

State Emergency Response Commission
for
Hazardous Materials

Department of Environmental Protection
Carr Building
3800 Commonwealth Boulevard, Room 170 - M
Tallahassee, Florida 32399

October 3, 2008 @ 10:00 a.m.

The State Emergency Response Commission (SERC) for Hazardous Materials met October 3, 2008 in Tallahassee, Florida. Those members present were:

Craig Fugate, Alternate Chairman
Greg Lee
Ken Carr
Terry Joseph
Gary Weiss
Mark Tumlin
Tom Mason
Steve Dwinell

Nancy Stephens
David Rogers
John DeIorio
George Danz
Michael Jacobs
John Sherry
Michael Murphy

Chair Craig Fugate called the meeting to order with the Pledge of Allegiance. Mr. Fugate then addressed the first item on the agenda, the approval of the July 11, 2008 meeting minutes. A motion was made to approve the minutes as presented. The motion was seconded and passed unanimously.

New business on the agenda was Local Emergency Planning Committees (LEPC) appointments. Mr. Bill Milazzo referred the Commission to Memorandum #24-08 in the SERC Packet. He stated that all nominees met the Commission's guidelines and approval was recommended. A motion was made that all nominations be approved. The motion was seconded and passed unanimously.

The next item on the agenda was the Guidelines for Gaining Access to E-Plan Data in the State of Florida. A draft of Guidelines for Granting and Terminating Access to E-Plan was presented to the Commission at the July 2008 SERC meeting. Commission members recommended the following changes: 1) Name a person, or position as State Administrator at the Division of Emergency Management level. 2) A recommendation was made to place a time frame on auditing users of E-Plan. Additional revisions were made to E-Plan with the intent of allowing Emergency Management Directors, and LEPC Chairpersons authority to appoint a designee for the user approval process. After a brief discussion, a motion was made to further amend the E-Plan guidelines; State of Florida agencies and HazMat teams will request user access through the Division of Emergency Management. The motion was seconded and carried unanimously.

The next agenda item was Thomas Yatabee and SERC Award Nominations. Mr. Henry Turner referred the Commission to Memorandum #26-08, and recommended the nominees for approval. A motion was made to approve all nominees for Thomas Yatabee and SERC Award recognition. The motion was seconded and carried unanimously.

Approval of the Hazardous Materials Emergency Response Plans was next on the agenda. Ms. Donna Ray called the Commission's attention to Memorandum #27-08. She stated that all Hazardous Materials Emergency Response Plans have been reviewed, meets the compliance criteria, and are recommended for approval. A motion was made, then seconded and carried unanimously to approve all Plans.

Special recognition was given to Ms. Sheri Powers, former Community Program Manager with the Florida Division of Emergency Management (DEM). She was presented with a plaque of recognition for her dedicated years of service with the SERC, and for managing the Emergency Planning and Community Right-to-Know Act (EPCRA) program at DEM, Technological Hazards Section.

In the absence of Mr. Doug Wolfe, Acting Chairman of the Training Task Force (TTF), Mr. Mike Murphy provided the following recap:

Mr. Murphy stated many TTF Strategic Initiatives projects are being completed. Updated project charts will be distributed at the next SERC meeting in January 2009. The TTF is working on completing the protocol for ToxMedics in Florida which will assist HazMat Teams with major incidents. Another issue discussed was developing a process for credentialing Liquid Propane Gas (LPG), and Natural Gas (NG) Industry sub-contractors. TTF members will be attending a conference in October 2008, to discuss these credentialing issues with the Gas Industry. There was discussion on the HazMat Operational Training Guidelines; the TTF is working on incorporating policy guidelines from the Federal Emergency Management Agency (FEMA) and other Industries. A Request for Proposal (RFP) is being developed and will be going out for bid. The TTF made a motion during their meeting to change their group name to the "SERC Sub-Committee on Training". The new name refrains from the use of terminology pertaining to advisory bodies that are governed by Chapter 20 of the Florida Statutes. The guidelines for the group (SERC Sub-Committee on Training) are being developed and will be discussed during the January 2009 meeting. Mike Murphy made a motion to adopt and approve the new group name. The motion was seconded and carried unanimously after lengthy discussion.

Ms. Shanti Smith reported on Opinions of E-Plan by HazMat teams. She stated "the over-all response from HazMat teams were "very positive". Comments from HazMat teams were provided as a hand-out to all Commission members. One concern raised by HazMat teams was, "what level of access should be given to certain first responder groups, e.g., Volunteer Fire Departments?"

Next on the agenda was the Financial Status Reports. Ms. Shanti Smith reports that federal funding for Hazardous Materials Emergency Preparedness (HMEP) will be increased by eighty-percent (80%), over a five (5) year period. Ms. Smith stated with this increase in funding, each Regional Planning Council (RPC) will now be responsible for reimbursing their District staff for

quarterly SERC, SERC Sub-Committee on Training, and LEPC related travel expenses. The reimbursement of travel expenses was being processed by DEM staff.

With increased federal funding, DEM will be able to stream-line the Tier II reporting process. This will allow State of Florida facilities required to report under EPCRA, the option of submitting Tier II data on-line. The data will be linked to E-Plan and will allow users to access the most current and up-to-date HazMat data.

Ms. Shanti Smith referred the Commission to Trust Fund Memorandum #29-08, and corresponding financial tables. She explained in detail the financial administration of funds for the Hazardous Materials Planning Program, and the Risk Management Planning Program. Ms. Smith stated that “both Trust Funds are doing very well”.

As recommended by the SERC Sub-Committee on Training, invitations will be extended to Regional HazMat Teams, County Emergency Managers, and LEPC staff to accompany the Division of Emergency Management, Risk Management Planning staff on facility audits.

Chair Craig Fugate spoke to the Commission concerning State of Florida budget cuts that may impact the operating Trust Funds in Fiscal Year 2008 - 2009. Chair Fugate stated that although Trust Funds are being considered for fiscal cuts, DEM will make every effort to hold the HazMat Trust Funds exempt from any reductions. Mr. Tim Date stated there is a twenty-percent (20%) Soft Match required for U. S., Department of Transportation federal dollars. Mr. Date stressed the importance of accurate calculation of Soft Match dollars so they are fully utilized.

Mr. Parrish Barwick referred the Commission to Memorandum #30-08. He explained the Hazardous Materials Incident Reports include a break down of hazardous materials incidents reported to the State Warning Point which may result in potential Section 304 investigations, and reported incidents with evacuations, injuries and deaths. Additionally, two (2) graphs give detailed reporting of petroleum versus non-petroleum incidents, and fixed facility versus transportation related reports. Mr. Barwick noted that in the previous quarterly SERC meeting a request was made to identify fatalities directly related to chemical releases. He pointed out the data is now being highlighted on the quarterly report. Chair Fugate stated the Medical Examiners Commission has now given authorization for DEM staff to directly contact the Medical Examiner’s Office to verify if a specific fatality was caused directly by a hazardous chemical.

Next on the agenda was an update of staff activities. Mr. Sam Brackett referred the Commission to Memorandum #31-08, and all corresponding reports and graphs. Mr. Brackett noted that Ms. Shanti Smith is the new Community Program Manager at DEM, Technological Hazards Section.

Mr. George Danz reported on LEPC activities. Mr. Danz referred the Commission to the HazMatters Report in their SERC Packet for a detailed recap of each District’s quarterly activities. Mr. Bill Lofgren of Tampa Bay Regional Planning Council was acknowledged for his years of honorable service with the Local Emergency Planning Committee. Mr. Lofgren will be retiring from his position with the Tampa Bay Regional Planning Council in December 2008.

Mr. Chuck Carter reported their District Seven (7) was saddened by the recent death of Mr. Gene O'Neal, who was Emergency Management Manager for Okeechobee County Emergency Management.

Mr. Leo Lachat of the Division of Emergency Management was introduced to the Commission by Mr. Tim Date. Mr. Lachat is the new Preparedness Bureau Chief.

The Commission engaged in further discussion on E-Plan to determine which additional users will have access prior to approval of the final guidelines due out in January 2009. Chair Craig Fugate temporarily gave Acting Chair authority to Mr. George Danz. Mr. Danz accepted the temporary position of Acting Chair. Mr. Fugate then made a motion to give State of Florida emergency responding agencies access to E-Plan. A friendly amendment to the motion was made to allow access to additional users. Mr. Fugate accepted the amendment to allow E-Plan access to State of Florida emergency responding agencies, County Emergency Managers, and Local Emergency Planning Committees. All administrators or designees are restricted from granting access to other users until guidelines are finalized and approved in January 2009. The motion was then seconded and carried unanimously. Mr. George Danz relinquished Acting Chair authority back to Mr. Craig Fugate.

Attorney Leslie Anderson-Adams stated the SERC adopted an Enforcement Response Policy in 1998. The policy was in draft form and published by the Environmental Protection Agency (EPA). The policy gives federal guidance on how to determine appropriate penalties for facilities in violation of EPCRA. Ms. Leslie Anderson-Adams stated the draft policy guidelines were finalized by the EPA in 1999, and published on their website. However, the SERC did not adopt and approve the final Enforcement Response Policy. Mr. Mike Murphy suggested that the SERC Sub-Committee on Training review the final policy and report back to the SERC with recommendations. Chair Craig Fugate agreed with Mr. Murphy's suggestion and encouraged the Sub-Committee on Training to explore more policy options that would require the facility in violation of EPCRA to provide a Environmental Supplemental Agreement in the form of a remedial community service or providing training to the responders of the impacted community. Chair Fugate also stated that collecting a fine from a facility may not always be the appropriate course of action.

Mr. Michael Jacobs asked the Commission if there was a funding source to assist State of Florida agencies in providing operations level training. The National Fire Protection Association 472 (NFPA) federal guidelines were revised in 2008. Anyone responding to a hazardous material incident must now be operations level trained. Ms. Shanti Smith responded by reporting she is working with the SERC Sub-Committee on Training, to allocate HMEP funds for a RFP, to accept bids on the Operational Training Guidelines. She will also look into utilizing HMEP funds to provide a training video for the state-wide Operations Level Training program - such had previously been done with the Awareness Level Training program.

NEXT SCHEDULED SERC MEETING

A motion was made to hold the next SERC meeting on January 9, 2008 in Tallahassee, Florida. The motion was seconded and carried unanimously.

ADJOURMENT

There was no further business or discussion. The meeting was adjourned.