

## **State Emergency Response Commission Meeting Minutes**

**California Emergency Management Agency  
3650 Schriever Avenue  
Mather, California 95655  
June 27, 2013 1:30 P.M.  
Multipurpose Room 1 & 2**

### **Member's Present**

Mark Ghilarducci - California Emergency Management Agency, Secretary, Chairman  
Janelle Beland – Natural Resources Agency, Undersecretary  
Sandy Schubert – Dept of Food and Agriculture, Undersecretary  
Clark Allen Pickell – Certified Unified Program Agency, Chairperson  
Christine Baker - Department of Industrial Relations, Director  
Howard Baker – Emergency Medical Services Authority, Director  
James Bohon – Environmental Protection Agency, Assistant Secretary  
Randy Alva - Local Emergency Planning Committee Region I, Chairperson  
Dave Dearborn - Local Emergency Planning Committee Region II, Chairperson  
William Fuller - Local Emergency Planning Committee Region III, Chairperson  
Janis Heple - Local Emergency Planning Committee Region IV, Representative  
Ernie Candelaria - Local Emergency Planning Committee Region V, Representative  
Curtis Brundage - Local Emergency Planning Committee Region VI, Co-Representative  
Dave Cammal – Local Emergency Planning Committee Region VI, Co-Representative  
Catherine Bernstein - California Emergency Management Agency, Legal Council

### **CALL TO ORDER, WELCOME, INTRODUCTIONS**

- Mark Ghilarducci, Chair from Cal EMA.
- Called Meeting to Order at 1:36pm.
- Excited about the opportunity to reconvene the commission, move it forward and back on track with various issues and initiatives to ensure that Public Safety and issues decisions with hazardous materials and chemicals safety and security are met.
- Chair Ghilarducci had everyone provide introductions. And, then informed the members that Secretary, Brian P. Kelly for the Business, Transportation, & Housing Agency and Secretary, Anna M. Caballero, State and Consumer Services Agency are unable to attend today's SERC because of changes resulting from the Governor's Re-Organization Plan. Some administrative responsibilities among cabinet members, boards and directors changed. See how it all comes out in the end with regards to representation from the equivalent departments.
- Chair Ghilarducci excited about the opportunity to engage the LEPCs and have this forum come together to share best practices and other kinds of regulations and initiatives that the commission can speak about, as well as implement or update.

## SERC Membership

- Discuss/act on size and configuration
- Chair Ghilarducci shared with members Governor Executive Orders D-63-87 that first established the SERC membership and W-40-93 that reconstituted it. Copies provided to members and attendees as handouts
- June 26, 2013, Chair Ghilarducci met with the Governor's Office regarding Executive Order W-40-93 as to whether or not to update or amend it in some form or fashion. After July 1, 2013, due to the Governor's reorganization plan, the commission members as listed within this Executive Order will be changing as far as agency specific designations. For example, Business, Transportation, and Housing will cease to exist but a new Transportation Agency will come out of it. And the roles will be rolled up into a different agency/department. Wait and see what the final outcome is to be. Based upon the discussions with the Governor's Office if the SERC needs to operate more effectively or something needs to happen with the Executive Order to ensure the SERC has all the legal intent behind it the commission can make recommendations to update or make the changes outside of the Executive Order. And, if not, then the Governor's Office is comfortable for the commission to operate under the current Executive Order.
- Opened floor for discussion on the current executive order's wording, make-up, intent and anything else. And determine a need to change and update it or if it is substantial now for us to continually move on with our table session.
- Some discussion was given on potential subject matter experts needs from each of the members for future projects and issues. As issues and projects arise, subcommittees and ad-hoc groups will be convened as needed to deal with them. Refer to the SERC mission statement in your handouts to help members think about this need. In the past, LEPCs working with their communities have brought forth issues for discussion and judication at this forum. Feedback also comes from state agencies and departments who are SERC members. The reason for state agency and department representation on this commission is because they have in some form or fashion a role in hazardous materials, deal with hazardous material/chemical facilities and/or environmental protection related issues. Cal EMA Fire & Rescue Division/HazMat Section staff will provide staff and executive support to the commission.
- Members can make a decision now or go back to your respective organizations, consider this agenda item, review the mission statement and executive order and determine if what exists now is sufficient or if not what modification needs to occur for the commission to get the job done. This agenda item can be brought up at our next meeting as an action item for decision.
- Suggestion for a SERC strategic plan for what needs to get accomplished with goals and objectives with detailed action steps. To add to the suggestion, Undersecretary James Bohon, for the California Environmental Protection Agency, brought up that the SERC is a policy body that's looking how EPCRA is initiated around California and managed from the hazmat management perspective. And there is a parallel process in the emergency management world with emergency functions (EFs) that match up with the federal emergency support functions (ESFs). The strategic plan will need to take into account if there is significant amount of work going on already in other areas that support the EFs around the state, response systems, and

everything else and make sure those are pulled together. The efforts that are going on with the state and federal EFs and ESFs development ties in with the commission and its engagement with the guidance in that process. The strategic plan should have objectives that address these kinds of things and how the information comes to the attention of SERC, coordination takes place, and the loop gets closed, so that the commission is sort of partial to that section of the EF/ESF 10 development, amongst other things.

- Now and before the next meeting develop a set of recommendations on what strategic goals and objectives would look like and how they would tie into the larger initiatives of efforts that are under way in the EF/ESFs initiatives.
- Question was asked what stimulated the rebirth of the SERC? Chair Ghilarducci spoke on this and said that he made the determination that Cal EMA needs to meet the Governor's Executive Order and saw this as an opportunity for the LEPCs to have a public forum and show the transparency of government.
- Question was raised on the name of the SERC versus the Chemical Emergency Planning and Response Commission (CEPRC). Cal EMA legal counsel said if the commission puts forward any requests for changes to the membership, or agency/department names changes, it would make sense to ask the commission be referred to as the SERC. Brian Abeel, HazMat also provided a clarification between the names.
- Regional LEPC Chairs discussed the overall need for regional plans and the strategic plan to have objectives and for the SERC to provide direction to the LEPCs for staffing and future funding sources
- For the next meeting, have staff prepare and present an overview for the commission of the various initiatives to be undertaken like funding sources, different plans and get a better baseline for the commission to be able to make future decisions as we develop the strategic objectives.
- A recommendation from the table was to have a run down and flow chart *of the relationship between the SERC & LEPCs*.
- Recommendations for the SERC to review the planning requirement overlap between the LEPCs and the CUPAs. So the need for the SERC to recommend how to streamline the duplicative requirements of plans, review the competing laws (federal and state), and make findings and recommendations for directions.
- ***ACTION ITEM – Each Member agency go back and return to the next SERC Meeting with their agency's decision on the future of the membership of the SERC and whether the Executive Order, as it is currently written, allows the SERC to go forward in its tasks or suggestions for necessary revision(s).***
- ***ACTION ITEM – Develop a SERC strategic plan that includes goals, objectives, and action steps in relationship to the Emergency Functions/Federal ESFs and other initiatives that fall under the SERC's authority.***
- ***ACTION ITEM – SERC needs to look at and provide direction to the LEPCs for objectives, projects, staffing and future funding sources.***

- ***ACTION ITEM – Provide an overview and flow chart of the relationship between the SERC & LEPCs and the initiatives to be undertaken.***
- ***ACTION ITEM – Review the planning requirement overlap between the LEPCs and the CUPAs, recommend how to streamline the duplicative requirements of plans, review the competing laws (federal and state), and make findings and recommendations for directions.***

#### **LEPC Membership Approval**

- Officially Appoint All LEPC Region's Members.
- After some discussion, Chair Ghilarducci requested that the SERC approve the current membership of the LEPC's.
- **Motion by Sandy Schubert, Undersecretary for the Department of Food and Agriculture was made and Seconded by the Janelle Beland, Undersecretary of the Natural Resources Agency. "The current membership of each of the LEPCs is approved pending the individual LEPC chairs provide a confirmed list of their membership to the SERC. For the future, as LEPC members change the LEPCs submit notification of the changes to the SERC for the SERC to approve at the future SERC meetings". (Voted and PASSED Unanimously).**

#### **HazMat Team Typing Project**

- Status Report.
- Chief Jan Dunbar, Cal EMA.
- Chief Dunbar provided an overview of the current HazMat Team Typing program for the State of California: process that was taken to create the HazMat Team Typing program; type of teams (I, II, and III); tools used to type teams (standardized equipment list, photo documentation, inspection and training checklists); invitations to participate; correspondence between Cal EMA and local Fire Agencies; clarification bulletins; CD containing program information; inspection process and debriefings; inspection pass and failures; follow-up for passes; inspection failure follow-ups to obtain a pass; certifications of passing; current status of inspections conducted, passing teams by type, HazMat Teams listing and location map of HazMat Teams; activation of state HazMat mutual aid; and HazMat Team Typing program website. For details of this discussion please see the HazMat Team Typing PowerPoint handout.
- Chief Dunbar fielded a number of general questions about the HazMat Team Typing program.

#### **Hazardous Materials Emergency Preparedness (HMEP) Grant**

- Requirements and SERC's Role.
- Ms. Neverley Shoemake, Cal EMA.
- Ms. Shoemake provided an overview of the HMEP Grant requirements, process, and the SERC's role for the State of California: federal grant administrator U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration; state administrator Cal EMA; state staff administrator Ms. Shoemake; state annually applies for grant hazardous materials emergency planning and training awards; state staff planning award administrator Ms. Shoemake; state

staff training award administrator CSTI; grant process; timelines; LEPCs involvement; applications; applicants; performance periods; planning and training awards; website and external links; funding formula, amounts, and distributions; LEPC/CSTI annual training surveys; grant projects; planning/training transfers; grant status reports for future SERC meetings; grant program collected data, and SERC's opportunity to review the planning and training grant as required by regulation and state application.

- For details of this discussion please refer to the HMEP Grant handout.

### **SERC/LEPC Websites**

- Status Report
- Brian Abeel, Cal EMA
- Mr. Abeel provided an overview of the SERC/LEPC Websites that are housed on the Cal EMA web link: SERC/LEPCs websites needs, objectives, contents, format, and visual. Mr. Abeel discussed that the SERC/LEPCs websites provide an abundance of information and resources on the SERC/LEPCs which includes statutes, contacts, notices, documents, guidance, references, past meeting information, and current projects for each. For details of this discussion please refer to the SERC/LEPC handout and websites.
- Mr. Abeel welcomes suggestions from SERC and LEPCs members on how to improve the websites such as upload pertinent documents and add internal and external website links that they believe are pertinent to the SERC/LEPCs stakeholders.

### **New Business**

- Propose new issues/topics.
- Ernie Candelaria, LEPC V representative, asked if LEPC chairs have any liability for being sued by the public because we were not informative enough to the public for example if a disaster happens. Are our departments that we work for and represent have any liability? Is there any language that releases of that liability? Discussion: Cal EMA legal counsel Catherine Bernstein said that each agency has their individual responsibilities and legal authorities and are not immune from those. On behalf of the duty of the SERC, SERC members, and LEPC chairs she needs to review the laws on protection?
- Ernie Candelaria, LEPC V representative, expressed his concern with maintaining LEPC membership, attendance, and member positions filled. Keeping members engaged and educated on the LEPC roles and responsibilities is a difficult task and lack of typically results in losing members. Another issue with maintaining attendance results from the large LEPC geographical area and travel distances. Alternating meeting locations helps but does not solve the issue of losing membership. Conference calls have been suggested as a way to overcome travel distances and maintain membership. Face to face meetings are more valuable. Is every discipline listed for LEPC membership necessary? Can the need for these be reviewed and a determination to eliminate positions not needed? Discussion: other LEPCs agreed filling all LEPC positions is challenging and some typically go unfilled like media, elected political and tribal representatives. Keeping meeting information interesting helps attendance but not the entire

solution. Conference calls do help increase attendance but quorums are an issue. Fire season can decrease attendance. Cal EMA legal counsel Catherine Bernstein provided some clarification on the Bagley-Keene Open Meeting Act and how it does provide the use of conference calls and the notification requirements for that. Eliminating LEPC positions is limited to EPCRA law which states at a minimum what positions must exist. Capabilities to modifying the membership unknown but this can be investigated and discussed at the next meeting.

- Bill Fuller, LEPC III Chair, expressed the need for the LEPCs to know what are the SERC expectations of the LEPCs and how do the LEPCs meet those expectations. Due to the lack of LEPC staff, in order to meet responsibilities like regional plans LEPCs rely on members' agencies to receive an HMEP grant to get the work done. Some counties have limited governmental staffing to perform the workload. Knowing the expectations will help to strategize the use of resources to meet those expectations. Discussion: Possibly use statewide associations as a resource for membership. For example reach out to the tribal associations and hospital associations. Finding things for LEPC members to do that is participatory and entertaining rather than just attend and being talked to can help attendance. Have members present a subcommittee report, participate in an exercise, talk about recent incidents, or show news clips. An active SERC can provide legitimacy to LEPCs and how the community is receptive to them. A SERC strategic plan will assist and provide expectations for the LEPC.

***FOLLOW-UP ITEM – Legal Counsel will review the law surrounding liability issues with EPCRA and SERC/LEPC responsibilities.***

***FOLLOW-UP ITEM – Legal Counsel will provide a review of the Bagley-Keene Open Meeting Act and how it can assist for conference calls.***

#### **Public Comment Period**

- Former Executive Director of the Pennsylvania SERC, Charlie Wynn recommended that the SERC meet on a more frequent basis.
- John Cockle, California High-Speed Train Project System Safety, would like to provide an overview to the SERC at a future meeting on the California High Speed Rail Project. Will be doing such a presentation at the next LEPC V meeting.

#### **Future Meeting Dates**

- Chair Ghilarducci opened a request to the SERC on the timeline for future SERC Meetings. Discussion: The membership all agreed that they should meet on a Quarterly Basis.
- **Motion by Randy Alva, Chair LEPC I and Seconded by Christine Baker, Director for the Department of Industrial Relations, “recommended the SERC to meet on a quarterly basis” (Voted and PASSED Unanimously)**
- Cal EMA Staff will communicate the next meeting and future meetings for 2013 and 2014.

**Meeting Adjourned at 3:56pm**