

Hazardous Materials Regional Plans Project Phase II: Core Planning Team

Meeting Summary

January 22, 2015 1pm-4pm

At the California Governor's Office of Emergency Services & Webinar

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Welcome and introductions

Adam Sutkus, Associate Director and facilitator from the Center for Collaborative Policy (CCP), welcomed participants to the first Core Planning Team (CPT) meeting and led introductions around the room and on the phone. Meeting participants, representing a wide cross section of organizations dealing with hazardous materials regional planning efforts, were invited to share their expertise and join together in the development of a hazardous materials (hazmat) regional planning guidance document(s).

Deputy Chief Thomas E. Campbell, California Office of Emergency Services (Cal OES) Fire & Rescue Division, Hazardous Materials Section, welcomed and thanked participants for joining this project as CPT members. Chief Campbell noted that this effort is a continuation of the workshop that most participants had attended in September 2014. To continue the momentum, next the CPT will focus on the purpose and structure of the proposed regional planning tool(s). Although Cal OES is facilitating this planning effort, the resulting planning tools ultimately belong to the LEPCs. Chief Campbell recognized Mr. Brian Abeel, the project manager, for his efforts and energy in this project and thanked the Center for Collaborative Policy team for working with Cal OES to develop and facilitate this process.

Mr. Sutkus framed the meeting flow and explained that the intent of the first meeting is to review information from the previous workshop and work that has been done since and then focus on new, key dialogue among the participants on the project. Mr. Sutkus reviewed the agenda and meeting materials which included a workbook, PowerPoint presentation, a review of planning documents formats, the September 10, 2014 workshop summary, and an evaluation form. Mr. Sutkus noted that the CPT comprises of diverse local, state, federal, and private representatives. During the three CPT meetings, it is hoped that members will bring forward perspectives that will inform and shape the planning tools (both content and format).

During pre-meeting assessment interviews, CPT members expressed appreciation for the dialogue opportunity. While focusing on the development of regional planning guidance documents, it is likely that other important related issues will be brought up in CPT discussion. CCP will track the conversation and related issues that cannot be addressed during this current process. Mr. Sutkus encouraged members to identify other representatives, from different sectors, that should to be included in this process.

Mr. Sutkus reviewed the steps for the upcoming CPT (Phase II) work:

Phase I (accomplished): Initial work, including the September 10, 2014 workshop where input from participants generated initial research into planning formats, with key feedback/input.

Phase II—current CPT work

- *Step 1:* Assembling the CPT with representation from key sectors to take on the development of a *draft guidance and planning template*. (Adam noted that the Tribal perspective, although not able to attend this first CPT meeting, was invited and will be part of this process).
- *Step 2:* In the spring of 2014, following the initial CPT work, workshops are planned for Southern and Northern California to get a wider audience feedback on the draft planning tools. Mr. Sutkus asked that participants reach out to their networks and encourage participation in these workshops. Feedback from the workshops will be used to further refine the guidance documents and will be shared with the CPT.
- *Step 3:* Identify a Local Emergency Planning Committee (LEPC) to use the proposed guidance document for their regional plan development. This pilot effort will test the guidance's effectiveness and appropriateness. Following this pilot trial, the guidance documents may be further refined before becoming public.

Project background

Mr. Abeel provided an overview and background for the regional hazardous materials planning project. LEPCs are required to develop regional plans that are reviewed by the State Emergency Response Commission (SERC). The geographic scope and size contribute to the challenge of developing LEPC regional plans. The intent of this project is to develop a guidance document that will simplify the planning process and support the LEPCs as they develop and maintain their regional plans.

Participants' feedback from the workshop, in Phase I, indicated that there is a need for consistency in plans, predictable funding sources, and clarification of the overlapping plans, authorities, and responsibilities. There seems to be a clear need for a template and guidance for the regional plans development. The CPT was formed in response to the workshop suggestions to have an advisory group for this planning process. Mr. Abeel reiterated that the template and guidance, as developed in the project, are intended as LEPC documents and therefore their development will rely heavily on the input from government, the private sector, Tribes, and the public.

Overview and CPT charge

Mr. Sutkus reviewed the draft CPT Charter document which outlines the mission, goals, approach, decision making, and guiding principles of the CPT process. The key objective of the CPT is to create an LEPC planning framework, identify best practices, and draw from the CPT members experience and perspectives. The process will be guided by a consensus based approach. Although a full consensus may not be achieved, the process will focus on identifying

key issues that the CPT may need to spend time discussing in efforts to improve the final documents.

- Comment: The LEPCs need to be properly characterized in the *background* section by distinguishing the correct LEPC mission statement.

Reply: The section wording regarding LEPCs will be updated with the correct description addressing the difference between administrative and operational.

Assessment interviews: pre-meeting information from members

Mr. Sutkus reviewed key trends and themes that emerged from pre-meeting assessment interviews with several members of the core planning team. In general, members feel that the project's objective to develop guidance for regional plans is on the right track but there is confusion regarding the roles of the local and state entities as well as their interrelationships. The need to balance the administrative and the operational focus of the LEPC plans was highlighted as key theme for consideration. It was generally agreed that although oil by rail was the impetus for the project, other incidents need to be considered as part of this process. Other key issues that were discussed in assessment interviews included the need to define the role of Office of Spill Prevention and Response (OSPR) and its new, increased authorities; the need for clarity on how different key plans relate to each other; and the need to identify key agency contacts. Several plans were offered as examples of good planning documents including the Coastal Area Plans of OSPR and the Los Angeles Operational Area Mass Care Guidance for emergency planners (via the LA Alliance/UASI). In developing the guidance documents, several planning formats and models may be reviewed and applied as appropriate. Mr. Sutkus reiterated that in the development of the guidance documents other important gaps and issues—which are not related to the guidance development—may be brought up. Although not addressed as part of this project, such topics will be recorded for future consideration.

The following comments were offered by LEPC representatives:

- The design of a planning template should be flexible to account for different regions capabilities and resources; each region can define its own unique planning needs. There is a significant difference among regions in how commodities are transported through them and how these commodities are used within the regions. In one of the regions, there are three hazmat teams that are not connected politically but serve distinct areas with specified focus. Planning considerations in the Bay area and Los Angeles include storage of raw products, product development, and disposal. It is important to allow for different needs, to know all players, and to link resources to these uses. In Siskiyou, a route is shared among

several counties. A leak incident along the Santa Fe line from Lassen to Stockton is an example of a problem that crosses multiple jurisdictions. A source document might be helpful to bring these considerations together.

- Jurisdictional issues require addressing communication and notification problems. Planners need to be reminded of different types of communications. The Region 4 plan addresses communication issues. For LEPCs, the focus is training and collaborating with other agencies and not operational. It is important to understand and develop priorities based on the commodities.
- Funding opportunities are needed.
- The Cal OES website responds to the right to know requirement and reporting on what goes through the region. For LEPC 2, a commodity flow study is needed for planning. Without knowing the types of commodities that are going through the region there would be a significant planning gap.
- Although consistency is important, any future guidance document must be very flexible to ensure that it responds to the needs of addressing concerns related to transport of commodities through the region and for commodities development within the region.

The following comments were offered by State and Federal representatives:

- Cal EPA is the lead coordinating agency (Function 10) and relates to the LEPC by addressing regional planning efforts in response to hazmat issues. The state deals with response on a statewide level whereas LEPCs develop their own regional response. Cal EPA wants to see coordinated regional response and supports this effort as a means to accomplish this goal.
- Although the impetus for this project is transportation, it is important to consider in-place commodities (pipeline, storage, facilities) as part of the planning process. It is also important to remember that commodities are not limited to oil.
- OSPR is transitioning from coastal marine only to inland waterways also and is now looking at response planning and working with the LEPCs. OSPR plays an increasing role now, and there is interest now in identifying how best to plug into the planning effort via LEPCs.
- Given that LEPCs are not operational entities, it is important to figure out how operations and authorities are considered in the planning process. It is important to identify authority gaps. In a previous incident as an example, although there was recognition for responsibilities for many types of waste, no one was clearly responsible for bio waste.
- A balance needs to be achieved in a future planning tool set between 'referencing' other key plans as opposed to including them directly. The guidance document will need to include key elements without being exhaustive.

- Regional plans need to identify the responsible agencies and organizations and uncover any gaps and connections. As an example, in the six-county Shasta cascade area, teams serve multiple levels and the gaps at the different local, state, and federal levels need to be identified ahead of a response to an event.
- The regional plans should explicitly state what they are and what they are not. The distinction between operational and administrative should be clear.
- The Business, Consumer Services and Housing Agency generally participates in recovery efforts and is identifying ways to contribute to the response effort.
- From the California Department of Food and Agriculture's perspective there are two planning pieces: identifying the capabilities from emergency response standpoint (laboratory support) and tying into the recovery effort (contamination and mitigation).
- The State Fire Marshal is part of the CUPA program and has a pipeline division. The State Fire Marshal participates in the recovery process during earthquake events. Different plans are needed in responding to the different counties and the different plans need to be sorted out. Any identified voids in authority should be brought addressed by legislation.
- California Department of Industrial Relation houses Cal OSHA which protects first responders and would like to support LEPCs to proactively protect first responders. Hazmat can be broadly defined, not only as industrial, but also with more traditional materials such as lead and asbestos.
- The US EPA identified other partners, including the Federal Rail Administration and Pipeline Administration, which should be part of this process. The issue of authority and operations was brought up as important considerations in developing the guidance document for the regional plans. This project dovetails well with regards to the Federal Executive Order which directs US EPA to revise key plans by 2016. It is important to understand how area plans and regional plans relate.
- The protection of employees needs to be considered since they are not trained. Communication is another concern. The California Utility Emergency Association (CUEA) has many of resources but is not clear on how best to utilize them. Private sector entities, such as pacific Gas and Electric (PGE), are not aware of the plans that are being talked about in this process.
- In Nevada, the county is the sole LEPC and plans were developed based on the EPA guidance document for LEPC creation. The plan identifies facilities, railways, fixed facilities, notification, and exercise.

Review of suggested guidance/tools formats that may be used to develop the guidance

Ms. Caryn Woodhouse summarized the review of suggested guidance/tools format that may be referenced in developing the guidance document. The review was prepared in response to participants' suggestion at the September 10, 2014 workshop (Phase I) to review existing templates, structure and format before developing guidance for LEPC regional plans. The intent of the guidance document is to create a standardized and comprehensive format. During Phase I, participants shared that LEPCs are voluntary efforts and lack resources, personnel, and guidance. In preparation for the project the group started to identify the necessary components for the guidance with the assumption that the content is pre-established. The intent is to prepare a guidance that support LEPCs in their efforts to prepare and run an effective organization. The focus is on format because time and resources are limited and the intent is to leverage resources and be efficient. Ms. Woodhouse reviewed the following four documents:

- Texas Governor's Division of Emergency Management (2006). **Local Emergency Planning Committee (LEPC): A Primer for Local Planning for Hazardous Materials**
- Georgia Emergency Management Agency (2014). **LEPC Activities Guide, Volume 1**
- U.S. EPA, REGION 6 (2014). **Local Emergency Planning Committee (LEPC) Handbook**
- Los Angeles Operational Area Alliance (2010). **Los Angeles Operational Area Mass Care Guidance For Emergency Planners**

The Texas document provides a lot of information whereas the Georgia document has less information but has an accessible format and a nice visual display. The US EPA document is useful with operational information upfront and useful appendices. The LA Alliance document is text dense, but although the format is not immediately accessible, it has a lot of information.

Ms. Woodhouse reiterated that in developing the guidance document it is vital for the document to be useful. The CPT members were asked to provide feedback on the different formats that were presented, address how the guidance will tie to the Executive Order requirements, and comment on a suggestion for information to be available on line.

Roundtable CPT discussion on 'crosswalk reference tool', guidance, and template

Mr. Sutkus provided examples of crosswalk reference tools that were developed in past attempts to connect existing plans. A CPT member clarified that the reviewed table is limited to plans/statutes that are required for business plans while the reviewed flow chart is the actual

cross walk that links the various plans together. Mr. Sutkus offered a new table format that may be developed to list relevant plans, guidance, regulations or statute. The intent of the new format is to provide information, in a simplified manner, on relevant plans that may influence the development of local planning documents. The crosswalk tool creation is provided as a complementary research effort to assist the development of the future guidance document. The table includes three components:

1. Plan, Guidance, Regulation, or Statute
2. Program element and statutory/regulatory reference
3. Relationship and action step to reference for regional plan development activity.

The following comments were offered by CPT members:

- The term 'area plan' needs to be clarified, as there are many of this term-- area plans refer to the CUPA area plans (and there are coastal OSPR area plans, etc.).
- Going through the exercise of identifying the plans and their relationship is helpful in determining gaps of authority and will help ensure that all partners are included in the process. Developing this crosswalk table is a good step toward ensuring that each authority is understood.
- It would be helpful to see a statement about statutory authority of a plan upfront. Both statement of authority and a list of needed components should drive the guidance format.

Mr. Sutkus asked for volunteers to help with developing the crosswalk table. The following CPT members offered to help with this task:

- Ryan Todd, California Department of Fish and Wildlife- Office of Spill Prevention and Response
- Kay Lawrence, United States Environmental Protection Agency- Emergency Response, Planning, and Prevention Branch
- Paul Penn, California Environmental Protection Agency

The following additional comments were offered by CPT members:

- Statutory authorities and plans should be provided on separate tables.
- The future guidance/template must be in simple and in a useable format or it will just sit on a shelf.
- From a planning perspective, California has several levels of requirements. The guidance is designed to address regional planning. Are we constrained by the requirements? Many of the requirements are addressed in other plans. It is important to consider what is the

fundamental purpose of a regional plan (and therefore the guidance/template we are creating now to create each plan). As suggested, the regional plan is a coordinating response to chemical/oil emergencies and is not facilities related or a county response (those requirements are addressed in CUPA plans). The requirements do not have to be addressed in the regional plan if there is a reference to the plans where requirements are already addressed—these plans may be ‘referenced’ through links or other methods.

- The term *region* was clarified as the mutual aid region (total of six regions).
- The intent of the guidance/template is to provide a useable document to create a regional plan which does not duplicate other efforts, is user friendly, identifies linkages, and achieves its intended purpose. It is important to consider what elements would be most useful regardless of the plan format.
- California is leading in this planning effort. In developing planning document it may be beneficial to consider how the planning effort ties to federal funding, specifically EPA funding for local support (may help be received through additional HMEP grants?).
- Area plans tend to be administrative rather than operational and focus on identifying resources structures. The operational plans are generally provided as part of the response plan.
- To make these plans useful, it is important to consider how these plans tie everything together. LEPCs might be the proper venue to bring everything together and create continuity for multi jurisdiction issues (OSPR, etc.).
- In Region 3 there are 13 counties and each county has its own CUPA area plan. Providing cross references through online access can help avoid bulky plans and can help identify and track available resources. It is important to determine what types of information are needed rather than actual inventory.
- There are nine required elements for LEPCs and they are listed in Title 42. The area plan may be most effective if it lists reference documents and where information can be accessed rather than pasting information from other documents.
- The California Emergency Reporting System (CERS) is one of several databases and listings of sources. The crosswalk tool can be used to identify what sources of information are needed and how to access those sources.
- The Region 4 database breaks down information by county and lists commodities, what is being used, contact information, responding units, and available equipment.
- While smaller regions have a manageable database, for other regions such databases would be cumbersome.

- The publishing of the alpha CERS version will eliminate the need for a hard copy.
- Databases need to include commodity flow of plans, maps and key resource information to be useful.
- Although in Los Angeles such a database would be a huge list, it is necessary to ensure that the community is informed.
- In California, the structure is set with local CUPA holding public information.
- In 14 months, Cal EPA will have a public site where everyone can get information online. From LEPC standpoint, the plan itself has to have other value besides public information. From EF 10 perspective, the planning document needs to address hazmat response at a regional level with multiple jurisdictions.
- It is unclear if this plan can be operational because there is no structure for mutual aid in the hazmat arena. There was disagreement regarding the existence of hazmat mutual aid and its format. It was added that not every community has hazmat mutual aid. The regional plan may help create a structure for hazmat mutual aid which in turn would then include an operational component.
- Cal Fire refers to mutual aid as agency assistance. Explaining the terminology on the ground level is part of communication. This guidance can be a resource for other regional plans and provide information on what state agencies can provide to the regions. The area plans can fill in the voids.
- The Region 4 plan has a robust role and responsibilities section which can be used to develop the template and help guide planners in other regions.
- All agencies should be considered, as appropriate, in the planning. It is important to identify when one agency's responsibilities end and another's begin.
- The right to know act is important but it may muddy this planning process. Need to address and clarify for this project.
- Mr. Abeel read the provisions for regional plans. The provisions can be found on the OES website; the LEPC guidance did not include right to know provisions. There was a discussion regarding public requests for information about specific facilities. This type of information would be provided by CUPA. This also needs to be addressed through this project.
- Cal EPA suggested that the Chemical Emergency Planning and Response Commission-Equipment and Training Subcommittee Glossary (Cal OES document) be referenced.
- The focus should be on identifying plans and their relatedness. Another issue to consider in the regional plans is the California master mutual aid from the 1950s. Fire agencies are

voluntary participants in the mutual aid pact and resources are shared when needed. The plans should reflect this type of cooperation and document it for each LEPC region.

- The plans need to be concise and readily available.

Mr. Sutkus summarized key themes that emerged from the discussion including the purpose of the regional plans as reference to other documents, the need to weigh what is referenced and what is included in the plans, and the consideration of the mutual aid component in the plans. Key information to be included in the guidance plans may be:

- Roles and Responsibilities
- How to get information/contacts
- Mutual aid (ops)
- Cross county/jurisdictions
- Community-Right-to-know
- Terminology
- Sources for this information may include:
 - Responder database
 - Facility data - Chemical Information Reporting System (CIRS) – managed by Cal EPA.
 - CUPA Area Plans

Mr. Sutkus revisited the request for volunteers to join a planning subgroup to review the crosswalk tool. Suggestions from the subgroup will be brought back to CPT members at the next meeting in March. The following CPT members offered to help:

- Jim Bohon, Cal EPA
- Bill Fuller, Yuba City Fire Department
- Kay Lawrence, US EPA
- Curtis Brundage, San Bernardino County Fire Department, Office of the Fire Marshal, Hazardous Materials Division

Next steps and closing thoughts

Mr. Sutkus reminded participants that the next CPT meeting is scheduled for March 18, 2015 and asked participants to share closing thoughts. Participants offered appreciation for the process and the opportunity to move forward with this comprehensive hazmat planning

approach. A participant asked that the hazmat response be defined in relation to hazardous waste cleanup efforts (where public health is a concern) and recovery efforts. In developing guidance, issues related to illegal drug activities, public right to know, and Tribal interests need to be considered. Ms. Lawrence cautioned that the 3rd CPT meeting might be in conflict with another meeting/conference (this will be investigated and options communicated to the CPT).

Mr. Abeel and Chief Campbell thanked all participants for joining the meeting and providing their perspectives through this collaborative process and reminded all participants that the project outcome belongs to the LEPCs.

Additional Comments from CPT Members

The following questions, suggestions, and comments were provided to the CCP team as a last step for the meeting:

- Continue to provide useable and readily available information.
- Provide a LEPC map for the CPT meetings.
- Provide a 3-line description for what agencies do in hazmat as background.
- The dismissing of NOAA and USCG for inland is inaccurate—need to address.
- In scope of responsibility- remember is: respond, cleanup, and restore.
- Should the OSPR oil spill plans be an annex/appendix of the LEPC and local plans?
- Simple additions: Definition of hazmat response and cleanup but also restoration; what are those boundaries for all of that?
- LEPCs: do they have information sharing components for hazmat for the purpose of sharing across jurisdictions? Who has that? An example: a train has a severe cargo leak of hazmat that crosses county LEPC regional lines. How does the sharing happen?
- Suggestions for plan layout:
 - For quick reference:
 - Tabs-agency resources; checklist; other parts of plan
 - Quick reference ideas:
 - Bullets for easy use at incident or in training
 - Use the standard ICS system to reference who is in charge and when
- Who has authority for bio waste? And should operational pieces be separated from any administrative pieces?

List of Participants

Core Planning Team Members	
Alexia Retallack	Office of Spill Prevention and Response
Antonio G. Duran	California Department of Transportation- Office of Emergency Management Headquarters, Division of Maintenance
Curry Mayer	California Department of Food and Agriculture
Curtis Brundage	San Bernardino County Fire Department- Office of the Fire Marshal, Hazardous Materials Division
Dave Dearborn	California Highway Patrol
Denise Gibson	CAL FIRE - Office of the State Fire Marshal
Don Boland	California Utility Emergency Association
Dwight Bateman	Cal OES- Office of Access and Functional Needs
Greg Vlasek	California Air Resources Board
Jerilyn Anderson	Cal OES - Inland Region
Jerry Apodaca	Sacramento County Fire Department
Jim Bohon	California Environmental Protection Agency
John Paine	California Environmental Protection Agency
Josh Clements	California Highway Patrol- Commercial Vehicle Section
Kay Lawrence	United States Environmental Protection Agency- Emergency Response, Planning, and Prevention Branch
Kristina Moffitt	Cal OES- Preparedness Division
Marcy Barnett	California Department of Public Health
Michael Horn	California Department of Fish and Wildlife- Office of Spill Prevention and Response
Michael Wilson	California Department of Industrial Relation- Office of the Director
Paul Penn	California Environmental Protection Agency
Reid Erickson	California Highway Patrol
Ryan Todd	California Department of Fish and Wildlife- Office of Spill Prevention and Response
Shelley DuTeaux	California Department of Public Health

Terny Lee	California Occupational Safety and Health Administration
Thomas Hervey	California Public Utility Commission
Tina Z. Daley	California Business, Consumer Services and Housing Agency- Fiscal Policy and Administration
William (Bill) Fuller	Yuba City Fire Department
Willy Jenkins	California Department of Public Health- Environmental Management Branch
Yvonne Addassi	California Department of Fish and Wildlife- Office of Spill Prevention and Response
Project Team	
Thomas E. Campbell	Cal OES- HazMat
Brian Abeel	Cal OES- HazMat
Facilitation Team	
Adam Sutkus	Center for Collaborative Policy/CSUS
Caryn Woodhouse	Center for Collaborative Policy/CSUS
Rebecca Wagoner	Center for Collaborative Policy/CSUS
Orit Kalman	Center for Collaborative Policy/CSUS