

Minutes

Nevada State Emergency Response Commission (SERC)

Fourth Quarter Meeting

Wednesday, October 07, 2015 – 1:00pm

Reno-Sparks Convention Center

Members Present

Richard Brenner, Co-Chair
Paul Enos
Robert Fash
Matthew Griego
Clinton Hayes
John Helmreich
Karen Luna
Resty Malicdem
Peter Mulvihill, Co-Chair
Jim Reagan
Eric Santos

Members Absent

Tom Burns
Susan Crowley
Matt DeBurle
Stacey Giomi

Staff

Stephanie Parker
Tami Beauregard
Katie Brady

Guests

Joe Curtis
James Dibasilio
Tom Dunkelman
Crystal Harjo
Bill Jones
Kay Lawrence
Rodney Lockett
Jason Manley
Cherie Nevin
Amber Rose
Bob Schreihans

1. CALL TO ORDER

Peter Mulvihill called the meeting to order at 1:03pm.

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 AUGUST 14, 2015 MEETING MINUTES

Robert Fash made a motion to approve the August 14, 2015 SERC meeting minutes. Paul Enos seconded the motion which was approved unanimously.

5. LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) UPDATE

Storey County LEPC – Joe Curtis reported that there will be a Quad County hazardous materials exercise on October 17th to include the Ardagh facility at the Tahoe-Reno Industrial Complex and that there was a small spill and a tire fire within the county.

Mr. Curtis also added Storey County is trying to keep up with the changes throughout the Industrial Complex.

Carson City LEPC – Bob Schreihans reported that the LEPC is working on updating the hazardous materials plan and working with the Department of Emergency Management (DEM) with regards to water issues.

Inter-Tribal Emergency Response Commission (ITERC) – Crystal Harjo reported that the ITERC is in a transition period right now with the tribes working on their own projects to get ready for training and exercises. Ms. Harjo added the ITERC is interested in more information on training and exercises that they can be involved in (with SERC).

Elko County LEPC – Matt Griego reported that the LEPC is currently working on the HMEP grant paperwork.

Washoe County LEPC – Clint Hayes stated the LEPC has elected a new chairman, Darryl Cleveland and is working on updating their hazardous materials plan. Mr. Hayes added that Washoe County recently responded to a hazardous materials issue with pesticide and a citizen.

Clark County LEPC – Richard Brenner noted Clark County had a three day exercise with Bio-Watch and the Civil Support Team. Mr. Brenner added upcoming events include; an exercise with Kinder-Morgan and the Department of Energy (DOE). Mr. Brenner noted the LEPC is updating their hazardous materials plan. Mr. Brenner also mentioned there were minor events of chlorine leaks and that the new Hazmat Team from Henderson had conducted training with OLIN Chemical on the Chlorine Emergency Kits.

Humboldt County LEPC – Jason Manley stated there was nothing new to report.

6. NON STATE AGENCY UPDATE

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

Bill Jones noted the first SERC/LEPC Newsletter has been sent out and feedback or suggested additions and/or changes would be appreciated.

Mr. Jones added there will be a Western States SERC meeting, tentatively, on February 3rd and 4th in San Diego. Mr. Jones noted the reason for this meeting is to have the entire West talk about their issues. Mr. Jones added the draft agenda has been sent out and feedback is also appreciated.

Mr. Jones mentioned the National Association of SARA Title III Program Officials (NASTTPO) will be heading up a LEPC workgroup. Mr. Jones added that on October 19th a survey will be on their website and that it is very important for the LEPCs to fill out; the survey will be used to give direction on what training and/or issues need to be addressed.

Mr. Jones stated there will be online Emergency Planning and Community Right-to-Know Act (EPCRA) training coming in the middle of October and that this will be a good resource for all those involved in EPCRA.

Mr. Brenner stated EPCRA is the Federal Law mandating SERCs, LEPCs and defines the requirements they must meet, including how the communication process is to work.

Kay Lawrence noted EPCRA is also the reason facilities are to report their hazardous chemicals to the SERC, if they are a Tier II facility.

Mr. Jones noted with regards to the Executive Order (EO) 13650 there will be a meeting on October 7th to discuss where the EPA is with regards to working better with other Federal agencies and where they are with implementation and training. Mr. Mulvihill stated it is acceptable for the Commissioners or anyone to stay for the presentation/workgroup discussion.

Tom Dunkelman stated the EPA has written primarily oil spill hazardous materials response plans for the majority of the water bodies in Nevada however; the EPA needs to write a response plan for the Humboldt River.

Ms. Lawrence added the Regional Response Team (RRT) will be meeting in the first week of November in Boulder City.

Mr. Jones noted that the Gold King Mine wastewater spill event will be a majority part of the RRT meeting. Ms. Lawrence added that the EPA is continuing to manage the spill.

b. Federal Emergency Management Agency (FEMA)

Tami Beauregard noted due to the California fires, John Woytak is not able to attend this meeting and no update was provided.

7. STATE AGENCY UPDATE

a. Nevada Division of Emergency Management (NDEM)

Mr. Mulvihill noted there is no NDEM update.

Mr. Brenner asked if there is a new NDEM Chief and if he is working on becoming a SERC Commissioner. Mr. Mulvihill stated Caleb Cage is the new NDEM Chief and he is working to become a Commissioner.

b. Nevada State Fire Marshal Division (SFM)

Mr. Mulvihill stated the Governor has declared this week as Fire Prevention Week.

Mr. Mulvihill added the SFM has provided training at FireShowsWest (FSW) and thanked Storey County Fire Department, East Fork Fire Protection District, Nevada Air National Guard Fire Department and Reno Fire Department for their assistance with the live fire training.

Mr. Mulvihill mentioned that the Nevada State Board of Fire Services will be meeting on October 8th.

Mr. Mulvihill announced that the Annual Nevada State Fire Fighter Memorial Service at Mills Park will be held on October 10th.

Mr. Mulvihill stated the SFM has provided training using the new car fire prop, SCBA maze and the West Wendover burn trailer at FSW. Mr. Mulvihill also noted the SFM has provided the National Fire Academy sixteen-hour course "Shaping the Future", which is now a prerequisite to enter the Executive Fire Officer Program.

Mr. Mulvihill noted the Online Hazmat Reporting System is now functioning with recent updates applied. Mr. Mulvihill added as of October 1st there are 5,959 active facilities with 661 facilities still yet to complete their report and 5,226 facilities have received their hazmat permit which is over budget by 226 facilities.

c. Nevada Division of Environmental Protection (NDEP)

Mr. Mulvihill noted there is no NDEP update.

d. Nevada Division of Industrial Relations, OSHA Unit

Resty Malicdem stated there was nothing new to report.

8. STATE BUDGET AND RESOURCE PROCESS OVERVIEW

Mr. Mulvihill introduced Jim Dibasilio as the Budget Analyst for the Department of Public Safety (DPS).

Mr. Dibasilio gave a synopsis of the worksheet provided, noting the budget process includes the agency request first, followed by the budget office request then the Governor's recommendation with the final step being the legislatively approved budget.

Mr. Dibasilio noted the worksheet appears to show about a \$300,000 decrease in SERC reserves; however this deduction in FY2015 was due to a work program to increase the amount of authority for SERC grants, which came from SERC reserves. Mr. Dibasilio also noted the budget office assumes what happens in FY2015 will also happen in FY2016 and FY2017.

Mr. Fash asked how much of the money received from the 5,000 permits goes to SERC reserves. Mr. Mulvihill stated that the SERC needs to receive \$315,000 from permits for the SERC grants and any extra will go into SERC reserves. Mr. Dibasilio added if more revenue is received then there will be more SERC reserves.

Mr. Fash also asked if there is a chance the SERC reserves could be swept. Mr. Dibasilio stated the last time the SERC reserves were swept was in 2010 when the state was facing a financial crisis and that there is no current talk about any need for a sweep of reserves.

Mr. Mulvihill stated the funds need to be spent or the SERC may be asked to lower the fees; it is important to grant out what is taken in.

A discussion ensued with how the numbers were reached for FY2016 and FY2017 and how the numbers will be reached for FY2018 and FY2019. Mr. Mulvihill noted the numbers are projections and a best educated guess.

Mr. Brenner asked if there are any limitations on how the SERC reserves can be spent. Mr. Dibasilio noted a work program will have to be submitted following all the procedures. Mr. Mulvihill added the amount of funds in the work programs are an aggregate amount throughout the fiscal year and at a certain amount, the agency will have to go to the Intern Finance Committee (IFC) to request approval.

9. SERC COMMITTEE REPORTS

a. Legislative and Policy Committees

I. Review all SERC Policies (1.2 – 8.14) with regards to the title of the ‘Grant and Project Analyst Supervisor changing from Executive Director to Executive Administrator

Stephanie Parker stated both the Policy and Legislative Committees recommended approval to change the title to Executive Administrator from Executive Director.

Jim Reagan made a motion to approve the title change from Executive Director to Executive Administrator, in all SERC policies. Karen Luna seconded the motion which was approved unanimously.

II. Review request from the Planning and Training Subcommittee to add additional required items to the NRT-1A Checklist

Mr. Mulvihill stated the Planning and Training Subcommittee requested additional requirements be added to the NRT-1A. Mr. Mulvihill noted the Committees felt the checklist is a good guide but decided to not make it a requirement.

Mr. Brenner asked if the checklist will be sent to the LEPCs to use. Mr. Mulvihill noted the checklist is on the back of the NRT-1A and if the LEPC downloads the report from the website the checklist will be available.

Mr. Reagan asked for feedback from the LEPCs. Cherie Nevin noted the Storey LEPC will use the checklist. Mr. Brenner noted the checklist is like the checklist used for the grant applications.

No action was taken.

III. Update on SERC Nevada Administrative Code (NAC) Changes

Mr. Mulvihill noted that Erin Roohan with the Legislative Counsel Bureau is currently reviewing the SERC NAC's and is hoping to have a draft for the Commission to review at the meeting in January. Mr. Mulvihill added the language regarding appeals will need to be addressed.

b. Funding Committee

I. Review SERC travel funds in both FY2016 and FY2017 for Commissioners and staff

Mr. Brenner noted that prior to the time of financial hardship the SERC had four face-to-face meetings a year, then went to four videoconference meetings a year and is now having two face-to-face meetings a year. Mr. Brenner added that the Funding Committee made a recommendation to go back to four face-to-face meetings a year.

A discussion ensued with regards to the amount of funds legislatively approved and the ability to request more funds from SERC reserves.

Mr. Mulvihill noted regardless of how many face-to-face meetings there are, there will be a videoconference from the other two areas of the state or a teleconference set up for anyone to join the meeting.

Mr. Helmreich reiterated that four face-to-face meetings is better to interact with the LEPCs and public.

A discussion ensued with regards to the legislatively approved amount not being enough to cover two face-to-face meetings a year, how much it cost for each face-to-face meeting, how to move funds from SERC reserves and the work program rules.

No action was taken.

II. Review of Hazardous Materials Emergency Preparedness (HMEP) grant applications submitted by Local Emergency Planning Committee (LEPCs) and State Agencies

Ms. Parker referred to the worksheet provided and noted the total HMEP award for this year is \$225,723 of which \$180,578 is federal funds and \$45,145 is SERC funds. The following LEPCs submitted an HMEP grant application and the Funding Committee recommended approval:

Carson City LEPC – is requesting \$11,760 from Planning for a Marijuana Management Symposium hosted by Denver, CO to learn about preparing to respond to incidents involving the transportation of Liquid Carbon Dioxide and N-Butane.

Clark County LEPC – is requesting \$30,000 from Training for the International Hazardous Materials Response Team Conference in Baltimore, MD.

Elko County LEPC – is requesting \$29,571.58 from Training for a Hazardous Materials Safety Officer course presented by SIGNET North America and a HazCat/WMD Technician course presented by HazTech Systems.

Humboldt County LEPC – is requesting \$21,586 from Training for a Hazmat Technician Refresher and a Highway Emergency Response Specialist Training.

Mineral County LEPC – is requesting \$30,000 from Planning for Spillman computer software to increase interoperability while responding to transportation related hazardous materials incidents.

White Pine County LEPC – is requesting \$5,000 from Planning to hire a consultant to set-up and implement an exercise to evaluate the hazardous materials response skills and plan for transportation related events.

Ms. Parker noted that some of the application requests will have to be approved by the US Department of Transportation (USDOT).

Mr. Brenner made a motion to approval all six grant application requests. Mr. Hayes seconded the motion.

Mr. Fash confirmed that the SERC has the funds to cover these grant requests. Ms. Parker noted the SERC does.

Mr. Mulvihill also added the contingencies on the worksheet must be part of the approved motion.

A discussion ensued with regards to why the USDOT has to approve some of the applications, how long the approval will take, if the USDOT will approve the Marijuana Management Symposium and a synopsis of the process used with these chemicals and Marijuana.

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

Mr. Brenner stated that there is now around \$100,000 available to the LEPCs through the mid-cycle process. Ms. Parker stated that staff will provide notice to the LEPCs and State Agencies when the mid-cycle opens.

III. Review of U.S. Department of Transportation, Hazardous Materials Emergency Preparedness (HMEP) allocation for SERC co-chair and staff to attend the spring 2016 National Association of SARA Title III Program Officials (NASTTPO) Training Conference

Mr. Brenner gave a synopsis of the NASTTPO Training Conference. Ms. Parker noted that approval of \$6,000 will be needed.

Mr. Enos made a motion to approve up to \$6,000 for the SERC co-chair and staff to attend the NASTTPO Training Conference. Mr. Regan seconded the motion which was approved unanimously.

c. Bylaws Committee

Mr. Mulvihill noted there is no Bylaws Committee update.

d. FireShowsWest Hazardous Materials Training Track Committee

Mr. Brenner reported that the FSW Hazmat Track is going quite well; noting that this year the focus is on safety, crude oil and alternative energy.

A discussion ensued with regards to what information Tesla needs to supply with regards to the hazardous materials in their facility. Katie Brady, Commission Counsel advised the Commission that this topic is off agenda and should be agendized for a future meeting.

Mr. Mulvihill noted the class subject ideas come from the course evaluations completed by the first responders attending the Conference.

Mr. Brenner added this Committee is looking for ideas for next year's Conference with utility companies as a current suggestion. Mr. Enos suggested Liquefied Natural Gas (LNG).

Mr. Fash asked if there is a chance that this Conference will be held in the south. Mr. Mulvihill suggested speaking with the show organizer.

Mr. Brenner gave a synopsis of the FSW history.

Mr. Mulvihill stated that if anyone has any ideas to share them with Mr. Brenner or the FSW staff.

10. EXECUTIVE REPORT

Ms. Parker noted an Executive Administrator report was submitted with the handouts, of special importance is that staff is working with NDEM to combine compliance visits with LEPCs that both agencies work with and that there will be a grant training webinar in January to guide the LEPCs on how to specifically fill out the grant applications.

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

Ms. Parker reviewed the budget detail and LEPC grant funds worksheets that were provided in the handouts.

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

Ms. Parker also stated a LEPC contingency worksheet was provided in the handouts and explained the layout.

Mr. Mulvihill noted if a LEPC has yellow highlighting to see Ms. Parker.

Ms. Parker also noted these worksheets will be provided on a quarterly basis and to let her know if additional information is desired.

Ms. Brady noted with regards to the EPA meeting following this meeting, that if a quorum of SERC members is present, no action from or deliberation by the SERC members may take place, otherwise it constitutes a SERC meeting requiring notice. Mr. Mulvihill added that the EPA presentation is informational only and that if a majority of the SERC Commissioners stay, no policy decisions may be made and there can be no deliberations.

11. PUBLIC COMMENT

Mr. Mulvihill thanked the FSW staff for their hospitality and meeting facility. Mr. Mulvihill also noted the SERC has been invited to have their quarterly meeting at the FSW every October.

Eric Santos asked when Tesla will have to provide information on their hazardous materials. Mr. Curtis gave an overview of the process for the Tesla facility.

A discussion ensued with regards to what kinds of facilities will be going into the Tahoe-Reno Industrial Complex and the process for occupying a facility.

Ms. Parker advised that all Commissioners have name badges at the FSW registration desk if they would like to view the Exhibit Hall.

12. ADJOURNMENT

Mr. Enos made a motion to adjourn the meeting at 2:40pm. Mr. Reagan seconded the motion which was approved unanimously.