

# Minutes

## Nevada State Emergency Response Commission (SERC)

### Second Quarterly Meeting

Thursday, April 10, 2014 – 9:00 a.m.

Reno  
*NV energy – Sierra Plaza*  
*Conference Room B1*  
*6100 Neil Road*  
*Reno, NV*

#### Members Present

Richard Brenner, Co-Chair  
Thomas Burns\*  
Susan Crowley  
Matthew DeBurle  
Paul Enos  
Clinton Hayes  
Karen Luna  
Peter Mulvihill, Co-Chair  
Jim Reagan  
Chris Smith

#### Members Absent

Barbara Cegavske  
Larry Farr  
Stacey Giomi  
Mike Hecht  
Jeff Whitesides

#### Staff

Karen Pabón  
William Geddes  
Nathan Hastings

#### Guests

Jaime Barino  
Tami Beauregard  
Patrick Hughes  
Jason Manley  
George Molnar  
Cherie Nevin  
Alan Olsen  
Amanda Pearce  
Gary Snodgrass\*  
Keith Westengard  
Janell Woodward  
John Woytak

\*teleconferenced

#### 1. **CALL TO ORDER**

Peter Mulvihill called the meeting to order at 9:00 a.m.

#### 2. **INTRODUCTIONS**

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

Karen Pabón introduced Tami Beauregard as the new Administrative Assistant for the SERC.

William Geddes announced he will be resigning from the Attorney General's Office effective April 18, 2014 to start his own law practice in Reno. Nathan Hastings will be replacing him as the Deputy Attorney General representative.

### 3. PUBLIC COMMENT

Mr. Mulvihill called for public comment.

Jim Reagan provided exit, restrooms and cafeteria locations.

Mr. Mulvihill thanked Mr. Geddes for his service.

### 4. APPROVAL OF JANUARY 09, 2014 MEETING MINUTES

Susan Crowley made a motion to approve the January 09, 2014 SERC meetings minutes. Clinton Hayes seconded the motion which was approved unanimously.

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

**Clark LEPC** – Richard Brenner advised Clark LEPC held its meeting.

Presentations were made on the future of interoperable communications and by the Union Pacific Railroad. The Union Pacific Railroad is going to have a test bed to develop a new locomotive to run off of compressed natural gas or liquefied natural gas.

The LEPC discussed the commodity flow study with the objective this year being to update it. They are planning for a functional exercise this year.

**Storey LEPC** – Cherie Nevin advised Storey LEPC held its second quarterly meeting of 2014 on April 9, which was attended by twenty participants.

George Molnar presented the future of interoperable communications.

The LEPC's update to the Hazard Mitigation Plan should be completed by the end of the year.

Storey County is hosting a Quad-County hazmat exercise on May 9 at the Wal-Mart Distribution Center in the Tahoe-Reno International Center facilitated by a contractor hired through a HMEP grant received.

The LEPC will hold a full scale evacuation drill in the Virginia City Highlands area on May 17.

**Lander LEPC** – Keith Westengard advised Lander LEPC completed an update of the hazardous materials response plan. They are planning a full scale drill for spring or early summer.

The LEPC continues to purchase decontamination equipment.

**Humboldt LEPC** – Jason Manley advised the Humboldt LEPC has updated the hazardous materials plan and are now in compliance with federal and state requirements.

**Mineral LEPC** – Patrick Huges advised the Mineral LEPC is holding a meeting tonight. They are working on a drill involving a shooting with hazardous materials.

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

The EPA update is included in the handouts.

Ms. Pabón advised this was the last report received from Mike Ardito. Mr. Ardito retired on March 31. In a final e-mail, he sent best wishes for success with the Nevada SERC. He commented that he considers the Nevada SERC “the best one in the Pacific Southwest Region.” He hopes the Nevada success story submitted for the President’s Executive report makes into the final document.

**7. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UPDATE**

John Woytak stated the FEMA administrator resigned. There is an acting administrator until that position is filled in six to twelve months.

FEMA is currently focusing on the Sandy Recovery Improvement Act of 2013. The biggest impact on Nevada is twenty-seven federally recognized tribes can declare a disaster on their own and not through the Governor. FEMA is currently training the tribes.

Mr. Woytak is working with Ms. Pabón to continue the training dollars for FireShowsReno.

**8. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) UPDATE**

Ms. Pabón advised the agenda has been sent to John Wannamaker, the OSHA Administrator that replaced Steve Coffield. Ms. Pabón confirmed Mr. Wannamaker has not contacted the Governor’s Office regarding appointment. Mr. Brenner will follow up with Mr. Wannamaker.

**9. NEVADA DIVISION OF EMERGENCY MANAGEMENT (DEM) UPDATE**

Chris Smith reported that the Civil Support Team (National Guard Unit) has hazardous materials support capability and will be moving to northern Nevada within the next fifteen months while working through a change in command. Mr. Smith will request a presentation to the SERC when the move is complete.

DEM received the Homeland Security Grant package. Clark County has been put back on the Urban Areas Security Initiative list and will receive an additional one million dollars for Homeland Security grant development.

Emergency Management Program Grant (EMPG) was received with an increase. They do not expect any cuts to the local sub-grants.

The State of Nevada is now a fully accredited program through the Emergency Management Accreditation Program (EMAP), administrated through National Emergency Management Accreditation (NEMA).

Mr. Smith advised the State Comprehensive Emergency Management Plan (SCEMP) has been completed, signed off by the Governor and is available for all to review.

Personnel from Nevada attended a Department of Energy, Office of Secure Transportation (OST) full scale exercise in Colorado. The OST transports special nuclear material around the United States.

There are two Fusion Centers; one in southern Nevada and one in Carson City. Analysts address critical infrastructure and share information and assistance. They could make a presentation at the next SERC quarterly meeting. It was suggested the next SERC meeting be held at the Fusion Centers.

#### **10. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) UPDATE**

Matt DeBurle advised there was nothing to report.

#### **11. NEVADA STATE FIRE MARSHAL (SFM) UPDATE**

Mr. Mulvihill advised 5,000 hazardous materials permitted facilities are needed to reach budget projections. Currently 4,142 facilities have received permits; 4,600 total have submitted reports. There are 5,768 facilities in the system. The SFM continues to follow up with those who have not renewed permits. Renewals are being done online, with the exception of one hard copy submission.

Paul Enos asked what the turnaround time is for the permits to be received. Mr. Mulvihill advised it depends on how fast the payment on the invoice is made. When the check is logged the permit is released for printing by the facility.

Mr. Mulvihill stated the idea for the future is for the customer to submit their request, enter the credit card information, submit the payment and get the permit immediately. New software is needed.

Mr. Brenner asked how the facilities are notified to report. Mr. Mulvihill stated e-mail notifications are sent to the system users. The SFM handles the fourteen rural counties and forwards information to large counties. He also noted if they have not renewed in a few years, the SFM will collect previous year payments before issuing permits.

Ms. Crowley asked about the \$7,500 fee cap. Ms. Pabón noted there is a maximum of \$7,500 per company on SERC fees only, and a \$150 per facility SFM permit fee. There is no maximum on the SFM permit fee.

Mr. Mulvihill noted the SFM is working on the training technician course for next fiscal year in southern Nevada.

**12. PRESENTATION: THE FUTURE OF INTEROPERABLE COMMUNICATIONS**

George Molnar, of Department of Emergency Management/Statewide Interoperable Communications gave a presentation on the future of communications in Nevada.

**13. REPORT OF LEGISLATIVE COMMITTEE**

Mr. Reagan advised there was nothing to report.

**14. REPORT OF FUNDING COMMITTEE**

**i. REVIEW OF LYON COUNTY LEPC'S DISPUTE REGARDING NON-COMPLIANCE PURSUANT TO SERC POLICY 8.3, CERTIFIED ASSURANCES AND COMPLIANCE CERTIFICATION (taken out of order)**

Ms. Pabón advised this was withdrawn by the Lyon LEPC. They are working with the vendor to ensure the quote will be in effect in October when they can gain compliance.

**a. REVIEW OF FY2015 SERC GRANT APPLICATIONS SUBMITTED BY LOCAL EMERGENCY PLANNING COMMITTEES (LEPCS) AND STATE AGENCIES**

Ms. Pabón noted a spreadsheet summarizing the grant requests has been provided. The spreadsheet shows contingency items, met and outstanding, in red; items requested in black; and staff's comments in green.

For clarification, the amount of \$566,524 as total balance forward funding available for these grants, not including de-obligated amounts at the end of the current grant year and not including revenues for next fiscal year, was provided to the Funding Committee. The grants requests totaled \$611,422 including some operating line items already approved. The Funding Committee felt there would not be a cash flow issue based on these amounts and did not reduce grants for this reason.

In preparation for this meeting, an error in calculations was noted. The actual anticipated amount to balance forward is \$671,294. Basically, the fee budget is back to where it was before the sweep in 2010.

The Funding Committee made the recommendations listed below.

Ms. Crowley noted that the Planning Committee already vetted these requests to help the Funding Committee make the final recommendations.

**Carson City** – approve as requested contingent on submission of minutes approving the application which have been received.

**Churchill** – approve all items except the gas masks and accessories contingent on submission of updated objectives to include the “when”; quote on freight for radios and submission of Tier II facilities list. The Tier II facilities list was received. The computer request was for \$20 more than the quote, so the recommendation is for \$8,885 less than requested.

**Clark** – approve for \$269 less than requested based on quotes submitted contingent on submission of 2<sup>nd</sup> quote for training, signatures on application and Certified Assurances and minutes approving the application.

**Douglas** – approve as requested.

**Elko** – approve contingent on submission of a quote, updated equipment and Tier II facilities list and minutes approving the application. The equipment and Tier II facilities lists have been received. There is an issue with this request as they discovered the equipment they requested is no longer available and they cannot get a quote. I suggested they justify use of this \$11,070 for something with this same intent, such as new systems or the calibration gas to calibrate manually. Elko LEPC advised they will purchase new equipment and use this grant for calibrating the new equipment.

**Esmeralda** – no application was submitted. Ms. Pabón anticipates a request for operations. They did meet the compliance requirements.

**Eureka** – approve contingent on holding four quarterly consecutive meetings and submission of minutes. This can happen in October at the earliest. The grant request is for operations only and per policy would be prorated at \$3,000; of which \$1,500 may be used for clerical.

**Lander** – approve contingent on submission of Tier II facilities list and minutes approving the grant application. These items were received.

**Lincoln** – approve contingent on submission of full, signed Certified Assurances and minutes approving the grant application. These items were received.

**Lyon** – approve. However, the LEPC did not hold a meeting in the quarter October – December. They submitted a statement regarding the lack of quorum for a December meeting which did not meet SERC policy. So, any award must be contingent on holding four consecutive quarterly meetings and submitting minutes. This can be accomplished in October at the earliest. The operations award would be prorated to \$3,000 per policy.

The LEPC initially requested to dispute the requirement that the grant period would not start until these items are addressed. They wanted to make the purchase in July, but wait until compliance was made and the grant award issued before requesting reimbursement. They have since withdrawn that request and understand they must have compliance, then the grant award and then the purchase.

Mr. Enos questioned if the Polaris will actually be used for emergency response. Ms. Pabón noted the SERC does not require any documentation or track what they actually do with items purchased. However, they are required to justify it in the grant application. The Funding Committee found it was justified.

**Mineral** – approve contingent on submission of contact list (due April 14, 2014), minutes from December 19, 2013, minutes approving the grant application, 1<sup>st</sup> & 2<sup>nd</sup> quarter financial reports, a hazmat justification for the medical devices and a clarification on the amount for clerical (they asked for \$2,000, but justified \$1,000). The minutes approving the grant application have been received and all other items are still pending.

Patrick Hughes noted the above items are being worked on.

Ms. Pabón noted the contact list is the only item due on April 14, 2014, while the other items have up to ninety days to be completed.

**Nye** – approve the level A suits only, up to \$20,000 and deny all other items as not justified to hazmat response. Approval is contingent on submission of plan updates regarding the community and facility coordinators list which is due April 14, 2014.

**Pershing** – approve contingent on submission of minutes approving the grant, current quote for the fit tester, shipping quotes and a justification for the clerical assistance in the budget narrative. Upon review, it was noted the quote for the fit tester, although very old, did meet the policy requirement to be “active” within 30 days of the open grant cycle. The quote was from March of 2013 expiring December 31, 2013. The application cycle opened the middle of January.

**Storey** – approve as requested.

**Washoe** – approve contingent on submission of minutes from October 17, 2013 which were received.

**White Pine** – approve contingent on submission of current dated quote, equipment and Tier II facilities lists (due April 14, 2014) and minutes approving the grant application. The quote has been received. There was a mathematical error in the budget requesting \$35 more than quoted for the computer.

Mr. Enos requested an explanation why, based on the staff’s notes, White Pine LEPC was recommended for approval while Nye LEPC was not.

Mr. Reagan advised the items requested from Nye LEPC would be better suited for the United We Stand grant.

Ms. Pabón advised the Funding Committee found White Pine LEPC’s application justified the request and Nye LEPC’s did not. Mr. Enos read a portion of White Pine LEPC’s application and Ms. Pabón read a portion of Nye LEPC’s application into the record.

Ms. Pabón advised of SERC to LEPC notification procedures and Nye LEPC was notified of this meeting if they wanted to attend and better justify the items.

**UNLV** – approve as requested.

Susan Crowley made a motion to approve the FY2015 SERC grant applications with noted contingencies. Mr. Enos seconded the motion which was approved unanimously.

**Humboldt** – the Committee did not take action on Humboldt, deferring it to this meeting based on the recommendation of the Planning & Training Subcommittee. The Subcommittee found the level of response was not designated in the plan and “assumptions” made in the plan appeared to indicate a level lower than the technician level on the Level of Response Questionnaire. Since many of the items requested in the application were subject to the designation of the technician level, the Committee felt it could not recommend an award based on the information it had.

After the meeting it was discovered the technician level of response was designated in the plan.

The other Planning & Training deficiency to provide a better contact list was received. Administrative compliance issue of submission of updated Bylaws was received. Minutes from the February 05, 2014 meeting have not been submitted, but had not been previously noted as a contingency.

There are some line item budget concerns due to the LEPC rounding each unit price up. However, they did not include the quoted shipping costs in the grant budget, so it may not be necessary to reduce the grant as the shipping costs are more than the cost difference of the individual items rounded up.

Mr. Enos made a motion to approve the grant application requested from Humboldt LEPC contingent on submission of February 05, 2014 meeting minutes. Chris Smith seconded the motion which was approved unanimously.

Jason Manley noted Humboldt County has a unique situation and all agencies are working on implementing an agreement to work together. Alan Olsen advised the LEPC and county are working together with the hospital to form appropriate response capabilities.

**b. REVIEW OF U.S. DEPARTMENT OF TRANSPORTATION, HAZARDOUS MATERIAL EMERGENCY PREPAREDNESS (HMED) MID-CYCLE GRANT ALLOCATION FOR SERC CO-CHAIR TO ATTEND THE NATIONAL ASSOCIATION OF SARA TITLE III PROGRAM OFFICIALS (NASTTPO) CONFERENCE**

This is a non-action item simply to report the Funding Committee approved up to \$2,500 in Hazardous Material Emergency Program mid-cycle grant for Richard to travel to the NASTTPO conference in Louisiana in a couple of weeks.



**c. REPORT OF SERC PLANNING AND TRAINING SUBCOMMITTEE**

Ms. Pabón advised this item was to address/consider any submissions that may have been received relating to the forty-five day deficiency notice issued by the Planning and Training Subcommittee in February. Specifically, Legislative Counsel Bureau Police had not submitted any updates, so nothing had been reviewed. Also, generally staff can determine compliance has been made with the new submissions, but this year there were some additional items noted as deficiencies on both the plan updates and the exercise reports.

Churchill had a requirement to submit an updated Tier II facilities list which they did. Ms. Pabón questioned the format of the list in that it includes the specific chemicals at each facility. The LEPC responded to the SERC's request last year regarding the chemical information with "LEPC recommends that the information be kept as confidential as possible, as has been done in the past, and only released for specific requests." Unfortunately, she just noticed this yesterday and did not address it with the LEPC. The facilities list is accepted to meet the contingency with staff directed to notify the LEPC of the issue.

Esmeralda LEPC submitted corrective actions to the exercise report which was reviewed by the Subcommittee member assigned. The subcommittee member advised the corrective actions were sufficient to meet compliance.

LCB Police called and explained new management did not find they had much of a hazardous materials nexus and they would not be updating the plan and submitting an exercise report. They will, however, continue to apply for UWS grants.

**15. REPORT OF POLICY COMMITTEE**

Ms. Pabón reported there was no meeting. However, there is still a policy pending with regards to Protocol for Information Request.

**16. REPORT OF BYLAWS COMMITTEE**

Ms. Pabón reported there was no meeting.

**17. REVIEW OF U.S. DEPARTMENT OF TRANSPORTATION, HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) MID-CYCLE GRANT ALLOCATION FOR SERC EXECUTIVE DIRECTOR TO ATTEND THE NATIONAL ASSOCIATION OF SARA TITLE III PROGRAM OFFICIALS (NASTTPO) CONFERENCE**

Ms. Pabón missed this in time for the Funding Committee meeting, so there is no recommendation. Travel to Louisiana for the NASTTPO Conference is estimated to cost \$1,700. The out-of-state budget for this conference is \$1,108 based on travel expenses in 2012. A work program is pending to move authority from the personnel category since we have savings due to the vacancy. This item is to approve funding from the HMEP grant in case the work program is not approved.

Mr. Enos made a motion to approve request up to \$1,000. Ms. Crowley seconded the motion which was approved unanimously.

**18. REVIEW OF THE FEDERAL FISCAL YEAR 2014 APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION (USDOT) FOR THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT**

Ms. Pabón advised the narrative portion of the application has been provided. The application is due to USDOT on Monday (April 14, 2014). The award will begin approximately October 1<sup>st</sup>. The application is standard to the previous years with some specific requests of LEPCs. If approved in the federal award, these items will not need separate USDOT approval before awarding the subgrant.

Ms. Pabón advised the proposed timeline for the subgrants application kits are provided in the middle of July with a due date the end of August. The Funding Committee will meet in September and the SERC can make the initial awards in October. Grant awards will be subject to Interim Finance Committee approval to accept the grant award from the federal agency.

The grants will run from the approval to June 30, 2015. Any de-obligated funds at that June date will have the ability to be re-obligated for July to September projects. Ms. Pabón anticipates requesting a grant extension to fund attendance to FireShowsReno 2015.

Ms. Pabón advised the grant is for hazmat planning and training and is eighty percent federally funded and twenty percent funded through SERC fees.

Mr. Reagan made a motion to approve the grant application as written. Ms. Crowley seconded the motion. Discussions ensued.

Mr. Enos asked if there is a relationship with Nevada Department of Transportation or the Regional Transportation Commission to conduct commodity flow studies. Mr. Brenner noted NDOT conducted a study in the 1980's.

Ms. Pabón noted this particular grant is specifically for Clark LEPC and the LEPC will be working with appropriate entities to conduct the commodity flow study.

Mr. Smith asked if the USDOT notifies the state of how much money is available to them and is the requested grant amount the total amount available. Ms. Pabón advised the amount requested is the total amount available.

A discussion ensued regarding adding the statewide training exercise schedule to the application. It was determined this is not necessary.

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

## 19. DISCUSSION OF THE PRESIDENTIAL EXECUTIVE ORDER REGARDING CHEMICAL SAFETY

The Progress Report was previously forwarded to the SERC and LEPCs. A couple of notable items are listed on page 4 & 5. The Working Group developed a set of actions to improve stakeholder coordination in six categories. One of the categories is “Provide further technical assistance to SERCs and LEPCs. To provide LEPCs assistance in contingency planning activities and analyzing the chemical information received from facilities, the Working Group developed goals:

### Short Term

- “Work with state to improve SERC/member orientation and training and conduct area/regional LEPC workshops to provide technical assistance”.
- “Revise the National Response Team (NRT) Hazardous Materials Planning Guide (NRT-1) and the Criteria for Review of Hazardous Materials Emergency Plans (NRT-1a) to improve the development and review of hazardous materials emergency response plans”.

### Medium to Long Term

- “Establish a mechanism to send notifications regarding new information on chemical safety and security issues and activities to SERCs and LEPCs (e.g. lessons learned from a chemical incident)”.
- “Work with states to assist the SERCs to enhance their role as information sharing (e.g. RMP, CFATS and EPCRA Tier II facility and chemical information) organizations and central repositories for training, resources and program summaries related to chemical facilities”.

Ms. Crowley questioned if the hazardous materials database should be expanded to assist with the goals. Ms. Pabón noted the system has a Geographic Information System module that could be purchased at a later date. She advised not many responders have asked for access to the system. She is not sure purchasing the module is worth it. Mr. Mulvihill stated the current and new database have the latitude and longitude information to be used with a GIS.

## 20. REPORT OF EXECUTIVE DIRECTOR

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

Ms Pabón advised State agencies have begun the budgeting process for fiscal years 2016 – 2017 subject to the 2015 Legislature. Ms. Pabón anticipates building the budget consistent with the last several years, including equipment replacement and normal operating; and a request of more money for travel.

Ms. Pabón advised she anticipates balancing forward \$671,294 in SERC fee money. Currently, there are grant obligations totaling \$268,631

In United We Stand, there are \$114,670 in cash and obligations of \$153,051. Revenue pending for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of FY2014 is estimated at \$175,000.

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

There are no other compliance issues to report other than those addressed under the Funding Committee report.

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

Ms. Pabón advised of the facilities reported (4,658 annual submissions) as noted in the SFM report, 1,287 are Tier II facilities. This is approximately 28% which is up since the implementation of the new system when it was approximately 25%.

Ms. Pabón advised the system upgrade is progressing, although rather slowly. The original anticipated delivery of the new product was January, but it has been delayed in development. The current anticipated delivery is the beginning of May with it being fully deployed by the end of June. However, some of this depends on budgeting issues between the fiscal years, so it may be delayed a bit longer.

Ms. Pabón advised there is an issue transferring the system to the SQL server license from Oracle. The SERC was budgeted for \$1,400 and the new quote is \$7,600. She is working with Enterprise Information Technology Services to cover the cost.

Mr. Mulvihill noted more updates will be needed at a later date. This will cost a substantial amount of money, but will allow the user to file and pay all fees owed to the state through Silver Flume.

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

The SERC approved up to \$3,600 for the upgrade of the TRI viewer program which was needed due to the change in database software licensing for the Tier II system. We were able to combine this contract with a contract NDEP already has with the program vendor and it is progressing, however it is dependent on delivery of the Tier II upgrade.

**e. Administrative Assistant position – Report on hiring process for the administrative assistant position**

As noted, Tami Beauregard will be the new Administrative Assistant. Pending the background investigation report, she will start working for the SERC soon.

Additional items:

Based on the personnel vacancies, minutes of this meeting and the last few committee meetings will be delayed. Ms. Pabón simply cannot complete them timely.

Due to re-carpeting with asbestos abatement and re-painting of the SERC offices, staff will be displaced for a couple of weeks probably the middle to end of May. Some grant reimbursements and response to e-mails may be delayed.

The next SERC meeting is scheduled for July 10. This will be a video-conference meeting in the north, south and Elko. For determining a quorum, please let us know as soon as possible if you are unable to attend.

**21. PUBLIC COMMENT**

Mr. Mulvihill for called public comment, there was none.

**22. ADJOURNMENT**

Ms. Crowley made a motion to adjourn the meeting at 11:49am. Mr. Brenner seconded the motion which was approved unanimously.