



STATE EMERGENCY RESPONSE COMMISSION MEETING

California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655
May 18, 2016 – 1:30 pm
Multipurpose Room 1 & 2

Member's Present

Jill Talley, Acting Chair – California Governor's Office of Emergency Services (Cal OES) - Present
Brian P. Kelley, Secretary – California State Transportation Agency (Cal STA) - Absent
Catherine Ohaegbu, Designee – California Business, Consumer Services, & Housing Agency (BCSH) - Present
John Laird, Secretary – Natural Resources Agency (NRA) - Absent
Diana S. Dooley, Secretary – California Health and Human Services (CHHS) - Absent
Paul Penn, Designee – Environmental Protection Agency (Cal EPA) - Present
Curry Mayer, Designee – Department of Food and Agriculture (CDFA) - Absent
John LeGaux, Designee - Department of Industrial Relations (DIR) - Present
Randy Alva, Chairperson – Local Emergency Planning Committee Region (LEPC) I - Present
Lisa Baker, Chairperson – LEPC Region II - Present
Bill Fuller, Chairperson – LEPC III - Present
Jerry Apodaca, Chairperson – LEPC IV - Present
David Rea/Martin Hernandez, Co-Chairperson – LEPC V - Absent
Steven Mayville, Acting-Chair – LEPC VI - Present
Kristen Riegel, Chairperson – Certified Unified Program Agency (CUPA) Forum Board - Absent
Lowell Allen, Designee- California State Association of Counties (CSAC) - Present
Tim Cromartie, Representative – League of California Cities - Absent

Call to Order, Welcome & Introductions by Acting Chair Talley

13:37 hours

Approval of January 27, 2016 Minutes

- Ms. Talley provided the minutes Exhibit #1 and asked for a review. There were no questions. There was a motion to approve.

ACTION ITEM – Minutes Approved by Steven Mayville, LEPC VI **Seconded** Randy Alva, LEPC I

Subcommittee Reports

- Strategic Plan
 - Chief Thomas Campbell provided a brief discussion on the status of the Strategic Plan. 3-5 year plan. Hope to complete by the end of September.
 - A survey was sent out to all SERC members and stakeholders.

- 18-20 people were phone interviewed.
 - Working with Cal OES Executive Management on the Survey and Interview assessment results. Once completed, the results will be shared with SERC Stakeholders.
 - Randy Alva asked if they needed or could extend the contract if needed. Brian Abeel, Cal OES said that they could extend the contract up to 18 months from the time it was executed (March 2016) if need be. Randy's concern is that they want to see progress on this plan. Bill Fuller provided some additional concerns that they (LEPCs) are here but the State Agencies on the SERC are not participating. Ms. Talley said they would do what they could to get the necessary participation.
- Executive Order
 - A discussion on the need of an "Executive Order". Ms. Talley did not believe it was necessary for the Strategic Plan. Legislation maybe a more appropriate route than an Executive Order.
- LEPC Regional Planning Project – Phase III
 - Mr. Abeel provided a short brief on Phase I (Determining Governing Structure) , Phase II (Developing the Regional Plan Guidance and Template and Pilot test both working with LEPC III developing their plan, and Phase III.
 - Mr. Abeel explained that Phase III is to address all of the last minute comments, suggestions, and concerns with the content of LEPC Region III's plan not dealt with and update the Guidance and Template for the Regional Plans based on what transpired with Region III pilot test. Once this is completed they will move forward to develop the remaining 5 LEPC Regional Plans.
 - Mr. Fuller explained some of the pitfalls, issues, and discoveries addressed and still need addressings. They wanted to make the plan a user friendly document.
 - Mr. Fuller further explained a concern on who will be updating the plans once they have been created. Very happy with the participation.
 - Mr. Alva explained that they would have more complexity with the Region I plan due to the end user points of the rail lines, truck lines, etc. that transfers through other regions but end up in there's.

Delay in US EPA's presenter's attendance led to switching the next two agenda items.

California Unified Program Agency Post-Disaster Hazardous Materials Mutual Aid Plan

- Paul Penn – Environmental Protection Agency (Cal EPA)
 - Discussion was provided by Mr. Penn on the Disaster Assessment Recovery Teams (DARTs). (See Presentation)
 - The need to assess the areas after a disaster happens drove the creation of this project. With the need of experienced and trained personnel from other non-affected areas.

- Over 140,000 businesses are being regulated in the state by the Unified Program Agencies (UPAs) for hazardous waste generation, handling, treatment, and storage. If a disaster happened in the Los Angeles Basin, they have over 28,500 businesses along in a small area to potentially assess. These DART teams would be a consortium of UPAs from around the state using the Mutual Aid concept of support.
- These are NOT HazMat teams. They are staff of the UPAs who is trained in the Unified Programs elements. These personnel are trained in Standardized Emergency Management System (SEMS), National Incident Management System (NIMS), and can easily integrate into a Response/Recovery phase operation (Over 800 CUPA inspectors throughout the State) to determine if there is a problem or not.
- The CUPA Forum Board is hoping to provide this program into the Mutual Aid System for the State in the near future.
- The 2015 Summer Fires (Butte and Valley) showed the needs for this program to support our neighbors during a disaster.

US EPA Update

- Kay Lawrence, Chief Emergency Preparedness, Region IX US EPA. Discussed USEPAs Rulemaking activities, work group activities and training for the Western States (see Presentation for details).
 - EO 13560 Region 9 Five Thematic Areas
 - This program has been going on for about three years from the West Texas incident.
 - Five Activities that have happened from EO 13560:
 - Strengthened Community Plans – Upgrading and Enhancing the CAMEO suite of applications still in process. Enhancing on-line EPCRA training. Fact Sheets on Best Practices. 2016 Marks the 30th Anniversary of EPCRA.
 - Enhanced federal operational coordination.
 - Improved data management and modernized policies and regulations.
 - Incorporated stakeholder feedback and best practices – Creating the Chemical safety and security best practices webpage which is a repository created to collect industry best practices to bring forth safer and successful operations. The next Western States conference will be in Denver next year, January 2017.
 - Modernizing Policies and Regulations – The Chemical Facility Anti-Terrorism Standards (CFATS) Act of 2014 and EPA Proposed Rule: Accidental Release Prevention Requirements are policies that are being revised and updated. The time for comments has just passed but California provided a lot of great comments on these rules.

- EPAs proposed Modifications are for Third Party Compliance Audits, Incident Investigation & Root Cause Analysis, Safer Technology Alternative Analysis, Local Coordination (LEPCs), Emergency Response Exercises, Information Sharing with LEPCs, and Increasing Access to Existing Public Information. Aggressive goal is to complete the rulemaking by the end of the year.
 - US EPA is embarking on a national enforcement initiative for chemical accident prevention/Office of Enforcement Compliance Assurance (OECA). They will provide a lot of guidance on this initiative.
 - OSHA is also doing a similar rulemaking on process safety management but they should be lock step with US EPAs RMP regulations so they will be in harmonization.
- Rodney Locket, DHS, provided some additional comments on US EPAs presentation. Specifically the training that is happening in June and training that will be provided next year. The IP Gateway is also a sharing of information for LEPCs. Mr. Locket said that he could provide the LEPCs with access to this Gateway. Just send him an email.
 - Mr. Fuller asked if there are any grants or partnerships out there for videos or communications for better preparing communities for chemical emergencies. Mrs. Lawrence said that US EPA is responsible for creating some Grants. But also advised PHMSA and other entities have some possibilities for grants and assistance.
 - Mr. Mayville asked about the definition of third party. Mrs. Lawrence said it is a good question; a Professional License Engineer that will be performing the third party responsibilities. There will be a competency requirement.
 - Mr. Penn commented on the CAMEO and other classes and updates as well as the comments to US EPAs regulations. Also, commented on California's rulemaking process with the Refinery's.

Regional HazMat Team Project Update

- Chief Thomas Campbell, Cal OES
- Provided an update of the Regional HazMat Team project that Cal OES has been tasked to put together. The HazMat Team GAP analysis conducted identified needs for the state; additional HazMat Teams in strategically located areas that lack Hazmat coverage and response. Cal OES identified 12 HazMat Teams needed to fill the gaps throughout the state. HazMat vehicles have been designed and are under construction. The vehicles will be a FIRESCOPE Type 2 HazMat vehicle with a few extra rail specific pieces of equipment. First vehicle completion is July/August time frame. Cal OES has identified where 10 of the 12 teams will be dedicated. Letters will be going out to the recipients of the vehicles. Cal OES will the begin addressing training, backfill costs and everything associated with supporting those teams.

Regional Railroad Accident Preparedness & Immediate Response Fund Advisory Committee

- Sarah Poss, Cal OES

- Provided an update of the Regional Railroad Accident Preparedness Committee created last year by Senate Bill (SB) 84. SB 84 intent is providing California with a HazMat by Rail advance training and regional onsite response capability. This program established by SB 84 specifically addresses the gaps in the state previously mentioned and setting up a fund supported by a fee to be set by the Railroad Advisory Committee. A list of all the participating members was provided; established by SB 84. The Committee has been meeting every month since March 2016; next meeting June 8th. They are currently discussing the fee structure and the draft emergency regulations for this program. The committee is still accepting informal public comments on the emergency regulations; submit to hmbcr.regs@caloes.ca.gov. Cal OES will be submitting the emergency regulations to the Office of Administrative Law the first week of June; where upon formal comments will be received. This advisory committee has two sub-committees: Training (May 26 meeting) & In-Kind Contribution (May 20 meeting). URL for committee information is www.caloes.ca.gov/HazMatbyRail.
- Mr. Apodaca asked about the membership for the two sub-committees. Mrs. Poss said that they have not met yet but anyone who is interested can sign up to be on the committees.
- Ms. Talley discussed a little about the Top 25 Chemicals and the need to look farther down the list to identify those chemicals that cause harm. Mrs. Poss added that they will be posting the Top 100 Chemicals on the HazMat by Rail webpage.
- Mr. Campbell explained that this program is the first in the nation.

Hazardous Materials Emergency Preparedness (HMEP) Grant Update

- Chief Thomas Campbell, Cal OES
- Provided an update of the HMEP Grant. The grant cycle changed from an annual program to a three year grant cycle on the Federal Fiscal Year.
- The funds have decreased for this three year period. Starting in 2016/17 the max will be 1.5 Million dollars and in 2017/18 and 2018/19 will be less than a million dollars each year.
- Working on getting a new Grant Administrator for the HMEP Grant.
- Question on the Planning/Training funds for the grant. Mr. Campbell explained that there is no specific split of the funds but Cal OES will keep a roughly 70/30 Training/Planning split for the funds. If we have monies left over from 2016/17 it can roll over to the next year. But at the end of the 3rd year there are no extensions. So all funds have to be used in the three year cycle.
- Still support the CUPAs, Regional Planning, Continuing Challenge, and projects that the HMEP Grant has supported over the years.

HazMat Training Update

- Mr. Brian Abeel provided a Training Handout in the SERC Package since Michael Brady with Cal OES – CSTI was unable to attend.

New Business

- Mr. Fuller brought up that about 1 ½ years ago there was discussion at the SERC related to providing State support to the LEPCs. *According to this past discussion, LEPCs received contracts*

from CalOES to transfer \$50,000 to each LEPC for “special projects” but the LEPC had no way of receiving or administering those funds. Director Ghilarducci had indicated that he anticipated annual funds being allocated to the LEPCs to undertake SERC-created projects and staffing, but there has been no further discussion.

Mr. Fuller indicated that LEPC-Region 3’s administrative costs (staffing and printing) are being paid for by his agency, but that could change with continuing budget limitations. The discussion and dedication for the support was a year and an half ago.

Mr. Alva mirrored Mr. Fullers comments and said that *Director Ghilarducci had said he would look into making this happen* (ie. receiving and administering of funds). In the past, each LEPC Region had had Cal OES Support Staff. Currently, that is not happening. In Fact, in Region II the Cal OES Support Staff has been reassigned and is no longer helping the LEPC.

Ms. Talley clarified the need for Cal OES Regional Support. Mr. Penn and Mr. Apodaca also stepped up and discussed a monetary piece to the puzzle; need for a vehicle for the utilization of the finances. **Ms. Talley said that this will be addressed at the next meeting (Money, Resources, etc.).**

- Mrs. Denise M. Shemenski with Cal OES Tribal requested that the US EPA reach out to the Regional Tribal Operations Committee (RTOK) and do a presentation on the LEPCs so they can understand how tribal governments fit into the LEPCs. **Ms. Talley said that they will include that on the next meeting’s agenda.**
- Mr. Apodaca asked Mr. Abeel/Mr. Campbell what was the status of the LEPC individual websites. **Ms. Talley stepped in and also said that this could be brought up at the next meeting.**
- Mr. Mayville also asked about the website of the LEPCs and if this is for communities outreach that it should be a priority of the SERC. Mr. Abeel confirmed that this was a priority and gave a brief discussion on the various webpages. Ms. Talley asked some clarifying information about the people who were identified for each LEPC. Mr. Abeel provided the background. Ms. Talley reaffirmed that this is something to explore and at a minimum more information to support a plan by the next meeting.

Public Comment Period

- None

Future Meeting Dates

- October 26, 2016
- March 29, 2017

Meeting Adjourned at 15:17 hours. With a motion from Mr. Alva and a second by Mr. Fuller.

(In addition to the SERC members present there were 23 people in attendance).

DRAFT