Members Present

Richard Brenner, Co-Chair*
Susan Crowley*
Matt DeBurle
Robert Fash*
Matthew Griego*
Clinton Hayes
John Helmreich
Karen Luna*
Resty Malicdem*
Peter Mulvihill, Co-Chair*
Jim Reagan
Eric Santos*

Members Absent

Tom Burns
Paul Enos
Stacey Giomi

Staff

Stephanie Parker
Tami Beauregard
Nathan Hastings

Guests

Stacey Belt
Brian Burgess*
Tom Dunkelman
Bob Schreihans
John Woytak

*videoconference

1. CALL TO ORDER

Peter Mulvihill called the meeting to order at 9:30am.

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 APRIL 09, 2015 MEETING MINUTES

Susan Crowley made a motion to approve the April 09, 2015 SERC meeting minutes. Jim Reagan seconded the motion which was approved unanimously.

5. LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) UPDATE

Elko County LEPC – Brian Burgess stated that the LEPC participated in the City’s earthquake full scale exercise in June. Mr. Burgess noted the goal was to help coordinate a hazardous materials response using both public and private industries. Mr. Burgess also added corrections needed to the hazardous materials plan and fixes needed in the Emergency Operations Center were identified. Mr. Burgess stated the LEPC received a SERC grant and is working on closing the United We Stand (UWS) grant.

Mr. Mulvihill asked the Commission how the videoconference communication is working and the Commission replied it is working well.

Clark County LEPC – Richard Brenner reported that the Henderson Fire Department developed a Hazmat Team that went live in January. Mr. Brenner added in April the LEPC worked with the team on a gas tanker truck exercise and in June the LEPC had hazardous materials safety and group operations training. Mr. Brenner also noted that the LEPC has begun the process to update the hazardous materials plan. Mr. Brenner added there was an exercise with NV Energy, the Las Vegas Metropolitan Police Department (Metro) and the Las Vegas Fire & Rescue Hazmat Team incorporating ammonium hydroxide. Mr. Brenner also noted a bio watch exercise is currently being developed with the Department of Homeland Security.

Carson City LEPC – Chief Bob Schreihans reported that the Carson City LEPC is working on revising the hazardous materials plan. Chief Schreihans stated that the LEPC is preparing to purchase the satellite system approved with the SERC grant. Chief Schreihans also added the county is very busy but doing well.

Washoe County LEPC – Clint Hayes announced that the Sparks Fire Department will be hosting bio regional training. Mr. Hayes added the LEPC is working on cleaning up the state database and contacting each facility to verify accuracy. Mr. Hayes also noted there have been no major incidents in the county, although the Washington Fire, lightning and flooding have been tasking the local resources. Mr. Hayes added a joint academy graduated from Carson Fire and the ten graduates are from Central Lyon County and Truckee Meadows Fire District. The graduates are at the operations level.

Nye County LEPC – Stephanie Parker read an update from the Nye County LEPC submitted from Vance Payne, noting the items purchased from grants received from the SERC to include; radio equipment for various entities allowing communication with the different response teams; personal protective equipment items; and thermal imagery camera, putting them in NFPA 1801 compliance. Ms. Parker added the LEPC teamed up with the Transportation Emergency Preparedness Program to help with modular emergency response radiological transportation testing. Ms. Parker also stated with the support of the SERC and the UWS awards, the Nye County LEPC and the first responders are better prepared for hazardous material emergencies and the LEPC thanks the SERC for their support.

6. NON STATE AGENCY UPDATE

a. U.S. Environmental Protection Agency (EPA)

Tom Dunkelman stated that in May the EPA conducted a clean-up at the Black Bear site in Searchlight; this was an unpermitted mine with a lot of hazardous materials in various containers. Mr. Dunkelman added that the state asked for help and the clean-up was coordinated closely with Clark County and Metro provided the security.

Mr. Dunkelman reported that in February the EPA responded to a mercury spill at the Winnemucca Junior High School, providing assistance to the school district.

Mr. Dunkelman also stated the EPA has an interest in writing a response plan for the Humboldt River. He added that the EPA, in conjunction with other agencies, have written primarily oil spill response plans but they include hazardous materials plans as well for the majority of the water bodies in Nevada. Mr. Dunkelman stated that the EPA has been working with the Nevada Division of Environment Protection (NDEP), Nevada Division of Emergency Management (NDEM), United States Geological Survey (USGS) and now needs to talk with people in Elko and Winnemucca to start the process.

Mr. Brenner asked if the Regional Response Team (RRT) is planning to meet in Las Vegas sometime. Mr. Dunkelman stated that next week's meeting will be in Sacramento, but believes they will meet in Las Vegas this fall. John Woytak stated they will meet in Las Vegas at the end of October.

b. Federal Emergency Management Agency (FEMA)

Mr. Woytak confirmed the RRT will be meeting in Sacramento next week.

Mr. Woytak reported that the current open disaster in Nevada is the Moapa Band flooding and this should close within the next few months.

Mr. Woytak added that the Continuing Challenge Conference will be in Sacramento in September; registration is now open at hazmat.org.

Mr. Woytak also noted that the size of the EOC is doubling and should be done in six months.

Mr. Woytak stated there is a new Regional Administrator, Robert Fenton.

Mr. Woytak also added FEMA is working on a cyber exercise for sometime next year in Nevada.

7. STATE AGENCY UPDATE

a. Nevada Division of Emergency Management (NDEM)

Mr. Mulvihill reported he has been the acting Chief of the NDEM since Chris Smith left about two months ago to join FEMA in Washington, DC. Mr. Mulvihill stated that the new Chief is Caleb Cage and his first day was July 6th. Mr. Mulvihill noted Mr. Cage was Governor Sandoval's policy advisor for veteran's issues, prior to that he ran the State Office of Veterans Affairs, spent five years in the Army, a West Point graduate and a native of Sparks. Mr. Cage has indicated he is up to the task of being the new Chief.

Mr. Mulvihill added AB90 (Intrastate and Interstate Agreement) passed and became effective July 1st. Mr. Mulvihill gave a synopsis of the agreement and recognized Mr. Reagan for his assistance in speaking at the Legislature on behalf of the SERC.

Mr. Mulvihill stated there is new terminology in NRS 459 changing vehicle accidents to vehicle crashes, which is more in line with the Department of Transportation, Public Safety and Law Enforcement accident reporting descriptions.

Mr. Mulvihill advised there is new language in the Open Meeting Law; there was nothing significant except for administrative posting details that staff will address.

b. Nevada State Fire Marshal Division (SFM)

Mr. Mulvihill stated that both the NDEM and SFM budgets were approved as recommended by the Governor with no cuts. Mr. Mulvihill noted programs are continuing but the State is not in a position to expand services, although the State seems comfortably past the point of going through cuts and reductions on a regular basis. Mr. Mulvihill added there are no more employee furloughs which is good for both the employees and the agencies.

Mr. Mulvihill noted fire fatalities are significantly down from years past, unfortunately there have been five in four separate fire incidents; which is more than half below in past years. Mr. Mulvihill added there were two serious fire injuries at the Pahrump July 4th fireworks show.

Mr. Mulvihill reported that the Online Hazmat Report System database needs a lot of patches and is not fully functional or reliable. Mr. Mulvihill added the state contract personnel are reviewing the performance of the vendor. Mr. Mulvihill noted we will continue to work with the vendor but will be looking for a new vendor when this contract expires.

Nathan Hastings, Commission counsel, offered his assistance to review the contract.

A discussion ensued with regards to what the database is used for, how many people are working on the issues in the system, and if other states are using this vendor. Ms. Susan Crowley questioned if the SERC can provide input on needs and wants and Mr. Brenner asked if SERC should have the Information Technology (IT) Committee meet again and what the state regulations are for choosing a new vendor. Mr. Mulvihill stated we will keep the Commission posted and will involve the Commission in the process for any potential RFP process administrated by State Purchasing and will have additional information as the current contract is finished with the current vendor. The current vendor contract is for two more years.

Mr. Mulvihill stated that the fire prevention track at FireShowsWest (FSW) was very successful last year and was invited back again this year. Mr. Mulvihill also noted there is a two day pre-conference program available from the International Fire Marshals Association called "Fire Protection Engineering for the AHJ", giving Fire Inspectors insight on the awareness of what Fire Protection Engineering is about.

Mr. Mulvihill noted the following staff changes: Stephanie Parker is new with the SERC coming from NDEM; Denesa Johnston has gone to Public Works, her replacement is Gwen Barrett from Nevada Division of Investigations (NDI) and she will start July 20th; and Lori DeGristina went to NDEM and her replacement is Josh Halterman, he started May 4th, coming from the Hawthorne Army Depot Fire Department.

Ms. Crowley asked if the new NDEM Chief will be joining the SERC. Mr. Mulvihill stated he has filled out the application requesting to be appointed a Commissioner.

c. Nevada Division of Environmental Protection (NDEP)

Matthew DeBurle stated there was nothing new to report.

d. Nevada Division of Industrial Relations, OSHA Unit

Resty Malicdem stated there was nothing new to report. Mr. Malicdem reminded interested parties that Nevada OSHA has coverage 24-hours a day to respond to reports of industrial/workplace accidents involving employee fatalities or hospitalization of three or more employees, there is no need to wait for the next business day. Mr. Malicdem added this reporting is an NRS requirement for employers. Mr. Malicdem also emphasized that Nevada did not adopt the new Federal OSHA reporting requirements that were effective January 1, 2015, emphasizing Nevada's requirements remain the same as stated in NRS 618.

8. SERC COMMITTEE REPORTS

a. Legislative Committee

Mr. Reagan stated that the Committee has not met. Mr. Mulvihill thanked Mr. Reagan for his work and support with AB90.

b. Funding Committee

The agenda item will address the activity of the Funding Committee in #9

c. Policy Committee

Mr. Mulvihill stated that the Committee has not met, but will meet in the future.

d. Bylaws Committee

Mr. Brenner stated that the Committee has not met.

e. FireShowsWest Hazardous Materials Training Track Committee

Mr. Brenner noted FSW planning is going well with the theme this year being alternative energy. Mr. Brenner added that representatives from the vehicle manufacturers to include Toyota and Tesla have been solicited to present at the conference with regards to how to deal with their batteries if there are any issues. Mr. Brenner also noted there will be a two-day Safety Officer class and the Transportation Community Awareness and Emergency Response (TRANSCAER) will also be presenting two, one-day classes with regards to dealing with crude oil. Mr. Brenner added that there will be a radiation class from Modular Emergency Response Radiological Transportation Training (MERRTT).

9. SERC FUNDING COMMITTEE REPORT

a. Report of U.S. Department of Transportation, Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Grant Applications Submitted by LEPCs

Ms. Parker stated the following HMEP mid-cycle grant requests have been approved by the Funding Committee:

Washoe County LEPC for attendees from the Reno-Tahoe Airport Authority to attend the Continuing Challenge Conference in the amount of \$2,854;

Storey County LEPC to hire a consultant to facilitate a Quad County Hazmat Drill in the amount of \$7,995, the LEPC will need to meet contingency items;

White Pine County LEPC to hire a consultant to assist in writing and updating the hazardous materials plan in the amount of \$19,800;

Nye County LEPC for training equipment in the amount of \$5,993, the LEPC will need to meet contingency items; and

Clark County LEPC for training equipment in the amount of \$7,115, the LEPC will need to meet contingency items

b. Discussion regarding the increase of Storey County LEPC's SERC grant for FireShowsWest (FSW) to \$45,000

Mr. Brenner explained why the Storey County LEPC is used as the pass-through for funds to be given to support the FSW conference, noting the SERC is not allowed to grant directly to the conference. Mr. Brenner added why the LEPC's SERC grant for FSW needs to be increased, noting a presenter at the conference cancelled and the replacement presenter may cost more. Mr. Brenner added the Funding Committee is recommending approval of the increase to \$45,000.

Mr. Brenner made a motion to increase Storey County LEPC's SERC grant for FSW to \$45,000. Ms. Crowley seconded the motion which was approved unanimously.

10. REVIEW COMMITTEE MEMBERSHIP

Mr. Mulvihill stated the Bylaws Committee maintains and interprets the Commission's bylaws. The Committee will also review the LEPC bylaws and membership lists to ensure compliance with Federal and State laws and regulations. Mr. Brenner noted the two current members are Stacey Giomi and himself, and another Commissioner will need to be appointed to the Committee. Mr. Brenner added this would be a good time to review the membership lists of all the Committees.

Mr. Mulvihill asked Mr. Hastings, for the record, if the agenda item gave the Commission the ability to discuss other Committees. Mr. Hastings said the agenda item did give the Commission the ability to discuss other Committees.

Mr. Brenner stated the Funding Committee reviews the different grant applications and funding streams; the SERC grant, the UWS grant, the HMEP grant and the HMEP FSW mid-cycle grant. Mr. Brenner added the Planning and Training Subcommittee, under the Funding Committee, review the grant requests with regards to the equipment requests being in line with the LEPC's response capabilities.

Mr. Brenner stated the Legislative Committee reviews legislation when the State Legislature is in session.

Mr. Brenner stated the Bylaws Committee reviews the LEPCs bylaws.

Mr. Brenner stated Mr. Mulvihill is in charge of the Policy Committee with regards to the SERC policies and procedures. The Policy Committee keeps the SERC in line and out of trouble.

Mr. Brenner stated that the FSW Hazardous Materials Training Track Committee is made up of five individuals who review what the theme will be for that particular year.

Mr. Reagan stated the FSW Committee is an adhoc Committee and is not established in the Bylaws. Mr. Brenner agreed.

Tami Beauregard gave a list of the Committees and which Commissioners are on them:

Bylaws Committee: Stacey Giomi (Chair)/Richard Brenner

Funding Committee: Richard Brenner (Chair)/Tom Burns/Susan Crowley/
Stacey Giomi/John Helmreich

Legislative Committee: Jim Reagan (Chair)/Susan Crowley/Paul Enos/
Stacey Giomi

Policy Committee: Peter Mulvihill (Chair)/Susan Crowley/Paul Enos/Jim Reagan

Planning and Training Subcommittee: Carolyn Levering (Chair)/Richard Brenner/
Gary Corona/Aaron Kenneston/
Cherie Nevin/Patty Polish

Eric Santos volunteered to be on the Bylaws Committee.

Mr. Reagan mentioned having the background and understanding of how the SERC came to be where it is now and where the SERC is going to go, and is important for the new Commissioners and suggested they spend time on the Policy Committee. Mr. Reagan added there is a lot of institutional knowledge in the SERC that will not be there in the future. Mr. Reagan also noted that the Bylaws Committee reviews a broad variety of items, including supporting staff in what they need to get done. Mr. Reagan strongly recommends the new Commissioners participate in these Committees.

Mr. Malicdem volunteered to be on the Bylaws Committee.

Mr. Mulvihill asked how the Commissioners are appointed to the Committees. Ms. Beauregard stated the last time a Commissioner was appointed to a Committee, it was by SERC vote.

Mr. Brenner made a motion to appoint Mr. Santos and Mr. Malicdem to the Bylaws Committee. Ms. Crowley seconded the motion which was approved unanimously.

Mr. Mulvihill asked if any new Commissioners would like to be on the Policy Committee. Chief Matthew Griego volunteered to be on the Policy Committee.

Mr. Brenner made a motion to appoint Chief Griego to the Policy Committee. Ms. Crowley seconded the motion which was approved unanimously.

Mr. Mulvihill asked if any Commissioner would like to participate in any other Committees. Clinton Hayes asked if it is possible for a Commissioner to attend the Committee meetings to learn the process, while not committing to the process. Mr. Mulvihill stated that everyone is welcome to come to the open public meetings and any Commissioner is welcome to participate in meeting discussions.

Robert Fash volunteered to be on the Planning and Training Subcommittee.

Mr. Brenner made a motion to appoint Mr. Fash to the Planning and Training Subcommittee. Ms. Crowley seconded the motion which was approved unanimously.

11. REVIEW DATE AND LOCATION FOR SERC FOURTH QUARTER MEETING IN OCTOBER 2015

Mr. Mulvihill noted that traditionally in the past this meeting would be held in Las Vegas, this year it collides with FSW in Reno. Mr. Mulvihill added there are a couple of options: one option is to have the meeting during the FSW Conference in one of the rooms at the Reno-Sparks Convention Center (courtesy of Jo Anne Hill, FSW); another option is to move the meeting to either the week before or the week after FSW.

Mr. Mulvihill stated that the budget was approved last Legislative session to have face to face meetings; however he would still like to videoconference the meetings with the north, south and northeast so that the public can participate in the meetings.

Ms. Crowley liked the suggestion of having the meeting in Reno with the ability for the Commissioners to participate in the FSW Conference. Ms. Crowley asked how long it will take to find out the exact date and time of the meeting.

Mr. Mulvihill noted because FSW is hosting two other meetings (State Board of Fire Services and Nevada Fire Chiefs Association), the exact date and time will need to be finalized with Ms. Hill. Mr. Mulvihill added if the meeting is at the Reno-Sparks Convention Center, teleconference would only be available for the public to call in.

Mr. Mulvihill asked if the Commission would allow staff and himself to work with Ms. Hill for the facility, exact date and time. Mr. Mulvihill added October 8th will be the preferable option, but asked if October 7th would also be acceptable. There were no objections.

Ms. Parker advised to check with Ms. Hill regarding hotel availability for those staying the night. Mr. Mulvihill stated there are conference rates at both the Atlantis and Peppermill with the information on the FSW website (www.fireshowswest.com).

12. EXECUTIVE REPORT

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

Ms. Parker noted that she sent everyone an email with her contact information.

Ms. Parker stated that the previous SERC Executive Director, Karen Pabón, asked for and received additional funding in the Commissioner's travel budget account. Ms. Parker added in October staff will present how much money will be needed for Commissioners and staff to travel for the next three meetings face to face for FY2016 and all four meetings face to face for FY2017. Ms. Parker also added the presentation will be made to the Funding Committee, so they can make a recommendation to the SERC at the October meeting.

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

Ms. Parker listed the LEPC compliance issues:

The Humboldt County LEPC's SERC grant application needs: meeting minutes approving grant application and must be received by July 12, 2015. Tami Beauregard added that an email was received from the LEPC noting they plan to turn in the items by July 10th.

The Clark County LEPC's HMEP mid-cycle grant application needs: meeting minutes approving the grant application and must be received by September 03, 2015.

The Storey County LEPC's HMEP mid-cycle grant application needs: meeting minutes approving the grant application and must be received by September 03, 2015.

The Nye County LEPC's HMEP mid-cycle grant application needs: a more detailed Budget Narrative relating both equipment items to transportation; if approved then approval from USDOT and the Budget Narrative must be received by September 03, 2015.

13. PUBLIC COMMENT

Mr. Mulvihill read a letter from Jeff Whitesides noting he has resigned from the SERC. Mr. Mulvihill also noted he thanked Mr. Whitesides at the last SERC meeting for his contributions to the SERC and greatly appreciates all he has done. Mr. Brenner added Mr. Whitesides brought a lot of healthcare information with regards to hazardous materials and personal protective equipment to the table.

Mr. Brenner noted he and Ms. Beauregard went to Maine and attended the National Association of SARA Title III Program Officials (NASTTPO) Conference in May; this is a meeting of all the state and territory SERC's in the US. Mr. Brenner added USDOT was available to review the HMEP grant and changes coming in the future.

Mr. Brenner stated that the HMEP FSW mid-cycle grant applications are due July 20th.

Mr. Brenner asked if Committees need to meet to review the NACs. Mr. Mulvihill noted the SERC needs to work through the SERC Committee structure.

Mr. Reagan stated in the past, the Policy and Legislative Committees would work together on the NACs and then do a public workshop.

Mr. Mulvihill gave a synopsis regarding the process for changing the NACs. Ms. Crowley asked what he thought needed to be changed. Mr. Mulvihill noted examples such as, a lot of duplicate language with State Agencies and sections referring to payments by check since the state does not pay by check anymore.

Mr. Mulvihill added his experience when revising the State Fire Marshal's regulations is that the Legislative Counsel Bureau (LCB) legal staff is an excellent source to work with. Mr. Mulvihill also noted industry gave helpful input.

Mr. Brenner stated staff should begin the process to get the two Committees to meet and start the process. Mr. Mulvihill also added the SFM staff can forward NAC changes at any time and the same can be done with the SERC, forwarding the changes to Mr. Brenner or himself with a copy to Ms. Parker.

Chief Griego thanked the SERC for the opportunity to work together.

14. ADJOURNMENT

Ms. Crowley made a motion to adjourn the meeting at 11:08am. Mr. Fash seconded the motion which was approved unanimously.