

MINUTES

Nevada State Emergency Response Commission (SERC)

Second Quarter Meeting

Thursday, April 13, 2017
9:00 a.m.

Carson City

NV Department of Transportation
Third Floor Large Room
1263 South Stewart Street
Carson City, NV

Las Vegas

NV Department of Transportation
Building A Conference Room
123 East Washington Avenue
Las Vegas, NV

Elko

NV Department of Transportation
Main Conference Room
1951 Idaho Street
Elko, NV

Members Present

Richard Brenner, Co-Chair
Chris Collins
Stacey Giomi
Clinton Hayes
Matthew Griego
Jon Bakkedahl
Resty Malicdem
Dennis Nolan
Eric Santos
Kelly Thomas
Lance Chantler
Bart Chambers

Members Absent

Caleb Cage, Co-Chair
Peter Boffelli
David Pectol
Karen Luna
Susan Crowley
Ryan Sommers

Staff

Stephanie Parker
Nathan Hastings, DAG
Christina Wilson
Gwen Barrett

Guests

Dennis Pinkerton
Mike Heideman
Jim Dibasilio
Cherie Nevin
Bill Thompson
Joe Curtis
Missy Molt

Patricia Brownfield
Bill Jones
Jeff Kinder

1. CALL TO ORDER (Non-Action Item)

Richard Brenner called the meeting to order at 9:04 a.m.

2. ROLL CALL, CONFIRM QUORUM, AND INTRODUCTIONS (Non-Action Item)

Everyone present in each of the locations and on the phone introduced themselves. Ms. Parker stated that there was a quorum.

3. PUBLIC COMMENT (Non-Action Item)

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

4. COMMISSION MEMBERS UPDATES AND FILLING VACANCIES IN STANDING COMMITTEES (Discussion/For Possible Action)

Mr. Brenner stated that two Commissioners have left, Tom Burns and Paul Enos, and that we have a new member, Dave Pectol, who isn't here today, from NV Energy. Ms. Parker stated that present today at his first meeting as a Commissioner is State Fire Marshal Chief Bart Chambers. She introduced the new Commission Coordinator, Christina Wilson, as Denise Uber retired. There was discussion regarding the need to fill vacancies in standing committees, SERC Commissioners were encouraged to volunteer.

Mr. Brenner indicated that Cherie Nevin is trying to get him some contacts with Tesla and Switch for possible Commission member applicants and added that the private-public partnership is critical; he described what each of the different committees do, the positions available, and how we need people to volunteer. Ms. Parker added that Commissioner Nolan volunteered for the Legislative Committee. Mr. Nolan said that he spoke with a Union Pacific government affairs representative who indicated they'd be happy to have one of their emergency response people participate on SERC. Mr. Giomi explained that the Planning & Training Sub-Committee is made up of non-Commissioners people from industry or emergency response with an interest to participate. No action was taken.

5. APPROVAL OF JANUARY 12, 2017 MEETING MINUTES (Discussion/For Possible Action)

Mr. Brenner asked if everyone had time to review the minutes. Stacey Giomi made a motion to approve. Dennis Nolan seconded the motion. The motion passed unanimously.

6. LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) UPDATES (Non-Action Item)

Churchill County LEPC: Mike Heideman, chair of the LEPC, stated he was appointed emergency manager during the flood situation, but that he's really here to address an item that's on the agenda.

Storey County LEPC: Joe Curtis stated that they've had a pretty busy year and that they're quite active; he described how they invited Tesla to participate in their LEPC and they've had meetings with them, also indicated that they had a 200-gallon cleaning agent spill and that they've had discussions with them regarding their plans. They changed their Quad-County exercise to April 22nd. Waste Management has joined their LEPC. He

added that Cherie takes care of the administrative business; and Cherie noted that their next quarterly meeting is next week.

Washoe County LEPC: Clinton Hayes stated he hasn't had a chance to reach out to the LEPC, didn't plan on attending this meeting, is a little behind, but that the hot topic is the weather.

Esmeralda County LEPC: Patricia stated they've been working on the grant packages, and the Sheriff is working on setting up an Emergency Alert System that can send alerts through his cell phone.

Nye County LEPC: Missy apologized for not having anything, they had a last-minute schedule change with Vance because he had to go to a different meeting. She added that Stephanie has been a huge help, which is greatly appreciated, and this was echoed by Esmeralda County.

Elko County LEPC: Matt Griegos stated that Pat Anderson wasn't able to make it but that she's gotten her United We Stand grant in and owes Stephanie some minutes and things; there's a meeting scheduled for April 27th; and there are plans to take an inventory of all the equipment re: maintenance.

Clark County LEPC: Mr. Brenner stated that they have a LEPC meeting on May 24th. He described the two-day ammonia training program that they did last month that was well-attended with lots of good information. In an upcoming meeting, they're going to talk about incorporating a radiation response plan into their hazmat plan.

ITERC: Lance Chantler said ITERC's been working with the tribes affected by the general flood, in recovery, planning for spring runoff.

7. **NON-STATE AGENCY UPDATES (Non-Action Item)**

- a. **U.S. Environmental Protection Agency (EPA):** Bill Jones stated that he's in Yuma, Arizona, doing an exercise with Kinder Morgan, and it'll be interesting to see the results of that, and in conjunction with that, they had a regional response team meeting and other training. Their risk management program rule has been delayed until February 2019 by Administrator Pruitt; there's a public meeting on that rule on April 19th in D.C. He indicated that Stephanie and Richard participated in the Western States SERC meeting in Denver a couple months ago. He described some quarterly webinars that will be starting up, leading up to another meeting of the group in the Pacific Northwest in the February 2018 time frame. There will be another meeting in June, and he described the speakers. And there'll be a Region 9, LEPCs and SERCs, on the 27th. He thanked Richard and everybody who planned the Ammonia Safety Day training, and hopefully there'll be one in Reno in the fall.
- b. **Federal Emergency Management Agency (FEMA):** John Woytak was not present. Ms. Parker indicated that she and John are working on the training

support again this year for FiresShowsWest. Mr. Brenner stated that we received \$10,000 last year for registration, and Ms. Parker indicated they did and applied it towards registration of ITERC and their representatives that attend and some of our LEPC members.

- c. **U.S. Department of Homeland Security (DHS):** Rodney Lockett was not present and had not submitted anything to report.

8. STATE AGENCY UPDATES (Non-Action Item)

- a. **Nevada Department of Transportation (DOT):** Bill Thompson talked about one of the projects identified in the freight plan was a need for a hazardous materials commodity flow study and to develop a response plan, and that it has a strategy and an implementation plan. As part of that, they will develop a statewide emergency management map that will identify critical and vulnerable points from a freight mobility standpoint. He'll engage SERC, LEPCs, and state agencies responsible for emergency response plans. He hopes to start this activity this calendar year and with the right people, stakeholders, committees. and we can probably come up with a beautiful document that could be used by all. Mr. Brenner indicated that his counterpart in Maryland was very impressed by Nevada's freight plan, gave him kudos. Mr. Thompson added that he looked at it (the freight issues) nationally and also globally, and that we were the first state to have their freight plan completed. He added that the other states have requested to see what we've done.
- b. **Nevada Division of Emergency Management (DEM):** Mr. Brenner indicated that Chief Cage had to go to another meeting but didn't have a report to give.
- c. **Nevada State Fire Marshal Division (SFM):** Bart Chambers began by stating that he hit the ground running as the State Fire Marshal and that there are numerous things they're looking at, including SERC hazmat, making sure we forecast both private and public; another thing is seeing what we can do to assist the rurals in the training aspect. He added that he'll have more next time.
- d. **Nevada Division of Environmental Protection (DEP):** Kelly Thomas stated that they participated with Richard in Ammonia Safety Day and that it would be great if we could bring it up north, possibly at FireShowsWest™.
- e. **Nevada Division of Industrial Relations, OSHA Unit:** Resty Malicdem indicated he didn't have anything to report this time around.
- f. **Nevada Radiation Control Program:** Jon Bakkedahl indicated that he's currently working as the training officer at DEM, but coming from the radiation control program, they're coordinating statewide with multiple emergency responders and emergency managers with the DNDO (Domestic Nuclear Detection Office); and out of the Poletti model, they're doing everything but equipment, bringing statewide coordination and efforts, Richard Brenner in the south and himself out of the north.

They're not looking at funding at this point. The kickoff meeting is May 3rd at the State Emergency Operations Center (SEOC). This potentially could be coming to SERC for some involvement. Mr. Brenner thanked him, stating that with coordination, we'll make this work.

9. SERC COMMITTEE REPORTS (Discussion/For Possible Action only as noted below)

a. Planning and Training Subcommittee - Review of Compliance Reports following the Subcommittee's March 9, 207 meeting (Discussion/For Action Item)

Ms. Parker reported that counties that didn't submit their plans by the deadline were Elko and White Pine; but we're still working with them to get them into federal compliance, but they would not be eligible for any funding at this point. Humboldt, Lyon and Lander are working on deficiencies, and we're confident they'll get their items in and be eligible for funding. She thanked Aaron Kenneston at the Washoe County EOC for providing their location this year, even with an ongoing flooding event, and Mr. Brenner thanked Kelly Thomas for bringing extra people on board, because this is one of the longest meetings. There were questions from Mr. Chambers regarding who's on this committee, and is there enough staffing to assist counties in trying to meet the time frames. Mr. Brenner stated that our SERC is very active in assessing the annual submissions for compliance and identifying deficiencies. No action was taken.

b. Bylaws Committee (Discussion/For Action Item)

Mr. Giomi reported that they met and reviewed each of the submitted counties' bylaws and the SERC bylaws as well, and they made motions. Ms. Parker added that they haven't sent the unchanged bylaws out to anybody yet, they're working on deficiencies with the LEPCs, and that there were no recommended changes to the SERC bylaws because they went through them item by item last year, they're in good shape. No action was taken.

c. Legislative Committee & Policy Committee

Mr. Brenner reported that these two committees have been temporarily merged together and that he's the acting chair right now. They haven't taken any action on these two items.

1. Recommendation of the Draft Policy for utilization of the Contingency account for Hazardous Materials costs (Discussion/For Possible Action)

No action was taken.

2. Recommendation of NAC 459 changes (Discussion/For Possible Action)

Ms. Parker reported that the last option was to look at getting a friendly amendment on an existing bill that would make it easier for us to draft some policies and procedures. They're hoping to get that so we can finalize NAC changes as well. Ms. Parker and Dennis Nolan are working on this. No action was taken.

d. Funding Committee

1. Review of FY17 Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Grant Applications Submitted by Local Emergency Planning Committees (LEPCs) and State Agencies (Discussion/For Possible Action)

Mr. Brenner described this grant. Ms. Parker stated that there were six applications, and we funded two for Clark County and two for Esmeralda County. She gave the status of the funds, indicating that we still have approximately \$41,000 available for planning and training purposes relating to transportation, hazardous materials, and between now and the end of September, that we'll use some of that funding with the FireShowsWest™ as well. No action was taken.

2. Review of FY18 State Emergency Response Commission (SERC) Grant Applications Submitted by Local Emergency Planning Committees (LEPCs) and State Agencies (Discussion/For Possible Action)

Ms. Parker reported on each county, what they requested, what was approved, and any items, including Churchill County that didn't meet the due date, and the appealing; Carson City; Clark; Douglas; Esmeralda; Eureka; Lander; Lincoln; Mineral (and they're appealing); Nye; Pershing; Washoe. The counties that didn't submit an application were Elko, Humboldt, Lyon, and White Pine. Also submitted was, the State Fire Marshal, for FireShowsWest™, not a LEPC. Mr. Brenner stated that the Planning and Training Sub-Committee has not met again, so they still need to meet to look at the activities related to the Level of Response for each LEPC, and that meeting is scheduled to take place on May 17th. There were some questions regarding the Churchill County comments, questions and discussion. Mr. Giomi made a motion to accept the Funding Committee's recommendations for the OPTE grants as presented for Carson City, Clark, Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Nye, Pershing, Storey and Washoe counties, with the contingencies and items noted. Mr. Nolan seconded. The motion passed unanimously.

Regarding the State Fire Marshal's Office grant of \$48,000, Mr. Brenner indicated that we use this money to help put together the annual hazmat FireShows conference; he described the history of the conference. Mr. Brenner explained that the State Fire Marshal application is for \$48,000 and

we use the funds to put together FireShowsReno™ a hazardous materials conference and the funding committee discussed this and said to think of this as seed money. In the past we had been sending our responders to Continuing Challenge, that conference had been in existence for 20+ years. In southern Nevada we began having the Hazmat Expo for 12 years, in 2003 we stopped the conference then we tried to work with the Governors Safety Council to deliver a hazardous materials conference and it was not very successful. Nevada Fire Chiefs came to SERC to partner with us to put on FireShowsReno™. A few years ago it was changed to FireShowsWest™. Mr. Brenner stated that the Funding Committee meeting included discussion about our funding process and that funds must go through a LEPC. He further stated that Storey County is who we normally worked with to get those funds to the production company to make the conference happen. Mr. Brenner advised that the discussion of the Funding Committee also included the update of the change between the Nevada Fire Chiefs and the production company therefore decided to bring to the whole SERC to discuss. Chief Chambers asked for clarification about the reference of “seed money” and if the funds could only go to LEPCs. Ms. Parker advised that SERC funds can be awarded to LEPCs or State Agencies that meet SERC guidelines. Chief Chambers asked to confirm that the State Fire Marshal’s Office has been awarded this specific grant in the past if the State Fire Marshal’s Office meets the guidelines and all statutory requirements and was advised that is correct. When the grant was with Storey County in the past the supporting documentation showed the contract between SERC and the production company and with the limited resources that Storey County had it was agreed that another entity, the entity ended up being the State Fire Marshal’s Office, would apply for and manage the grant and project. Chief Chambers asked what the issue at hand was and if the State Fire Marshal’s Office is in compliance with all requirements. Chief Chambers asked for clarification of the relationship between Nevada Fire Chiefs Associations and this activity. Mr. Brenner advised that since the event was moved to Reno the Nevada Fire Chiefs’ Association has been involved. Mr. Brenner said that the discussion of the Funding Committee was the \$48,000 included the cost for speaker honorarium, speaker lodging, etc. for \$8,000 and \$40,000 is coordination fees. Mr. Brenner stated that in the past the reason we were working with the Nevada Fire Chiefs was more because they were a non-profit and we were looking at trying to develop this process working with a non-profit and they had the connection with all the other fire departments with the Nevada Fire Chiefs Association so it was a good fit. Mr. Brenner further stated that the Nevada Fire Chiefs are no longer involved. Chief Chambers reported that there was a meeting of the Northern Nevada Fire Chiefs Association last week and this topic was brought up. The Northern

Nevada Fire Chiefs Association has decided to support this activity with this portion of the event and whatever the State Fire Marshal Office needed. The Northern Nevada Fire Chiefs Association meeting also discussed that there was an issue with the FireShowsWest™ production company being a for-profit was an issue for Nevada Fire Chiefs Association. Chief Chambers stated that training is provided by several for-profit contractors to include training coordinated by the International Association of Fire Chiefs and other trainings in Nevada and across the country. Mr. Nolan stated that he believes Chief Cochran's concern was how the money provided to the production company was being applied, not opposition to the trainings that the rural responders or others need. Chief Chambers shared that what he had been provided indicates that there is nothing different in this proposal this year than in previous years. Mr. Brenner clarified that the funds used for this activity is state funds as opposed to federal funds and Ms. Parker shared that the funds for this activity are only for the hazmat educational track coordination of this event, not any non-hazmat approved trainings. She further advised that the LEPCs also apply for separate grant funds to attend the hazmat education track for registration and transportation expenses and the registration funds paid by our LEPC members and Nevada first responders are credited to the expenses for the coordinating company. Mr. Brenner wanted the SERC Commission to know the discussion the funding Committee had and the history and said he did not want to give up this conference. Mr. Brenner said he is discussing the whole funding process with the other co-chair and will work with the other SERC Co-Chair, Chief Cage, and next year it is something the Commission should look at. Mike Heideman, representing the Nevada State Firefighters, stated that all conferences have a cost to put these types of trainings on. He stated that while Clark and Washoe County may have the ability to bring those trainings in with the hard costs on the front end, the rural counties do not have that option. He also stated that if the reason is because the entity that coordinates is a for-profit then many training opportunities will be taken away and he hopes that goes into the thought process for the future. Mr. Chambers also reminded the attendees of this meeting that any grant, whether local, state or federal used to purchase something is most likely paying a for-profit and the company is making some profit and he gave the example of purchasing vehicles. Counsel clarified that this discussion is for policy level consideration going forward on how to handle this type of activity. Mr. Giomi disclosed he is and has been a member of the Nevada Fire Chiefs which is a non-profit and he did bring some of these items up at the Funding Committee meeting and agreed with Mr. Brenner to bring this to the SERC Commission to provide a history. He was involved in bringing Nevada Fire Chiefs and FireShowsReno™ to SERC and advocated and pushed for this

partnership back between approximately 2003-2008 time period. He stated the reason he brought this up was FireShowsReno™ and Nevada Fire Chiefs were 50/50 partners on the production of the FireShowsWest™ conference and they are no longer partners or a member of the FireShowsWest group. He felt the State Fire Marshal was defensive, and that he had been advised not to comment or not to vote as a Commissioner on the subject but he is going to. He stated that he felt that since Nevada Fire Chiefs pushed and backed FireShowsWest™ initially that he wanted to disclose this to SERC. He further said that his intent was not to imply that the FireShowsWest™ training was bad or that the funding should not be awarded, not that we shouldn't do the training and not that we shouldn't continue this. His concern is that SERC is funding an organization that is providing training for Nevada first responders and they are also turning around and charging others that attend the same training and he believes it is something that SERC should look at. Mr. Collins stated that as new member he has read the NRS and the NACs and we have an attorney who says we are not violating the law or policy. Mr. Collins stated that the items that Richard itemized that the funds are paying for it causes him concern but not to the point not to support the motion to approve this grant today. Mr. Collins suggested that the for-profit company increase the tuition and let us use our money for tuition, not the coordination, let the for-profit company eat that cost and let us pay for tuition. Ms. Nevin, from Storey County wanted to comment that the HMEP funds in the past and many others have used for-profit staff to coordinate trainings because we do not have the staff to coordinate, we rely on hiring someone and we make an effort to hire local companies from Nevada. Mr. Collins made a motion to approve the State Fire Marshal grant application on the amount of \$48,000. Chief Chambers seconded the motion and it passed unanimously.

e. FireShowsWest Hazardous Materials Training Track Committee (Discussion/For Possible Action)

Mr. Brenner described how he's reached out to Dennis Nolan in Reno and the Las Vegas and Henderson fire departments that have hazmat teams and asked them if there are any special classes for our hazmats, especially our technicians. He and Dennis Pinkerton described last year's track and some of the things they're looking at for this year's track. No action was taken.

10. REPORT FROM SERC CO-CHAIR MR. BRENNER ON THE WESTERN STATES SERC CONFERENCE (Non-Action Item)

Mr. Brenner reported that he and Stephanie attended this conference last year that EPA puts on. He indicated that out west we have different issues compared to back east, that last year was the first conference, and that it was held in San Diego. This year, it was expanded and held in Denver, that there was a lot of good discussion, especially on cannabis. Next year, they talking about doing it in the Pacific Northwest. Ms. Parker stated that this is an approved activity for HMEP funds and provided a summary of what was covered at the meeting and advised that SERC staff will be putting the notes and resources on the SERC website when time permits. She encouraged LEPC members to send somebody from their leadership.

11. REVIEW "UNITED WE STAND" FUNDING OPPORTUNITIES (Discussion/For Possible Action)

Ms. Parker reported that we're looking really good on that; she indicated we only have second quarter numbers on that, but we are anticipated to be at or above where we were at last year, so we will be able to fund at the same levels. Applications are due tomorrow. Whatever is not expended by the end of June is de-obligated and carries over to the next fiscal year. Mr. Brenner commented that we received money back on each of the United We Stand license plates issued by DMV. No action was taken.

12. Review Application for Contingency Account Funds from Douglas County for Hazardous Materials costs incurred by East Fork Fire Protection and their Quad County cooperators (Discussion/For Possible Action)

Ms. Parker reported that we have no policy and procedure to address this, that it was referred over to the Policy and Legislative Committee, and that we're talking about getting a friendly amendment so we can establish some type of guidelines, and there are only two members on the Policy Committee. There were no questions. No action was taken.

13. CHURCHILL COUNTY AND MINERAL COUNTY REQUEST RECONSIDERATION OF SERC OPTE GRANT APPLICATIONS (Discussion/For Possible Action)

Regarding Churchill County, Mike Heideman explained how he had come into this position just prior to this grant being due, had considered getting an extension, but did do the grant and mailed it on the 9th of March. Then he was informed that it was denied because it was late, that it wasn't received until the 14th. He was under the impression that if it was postmarked before the 10th, it was okay; so he's challenging it on that basis. There were Commission questions, comments and discussion. Mr. Giomi made a motion to approve Churchill County's grant request provided here is documentation showing that it was postmarked by the deadline. The motion was seconded by Mr. Chambers. The motion passed unanimously.

Regarding Mineral County, no one from Mineral County was present. Ms. Parker stated that this is the grant application that was requesting the cameras for some water wells in Mineral County and that the recommendation from the Funding Committee was that they put this request in for United We Stand, because it didn't meet hazardous materials requirements. There was a question and then a motion by Mr. Giomi that the SERC

accept the Funding Committee's recommendation to deny this grant request, under the reasoning that the request for items don't pertain to hazardous materials. Mr. Brenner seconded the motion. Mr. Giomi commented that if the SERC approves this motion, it would give them an opportunity to appeal at the next meeting if they want to be heard. Mr. Chambers had questions regarding trying to assist them down that road. The motion passed unanimously.

14. COMPLIANCE MONITORING/STAFF SUPPORT (Discussion/For Possible Action)

Ms. Parker stated that this is an item that's come up several time that they've tried different strategies. As of August of last year, when the USDOT came out and did our monitoring, they didn't take any punitive action against us, but told us that we need to monitor sub-grantees as part of our compliance for that sub-grant. Prior to that, the Policy Committee had established a policy that SERC is supposed to conduct at least eight compliance monitorings per year; this policy has been updated to say the SERC will conduct the appropriate monitorings for sub-grantees. An option we're looking at is seeking appropriations from the Budget Office to hire a contractor that would assist. Mr. Brenner stated that he'll talk to Chief Cage and discuss this, and at our next meeting we'll have more discussion. There were questions, comments and discussion. Jim Dibasilio provided input and further clarified that it would not be an appropriations. Ms. Parker agreed stating that the intent was for SERC to consider allocating/approving funds be used to allow for contracting or securing assistance for sub-grantee monitoring. Mr. Hastings provided input and indicated that it wouldn't be appropriate to try to move forward with a motion under the agenda item as it's framed. No action was taken.

15. EXECUTIVE REPORT (Discussion/For Possible Action)

Ms. Parker indicated that one thing we haven't addressed is she, Christina and Co-Chair Brenner will be going to the NASTTPO conference in May, another HMEP approved activity that LEPCs should look at attending, because there's some good information that would be of benefit to them.

a. Budget Update

Ms. Parker reported on the budget spreadsheet, including United We Stand, staff travel, year to date expenses update. It was noted that our budget was approved at the Governor recommended, so we're not losing money and waiting for the official notification.

b. LEPC Compliance Report

Ms. Parker reported that the LEPCs are working diligently to come into compliance working on deficiencies.

c. Hazardous Materials Database Status

Ms. Parker reported that there's been some changes on the hazmat database. Our current contract ends March of 2018, and so the State Fire Marshal's Office, SERC, and DPS headquarters is working on the new contract so we can get that renewed. There's a

new link to the database, but everything's the same, passwords don't change. There were some questions, comments and discussion. Ms. Parker also provided information on changes that facilities would see due to the hazard categories changing.

No action was taken on these items.

16. PUBLIC COMMENT (Non-Action Item)

There was no public comment.

17. ADJOURNMENT (Discussion/For Possible Action)

Mr. Nolan made a motion to adjourn. Mr. Hayes seconded the motion. The motion passed unanimously.

DRAFT