# Minutes

**Nevada State Emergency Response Commission (SERC)**

**Quarterly Meeting**

**Thursday, April 13, 2023 at 9:00am**

# CALL TO ORDER (Non-Action Item)

Mr. Brenner called the meeting to order at 9:00 a.m.

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

Roll was taken and a quorum was present.

**Members Present: Guests:**

Allison Genco Tami Beauregard - SERC Coordinator

Amanda Windes Brandilyn Baxter - Future SERC Coordinator

Billy Samuels Nathan Hastings - DAG

Carolyn Levering Patricia Brownfield - Esmeralda County

Debra Dailey Joyce Jeppesen - Eureka County

Eric Santos Michelle Young - Lander County

James Johnson Francisco Ceballos - Washoe County

Jon Bakkedahl

Dennis Nolan

Kelly Thomas

Lance Chantler

Kimberly Ferguson

Nicole Hoekstra

Richard Brenner

Susan Crowley

William Gardner

Karen Luna

1. **PUBLIC COMMENT (Non-Action Item)**

Mr. Brenner called for public comment. Ms. Beauregard stated this was her last day with SERC and Brandilyn, from the Fire Marshal’s Office, would be helping until a new administrator is put in position.

1. **APPROVAL OF JANUARY 12, 2023 MEETING MINUTES (Discussion / For Possible Action)**

Billy Samuels made a motion to approve the January 12, 2023 meeting minutes. Kim Ferguson seconded the motion, which was approved unanimously.

1. **NEW COMMISSION MEMBERS AND STANDING COMMITTEE UPDATES (Discussion / For Possible Action)** 
   1. SERC Commissioners

Ms. Beauregard stated they don’t have any new commissioners. Eric Santos’s commission was up in March of 2023, but he has submitted an application to renew being the commissioner. We’re waiting for the Governor to appoint him or not. With relation to Jack Snyder, James Johnson is sitting in today for him and will need to fill out an application to become a commissioner on the SERC and then have the Governor appoint him.

* 1. Committee Membership

Ms. Beauregard stated they needed more people on the Bylaws Committee because when there’s only three, all three must show up to be in quorum. Mike Morton, Amanda Windes and Kim Ferguson stated they would like to join the Bylaws Committee. Ms. Beauregard stated to add people to a committee, the chair of the committee must say, “Yes, I want to have these people be on my committee.” And then the two SERC co-chairs must have the final approval. I have you and Dennis at this meeting but not David Sellen. So, at the end of the meeting, we need to send an email to David advising him that these three people would like to be on the Bylaws Committee. He needs to agree, and then we need Richard and Dennis to approve them.

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

Clark County LEPC - Billy Samuels noted they have three applications that came in. Carlito Rayos was promoted to assistant chief over arson. With special events, we continue to plug along with Formula 1 Car Racing, New Years’ Eve, Electric Daisy Carnival, Life is Beautiful, and Super Bowl. We have a weekly meeting with Public Safety agencies and whatever jurisdiction that it’s occurring in to make sure that they are being safely handled and taken care of.

Esmeralda County LEPC - Patricia Brownfield stated they had a special meeting last night to approve the application for the United We Stand Grant that we’re working on now that we will be turning in by Friday. It was mentioned at last night’s meeting that we had a county-wide training session to get new people certified at the awareness level. And we’re having a regular April meeting on the 19th. We’ve applied for the SERC OPTE grant.

Eureka County LEPC - Joyce Jeppesen stated their focus has been the flooding which started March 10. For the most part, we have taken care of the emergency part of it. Now, we’re starting to look at some repairs. State Route 278 still has some lane closures. We will be holding our next quarter meeting at the end of May/beginning of June. There have been a few releases from some local mines. However, those have remained on private land. So, we have not been involved in any of that mitigation.

Lander County LEPC - Michelle Young stated they have a tabletop exercise for May 24. It will entail a tailing Dam failure at our Phoenix mine with Nevada Goldmine and whatever follows that flooding will be discussed. She thanked Mike Mallner for his review of their exercise report and helping us get what we needed figured out including issues with the LEPC emergency operations plan. There are some structural formatting issues with that entire plan that she is not capable of fixing. Lander County is looking for a company that writes them, updates them, reformats them. She asked if she could put her phone number and email in the chat, if anybody has any information, she would greatly appreciate it.

Washoe County LEPC - Francisco Ceballos noted they had their tabletop exercise with the Reno-Tahoe Airport Authority yesterday with their focus on hazmat and prepping for their full-scale exercise that they’re having next month. He stated they’re going to be formally applying for the United We Stand grant.

Tribal Nations - Lance Chantler stated he met with Crystal Harjo, the Region 9 Tribal Liaison who was working with NTECC- Nevada Tribal Emergency Coordination Council as their point of contact. They spoke in-depth about what it would take to get NTECC as a grant-eligible state agency through SERC. Ms. Harjo checked with her contacts at DEM, and Jon Bakkedahl and Nathan Hastings had conversations in the past. She stated she was told to ask in a meeting and get in on record of what was discussed.

Nathan Hastings stated it might be helpful for him to talk to Ms. Harjo. From initial research, the Nevada SERC has never had agreements in place about how SERC works with participation for tribal entities. Some EPA publications indicate there can be agreements with the state that allow tribal entities, instead of creating their own Tribal Emergency Planning Committee to act under the SERC. It’s not just a question of becoming eligible for grants, but about acting similarly to a LEPC by an agreement. Nevada has never had any such agreements. Where they’re at is just figuring out what those agreements look like and what the requirements for them are. He asked if they had information about what they would propose for an agreement process like that.

Mr. Chantler stated he did not know that Ms. Harjo has any legal precedent to give but he was sure she can work with the FEMA side and see if there’s any else that she could find.

Mr. Hastings stated they could jointly get in touch with her and have a discussion on a conference call and see if she does have some particulars on whether information, she may have from other tribal groups in other states that work with their SERCs.

1. **NON-STATE AGENCY UPDATES (Non-Action Item)**
   1. U.S. Environmental Protection Agency (EPA)
   2. Federal Emergency Management Agency (FEMA)
   3. U.S. Department of Homeland Security - (DHS)

There was no one in attendance or on the phone representing the non-state agencies.

1. **STATE AGENCY UPDATES (Non-Action Item)**
2. Nevada State Police Highway Patrol Division (NHP) –

Ms. Beauregard noted she did reach out to Captain Simpson, and they promoted Lieutenant Cornmesser. He was invited to come to the meeting but was not able to make it. She stated she advised both that if Lieutenant Cornmesser would like to be on the commission, he would need to fill out an application.

1. Nevada State Police Fire Marshal Division (SFM) – Nicole Hoekstra

Nicole Hoekstra noted she has about 14 things that their training division is doing currently. April 17-28, their first online International Fire Services Accreditation Congress (IFSAC) Hazardous Material Awareness course, to be held at the State Fire Marshal’s Office, Carson City; April 17-18 in Reno, the National Fire Academy, Preparing for Initial Company Operations (NFA PICO) class, Reno Fire Department (RFD); the 17th-21st, their Fire Service Instructor 1 course in the Carson City office at the State Fire Marshal; April 19-20, an National Fire Academy, Strategy and Tactics for Initial Company Operations (NFA STICO) class, RFD in Reno; April 24-25, an NFA Incident Safety Officer class (ISO), RFD, in Reno; April 29, a Hazardous Materials-Related Live Fire Training course in Hawthorne; April 30-May 5, a Fire Inspector 1 course in Carson City State Fire Marshal’s Office; May 6, a Hazardous Materials-Related Live Fire Training in Fallon; May 22-26, a Fire Service Instructor 2 course in Carson City at the State Fire Marshal’s Office; June 3, a Hazardous Materials Live Fire training in Smith Valley; June 10-11, the NFA ISO class in Yerington; June 12-13, the Campus Fire and Life Safety (CFLS) Risk Assessment in Las Vegas at the University of Las Vegas; June 21-24, a Nevada State Firefighter’s Association (NSFA) Conference for Hazardous Material Live Burn Training in Elko. As for the State Fire Marshal, we had nothing to add today.

1. Nevada Division of Environmental Protection (NDEP) – Kelly Thomas

Kelly Thomas noted the Chemical Accident Prevention Programs completed 14 on-site inspections. For the third quarter of 2023, they have 42 inspections completed for the fiscal year so far, 15 left to complete by the end of June. Program staff are currently working on permitting 13 new processes throughout the state.

1. Nevada Division of Industrial Relations, OSHA Unit – Bill Gardner

Mr. Gardner noted they’ve updated their Explosive Manufacturers Certification process and training certification process. By the summer, much of his compliance staff will be trained on the PSM- Process Safety Management Certification series which will allow us to restart our emphasis on inspecting facilities with large quantities chemicals. OSHA is currently monitoring new legislation right now, especially SB 427 related to wildfire smoke and heat. The business industry is currently neutral on the process. They are supporting the senators with data. As of 9:20 this morning.

1. Nevada Division of Emergency Management & Nevada Radiation Control
2. Program – Jon Bakkedahl

Mr. Bakkedahl noted from the DEM side, they had multiple declarations over the last quarter, specifically, the last Atmospheric rain event, several counties, and tribes. The Federal Declaration, a request for a presidential Disaster Declaration will be submitted from the governor’s office. Lincoln County and Eureka County continue to have multiple flooding issues as well as the Sierra Flat getting ready for the multitude of snow to come down. On the Washoe side, it looks like it’s going to be okay. But everything south of there is not looking good. He stated they are planning several opportunities to get out with local government. They started the tabletop exercises this week in Elko. They have one in Lyon County next week and continue to do preparedness efforts with local jurisdictions. They’ve purchased a number of resources, multi-sandbag devices, huge machines, as well as some double-sandbagging devices. They have brought in several hundred thousand sandbags from the U.S. Army Core of Engineers.

On the Radiological side, they held a two-day MERTT- Modular Emergency Response Radiological and Transportation training, at the DPS training site on March 8th and 9th for law enforcement. They held three one-day courses in Washoe County for the Triad Hazmat team on April 4th, 5th, and 7th. They held a medical radiological support class on April 6 at St. Mary’s Hospital and calibrations continue. They started on March 20th, and they go through the end of April for all the radiological detection devices.

1. **REVIEW CARSON CITY LEPC FY2022 UNITED WE STAND (UWS) REIMBURSEMENT (Discussion / For Possible Action)**

Ms. Beauregard stated they purchased and were requesting reimbursement for the battery tray and the infrared beacon. Despite all her correspondence to them that they needed to have a grant change request to fund those items, she reimbursed them anyways. Carson City sent her a check because they thought they needed to reimburse the SERC for some items. She stated she realized that she had not received the grant change request for those two items. There is a grant change request included in this packet for the battery tray and the infrared beacon. If the SERC approves this grant change request, then everything will be good funds-wise. They won’t have to reimburse anything. But if you do not approve it, Carson City will have to refund the SERC for those funds because they were not technically approved to purchase them. She stated she was requesting that they approve the grant change request. She noted there was zero change in the dollar amount from what they were awarded.

Mr. Brenner asked for a motion to approve this grant change request. Jon Bakkedahl made a motion to approve Carson City’s Project Change request for this particular grant. Deb Dailey seconded the motion and it passed unanimously.

1. **REVIEW THE SERC MAINTAINING TWO SEPARATE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT (Discussion / For Possible Action)**

Ms. Beauregard noted the agenda item says for discussion and possible action. A possible action could be deciding to keep both HMEP grants or closing one of them. In discussion with Brandi at the Fire Marshal, they would have to do work programs to close the extended grant. In the extended HMEP grant, she stated they still have $340,000 that can be spent for any activities that take place between now and September. She stated she had to take the FireShows off and trainings that were supposed to happen with Douglas County and Nye County, which they didn’t receive an application for them. On the new HMEP applications, there is $46,000 available for mid-cycle right now. Between the two, that is almost $390,000 available in mid-cycle funds.

Mr. Brenner stated it seems like a lot of money out there that we haven’t spent. The problem with the HMEP grants is that there are a lot of strings attached to the HMEP grant so it makes it difficult.

Ms. Crowley noted years ago, they wanted to do a study of what’s crossing our state and tried to get a couple of counties together to fund that. She thought they were going to throw some money at it too and handle it through HMEP. She asked if they could now accomplish that.

Mr. Brenner stated they did that in 2018 where they had a commodity flow study done with the state. They actually paid for it. It was a little expensive, like in the millions of dollars.

Ms. Crowley asked if they needed to get information out to the LEPCs so they knew there was mid-cycle money available to them.

Mr. Brenner stated he thought the staff has been doing that for quite a while and they’ve had some takers. But for the most part, the strings are really what cause the hard firm for people. Washoe, Francisco, and Clark County tried. It’s got to be written the right way to get the approval.

Mr. Samuels asked about FireShows that got brought up with HMEP. He stated he understands there’s strings attached with HMEP and with regulations and guidelines. He stated he would like to see if there’s a workaround that they could figure out whether through HMEP or the tracks that are used for FireShows West.

Ms. Beauregard stated HMEP rules are finite. More than 50% of the training must be related to hazmat and transportation. The attendee must attend more than 50% percent of those classes for HMEP to reimburse them. What we did this year is allow the LEPC’s to put the FireShows West training into their SERC OPTE Grant.

Mr. Samuels stated that if FireShows West offers 50% and if 50% of the classes are taken by the student, he thought that should still be a reimbursable application that we can have through HMEP and our LEPCs.

Ms. Beauregard stated the training provided by the fire marshal for the LEPC track does not have more than 50% classes that deal with hazmat and transportation.

Mr. Samuels stated that is why he was saying they need to reach out to FireShows West to see if they can add additional courses to that.

Ms. Ferguson stated she would agree that that would be a good avenue if we can do some level setting and see if they can add more classes so that they can utilize these funds and get people the training that they need.

Ms. Beauregard stated Richard and Dennis did do that about two months ago and were told that their classes cannot meet the requirements of HMEP. But you have a year to work on it for the 2024 conference.

Mr. Brenner told Billy they needed to talk because he didn’t want to see it go away. He stated that SERC and Clark County started this process years ago and it was a hazmat conference, but it has moved away from hazmat. He stated all they have to do is get 50% and he thought by talking with the Fire Marshal’s Office, they can get there.

1. **SERC COMMITTEE REPORTS (Discussion / For Possible Action)** 
   1. **PLANNING AND TRAINING SUBCOMMITTEE**

Ms. Ferguson noted they worked on reviewing the documents that were submitted by the Local Emergency Planning Committees and the state agencies to come into compliance. They believed they have compliance with all agencies but possibly one. She noted they reviewed the equipment list for the OPTE grants and completed review on that. The reviews of the OPTE grant and the equipment that was requested in addition to ensuring that the LEPCs and state agencies were compliant as far as the documents are required to be submitted on January 31.

* 1. **BYLAWS COMMITTEE**

Mr. Brenner noted he is also on this committee with Dave Sellen and Eric Santos and, hopefully, they’ll be expanding it soon if Dave approves and the co-chairs approve, and he will be approving my side of it. He noted Ms. Beauregard looked at it and identified deficiencies, as talked about during the committee meeting about various counties with their bylaws.

Ms. Beauregard noted the bylaws look at three things: the LEPC’s membership list, reviews those bylaws to see if there’s anything missing and reports that information to the Bylaws Committee. With the bylaws of the LEPCs, its staff reviews those bylaws to see if there’s anything missing and reports that information to the Bylaws Committee, who decides if they’re in compliance or out of compliance. They also review the SERC bylaws, which this year they didn’t recommend any changes to the SERC bylaws.

* 1. **FUNDING COMMITTEE**
     + 1. **REVIEW OF SERC OPTE GRANT APPLICATIONS**

Mr. Brenner stated they had a meeting and went through the different SERC OPTE grants. He thanked Kim and the Planning and Training Committed for going through the grants and verifying that the equipment that they were requesting is appropriate for their level of response. He stated there’s an awareness level, an operations level, and a technical level. We want to make sure that the county has the appropriate equipment for the way they’re responding. He noted they also looked at different areas, making sure that each county is in compliance with the requirements whether it’s turning in their bylaws and minutes of the meetings, approving the grants.

Ms. Beauregard noted the majority of the LEPCs applied for the operations and equipment and then some of the training which would have been the FireShows West Conference. All the equipment being requested by each LEPC has been approved by the Planning and Training Subcommittee. And every application has been recommended for approval by the Funding Committee to the full SERC. She briefly went through the contingencies for each one, Carson City, Churchill (to add the dissolution of the LEPC to their bylaws, and then the meeting minutes approving the OPTE grant application, Clark, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral County (needs signatures on their application and meeting minutes approving the OPTE grant application), Nye, Pershing (needs the meeting minutes approving the OPTE grant application), Storey (needs meeting minutes approving their membership list and then meeting minutes approving the OPTE grant application, Washoe County, White Pine, and the State Fire Marshal.

Mr. Brenner asked if she wanted to talk about the database in reference to SERC.

Ms. Beauregard noted the funding for this application will be July 1, and then July 1, assuming the budget goes through as it was submitted by the Governor, there will be $661,987 available to the SERC for grants. For the Hazconnect Database, we used to do a 60/40 split where 60% was paid by the SERC and 40% was paid by the Highway Funds. 40% for the Highway Fund had to come out of our budget. SERC will now have to pay 100 percent of the Hazconnect Database, and that’s what the $72,000 is. For HMEP, there’s a 20% match. And that’s paid out of our contingency Fund, roughly $28,000. So, between what the beginning budget is minus the Hazconnect Database, all the applications talked about and then the potential 20 percent for HMEP, it will leave the $25,000. But that’s not reserves. There’s still around $3 million in reserves. It’s just that the $661,000 is the beginning budget for starting in July.

Mr. Brenner asked for a motion to approve what the Funding Committee has recommended. Kimberly Ferguson made a motion to approve, Susan Crowley seconded, and the motion passed unanimously.

* + - 1. **REVIEW OF HMEP FY2023 GRANT APPLICATIONS**

Mr. Brenner noted these are two new HMEP grant applications, one for Humboldt County and one for SERC staff. The Funding Committee reviewed these. Humboldt County is putting together an Awareness Operations Level class, and it’s also a First Receiver class for their first responders and Grant classes for SERC staff.

Mr. Brenner noted the Funding Committee did make a recommendation to approve this and asked for a motion. Susan Crowley made a motion to approve this grant application, Deb Dailey seconded, and the motion was carried unanimously.

1. **ADMINISTRATIVE REPORT (Discussion Only)** 
   1. SERC Assistant position

Ms. Beauregard noted they interviewed a couple of people for the SERC Assistant position, and really liked both. They offered the position to one. She accepted and then turned it down. They then offered the position to the second person but there was a misunderstanding about the background investigation so decided to rescind the offer. Right now, the new administrator will take up the job of getting the SERC Assistant on board.

* 1. NRS and NAC status updates

Ms. Beauregard noted there was nothing new with the NRSs.

* 1. State Budget activities

Ms. Beauregard noted they had changes approved in December, but they haven’t been posted to the web yet. They have the Executive Order from the Governor to suggest any NACs that we could change or remove, which they are still working on in that process. No updates with NACs. For the SERC budget, the legislature will not be hearing the SERC budget so it’s just likely to close as it was presented by the Governor.

Mr. Brenner asked Ms. Beauregard for a little overview in reference to the budget.

Ms. Beauregard noted the Governor’s recommended budget for travel had no travel for staff either in CAT 02 or CAT 03. For the commissioners, it had $706 for the commissioner’s travel. She noted she had to take out the Hazconnect portion. That’s why the SERC must pay for 100% of the Hazconnect. If they have any face-to-face meetings in the future, it’ll have to come out of the Contingency Fund. The new administrator will have to address with SERC how the administrator will travel to the LEPCs because that is part of the administrator’s job, but also to do audits. The audits are part of the federal requirements. It’s also in the SERC policy.

Mr. Brenner stated he just wants the commissioners to know some of the problems they’re having with the budget. On the Funding Committee, they’ll work with the administrators and come up with some ideas. And then move it forward in the SERC meeting to come up with some ideas so we can get the SERC Administrator out and fund some meetings face-to-face.

Ms. Ferguson asked if Ms. Beauregard could give an example of what one of those audits would look like by the SERC Administrator.

Ms. Beauregard stated any grant that a LEPC gets from the SERC, whether it’s the OPTE, United We Stand or an HMEP grant, the administrator would go to the office and make sure that they have all the required documentation that supports the applications and supports the reimbursement requests. They have to have that information. They have to keep it for three years. And for the HMEP, it might have to be five years that they have to keep that documentation available to be audited.

1. **PUBLIC COMMENT (Non-Action Item)**

Mr. Brenner called for public comment. He thanked Ms. Beauregard for everything she’s done for SERC, and they truly wish her well in her new endeavors. Ms. Beauregard thanked him and said she appreciated it and has enjoyed her time here.

# ADJOURNMENT (Discussion / For Possible Action)

# Kim Ferguson made a motion to adjourn. Allison Genco seconded the motion which was approved unanimously.