

**Regional Railroad Accident Preparedness and Immediate Response Fund Advisory Committee
Meeting Minutes**

Cal OES Headquarters
3650 Schriever Avenue
Mather, CA 95655
Multi-Purpose Room 1 & 2
April 18, 2016

Members Present:

Mark Ghilarducci, Director, Governor's Office of Emergency Services, Chair

James Farner, designee for Patrick Brady, Hazardous materials specialist from the railroad industry

John Mervin, Operation Specialist from the railroad industry

Joe Bateman, Fire and safety specialist from the refinery industry

Dale Backlund, Chemical hazardous materials specialist

David Richardson, designee for Daryl Osby, Firefighting Resources of California Organized for Potential Emergencies (FIRESCOPE)

Bill Fuller, designee for Jerry Apodaca, Local Emergency Preparedness Commissions (LEPCs)

Niko King, California Fire Chiefs Association

Amy Howard, California Professional Firefighters

Gene Gantt, California State Firefighters' Association

John Gulserian, designee for Roy J. Shackel, California Emergency Services Association

Steve Turner, Fire Districts Association of California

Dennis Mathisen, designee for Mike Richwine, Office of the State Fire Marshal

Jim Epperson, California Highway Patrol

Members Absent:

Yvonne Addassi, designee for Jeff Westervelt, Department of Fish and Wildlife

Staff Present:

Sarah Poss, Chief, Office of Executive Programs and Policy Analysis, Governor's Office of Emergency Services

Alex Pal, Attorney, Governor's Office of Emergency Services

Jennifer Plescia, Attorney, Governor's Office of Emergency Services

James Ayre, Deputy Superintendent, California Specialized Training Institute, Governor's Office of Emergency Services

Kim Zagaris, Fire and Rescue Chief, Governor's Office of Emergency Services

I. Welcome – Call to Order – Membership Updates

- Director Ghilarducci called the Regional Railroad Accident Preparedness and Immediate Response Fund Advisory Committee meeting to order.
- Director Ghilarducci introduced the new members of the advisory committee:
 - Dave Buccolo: Representing the California Short Line Railroad Association
 - Dan Stone: Representing the agriculture chemical industry
 - Mike Richwine: Representing the Office of the State Fire Marshal
 - Jeff Westervelt: Representing the Department of Fish and Wildlife
 - Jim Epperson: Representing the California Highway Patrol

II. Approval of March 8, 2016 Minutes

- Director Ghilarducci introduced the March 8th, 2016 meeting minutes, and asked for any corrections. Hearing none, Gene Gantt made a motion to approve the minutes. Steve Turner seconded the motion, which was unanimously approved.

III. Discussion and Review of Draft Program Regulations

- Cal OES Fire & Rescue Chief Kim Zagaris presented the fire departments that have been approved to receive a Cal OES Haz Mat Unit:
 - Region I: Los Angeles City Fire Department and Santa Maria Fire Department
 - Region II: Contra Costa County Fire Protection District and Seaside City Fire Department
 - Region III: No assignments made yet; in progress
 - Region IV: South County Fire Authority and Modesto City Fire Department
 - Region V: Fresno City Fire Department and Kern County Fire Department
 - Region VI: San Bernardino County Fire Department and San Diego City Fire Department
- Director Ghilarducci conducted a discussion of the draft regulations for the Regional Railroad Accident Preparedness and Immediate Response program.
- Mr. Ayre provided an update on HMBR-Funded Training, including courses given to-date, and training sites. He reported that twelve courses had been funded, and that fourteen more would be funded before the end of the fiscal year.
- Director Ghilarducci asked the advisory committee for their recommendations on training, and announced the formation of a Training Subcommittee. Director Ghilarducci appointed Mr. Ayre and Cal OES Fire & Rescue Deputy Chief Tom Campbell as the Cal OES primaries for the subcommittee. The following members of the advisory committee volunteered to serve on the Training Subcommittee:
 - Gene Gantt
 - Jim Epperson
 - Joe Bateman
 - Niko King

- Mike Richwine
 - Dave Buccolo
 - John Mervin
 - Bill Fuller
- Mr. Pal and Ms. Plescia, Cal OES attorneys, presented the draft regulations package. Ms. Plescia provided an overview of the regulation process and the general topics that will be addressed within the regulations. Mr. Pal gave an overview of the fee structure and the methodologies used to derive the proposed fee schedule. Mr. Pal and Ms. Plescia announced that public comment on the draft regulations may be sent to HMBR.Reggs@caloes.ca.gov.
 - Mr. Buccolo pointed out that the existing list of the top 25 chemicals that generate the fee only represents non-accident releases. Director Ghilarducci explained that the list would be refined and an updated version would be provided.
 - Director Ghilarducci announced that the draft regulations would be posted on the Cal OSE website for public comment until May 16th, 2016. Ms. Plescia clarified that this would be an informal public comment period, with the formal emergency regulations process commencing after that.
 - Assistant Chief King asked for a further explanation of the intent to prevent the fee collected from exceeding \$20 million per year. Mr. Pal reiterated that Government Code 8574.44(g)(1) outlined a loan repayment structure that included a \$20 million cap per year, for the first two years, and \$10 million for the third year.
 - Director Ghilarducci proposed a sub-committee to review in-kind contributions. The following members of the advisory committee volunteered to serve on the In-Kind Contribution Subcommittee:
 - Dale Backlund
 - Steve Turner
 - Dave Buccolo
 - Jim Epperson asked whether residue would be included in the fee. Director Ghilarducci requested that proposed wording be submitted to Mr. Pal for consideration.

IV. Public Comment

- Joy Alafia, Western Propane Gas Association
 - Ms. Alafia questioned whether any weight was given to exactly how hazardous the material is on the list, the impacts based on the size of the industry, and the effects of seasonality, specifically with regards to the construction of the caps within the regulations. The Director responded that the proposed regulations include a flat rate. He commented that there have been internal discussions about other mechanisms, including a sliding scale. Nothing has been decided up to this point and additional input can still be submitted. Director Ghilarducci stated that the public comment period would be open for four weeks. Ms. Plescia clarified that this is an unofficial comment period (prior to the start of the official rulemaking process with the Office of Administrative Law) and that

the goal of the unofficial comment periods is to ensure that the rulemaking process proceeds as smoothly as possible.

- Bill Fuller, Chair, LEPC Region III:
 - Mr. Fuller asked about whether paying this fee would preclude local response teams from being required to pay for response efforts if an incident took place. The Director responded that this is a preparedness fee, not a response fee. He directed the Cal OES legal counsel to further evaluate.
- Chief Zagaris asked whether the fees begin in the calendar or fiscal year. Mr. Pal responded that they will be on a calendar year basis, beginning on January 1, 2017.
- There was an additional question about whether the fee will be adjusted mid-year if fee revenues are lower than projected. Mr. Pal responded that the Director may adjust the fee being collected by the Board of Equalization.
- An additional question was asked concerning whether the training could be used in the event of a spill of hazardous materials being transported by truck. The Director responded that the program equipment could be used, but the state would be reimbursed under the agreement and state law.

Announcements: Ms. Poss announced that there is a dedicated Advisory Committee website that will include the agenda, minutes and any handouts provided during the committee meetings. The website will also include a direct link the proposed regulations.

V. **Adjournment**