

State Emergency Response Commission
for
Hazardous Materials

Department of Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Twin Towers, Room 609
Tallahassee, Florida 32399

April 4, 2008 – 10:00 a.m.

The State Emergency Response Commission (SERC) for Hazardous Materials met April 4, 2008 in Tallahassee, Florida. Those members present were:

Chief Michael Murphy, Acting Chairman	Nancy Stephens
Greg Lee	David Rogers
Ken Carr	Rickard Ward
Cindy Gennell	John DeIorio
Terry Joseph	George Danz
Tom Mason	Gary Weiss
Michael Jacobs	Mark Tumlin
Allison Odyssey	Eric Hamilton
John Sherry	Manny Pumariega

Also, in attendance were new Federal and State partners.

Chief Michael Murphy called the meeting to order with the Pledge of Allegiance and introductions of the commission. Chief Murphy then addressed the first item on the agenda, the approval of the January 11, 2008 meeting minutes. A motion was made to approve the minutes as presented, seconded and passed unanimously.

Second item on the agenda was the approval of the new member and alternate member appointments to the Local Emergency Planning Committees. Mr. Tim Date referred the Commission to Memorandum # 09-08 and all related materials. 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 third item on the agenda was the Policies and Procedures for Utilizing E-Plan in the State of Florida. Ms. Sheri Powers stated that at the January 11, 2008 meeting it was requested that a work group be formed to develop draft policies and procedures to utilize E-Plan in the State of Florida. The work group participated in a conference call on March 18, 2008 to discuss a draft policy that would govern access and data information exchange between the University of Texas and the Florida Division of Emergency Management. There were two options for granting access to E-Plan recommended for consideration.

The first option presented was to grant access to E-Plan on an individual basis. The second option was to grant approval authority to access E-Plan on a department or agency wide basis. The first option would require an individual to submit a request for access to E-Plan to the county's emergency management director, or designee, or to the Local Emergency Planning Committee (LEPC) Chairperson or designee. The second option would require a department/agency head, or designee, to follow the same procedure as above to request access to E-Plan. The second option would give the department/agency head, or designee, the authority to grant access to E-Plan to employees of the department or agency. After receiving the request, the county director or the LEPC Chairperson would verify the requestor's employment information, approve the request and submit it to the State Administrator in the Florida Division of Emergency Management (FDEM) to perform final administrative procedures to grant access to E-Plan.

Ms. Nancy Stephens then thanked staff for coordinating the Conference call that was held on March 18, 2008. Acting Chairman Murphy then opened the floor for further discussion. Mr. George Danz stated that the only issue the Local Emergency Planning Committees (LEPCs) had was the process of implementing E-Plan, but Ms. Powers and staff had adequately addressed those concerns. Mr. Danz made a motion to approve the second option and the motion was seconded. A question was asked about how access to E-Plan would be terminated for former department/agency employees. Ms. Powers stated that the policy requires the department/agency head to notify the Administrator when there is a separation of employment to ensure that access is terminated. The FDEM will also periodically audit the list of persons with access to E-Plan to verify that the individual is still an employee of the department/agency.

Chief Murphy then called for a vote on the motion to approve the second option and the motion was approved unanimously. There was more discussion about whether granting access to E-Plan should be conducted in phases so it won't become an administrative burden and how notification of the process of granting access to and training on the use of E-Plan will be handled. Another motion was made to have staff develop guidelines for the use of E-Plan and to bring those guidelines before the SERC at the next meeting. The motion was seconded and approved unanimously.

The fourth item on the agenda was to consider approval of the Audit/Inspection Work Plan for the Risk Management Planning (RMP) Program for Fiscal Year 2008-2009. Ms. Sheri Powers referred the Commission to the audit/inspection work plan on Memorandum # 11-08 and the attached list of facilities to be audited. A motion was made to approve the Work Plan for Fiscal Year 2008-2009. The motion was seconded and passed unanimously. Ms. Powers then introduced Mr. Parrish Barwick as the new manager for the Risk Management Planning Program as well as the Radiological Emergency Preparedness Program.

The fifth item on the agenda was creation of a Task Force/Committee by the SERC. Ms. Sheri Powers referred everyone to memo # 12-08. She stated that at the January SERC meeting issues came up about the Training Task Force membership policies/guidelines and if Sunshine Law requirements apply to the Training Task Force. It was determined by Department of Community Affairs (DCA) legal staff that a Task Force/Committee/Work Group that advises or makes recommendations to a government body is subject to Sunshine Law requirements. Ms. Powers

noted that the Executive Order that established the SERC does not address the SERC having the authority to create a Training Task Force (TTF). However, it is the opinion of DCA legal staff that the TTF is a legal body since the SERC created the TTF and has continued its existence by periodically assigning it new projects. However, DCA legal staff recommends that the TTF be created in a more formal manner either by amending the Executive Order or through the legislative process.

Staff recommended that an amendment to the Executive Order be sought to authorize the SERC to create the Training Task Force and that the SERC officially re-establish the Training Task Force on an annual basis. A motion was made to amend the Executive Order to stipulate that the SERC has the authority to create a Training Task Force.

Based on a lengthy discussion, the SERC believed that any effort to approve the Training Task Force membership guidelines and policies was premature and would have to wait until an amended Executive Order clarifying the authorities of the SERC was signed by the Governor. A motion was made and seconded to submit an amended Executive Order to the Governor's office that gives the SERC the authority to establish a Training Task Force. After further discussion the original motion was amended to specify that the amendment to the Executive Order should state that the SERC has the authority create Task Forces. The motion to amend to the original motion was seconded and passed unanimously. A motion was made and seconded to approve the amended motion and passed unanimously.

Next, Mr. John DeIorio gave an update from the Fire Marshal's Office Regarding the Development of "Operational Readiness Evaluations for Specialty Teams."

Mr. DeIorio indicated that the State Fire Marshal's Office has responsibility through the State Emergency Response Plan for deployment of the state hazardous materials resources and the State Fire Marshal's Office contracted with the Department of Homeland Security to provide pass-through funds to all specialty teams. His office also has the responsibility for conducting site visits to ensure readiness of the teams. The State Fire Marshal's Office wants to create Readiness Evaluation documents for the purpose of 1) deployment of the teams and 2) conducting site visits. Mr. DeIorio noted that the Hazardous Materials Response Team Assessment Tool now being revised by the Training Task Force and the State Fire Marshal's Office will be used to evaluate readiness during the site visits. A question was asked about whether budget cuts are negatively impacting any of the specialty teams. Mr. DeIorio replied that the budget cuts have had a minimal impact on some of the teams and no impact on the hazardous materials response teams.

Next, Mr. Doug Wolfe gave an update on the Training Task Force (TTF) and he noted that the TTF continues working on the projects highlighted in green on the flow chart and that a couple of the projects were taken off the flow chart because they were completed. Mr. Wolfe then stated much of the Training Task Force work is being done through conference calls. The next conference call is scheduled for April 18, 2008.

Mr. Wolfe noted that the Training Task Force recommends the SERC consider for approval a TTF membership that only consists of a representative from each of the eleven Local Emergency

Planning Committees. After considerable discussion about the Sunshine Law and restrictions to conducting business a motion was made and seconded for approval of TTF membership to consist of a representative from each of the eleven Local Emergency Planning Committees and a representative from private industry. After more considerable discussion about revising the Executive Order, it was decided that the TTF membership policies and procedures should be tabled until revision of the Executive Order was official and the motion was voted down.

Mr. Wolfe then identified three documents that are completed and ready to bring forward for approval at the July 11, 2008 SERC meeting. The documents identified are:

1. Medical Surveillance Policies
2. Recognized District Hazmat Team Level of Service Policies
3. Annual Technician Refresher Certification Check-Off Lists

Mr. Wolfe then stated Mr. Murphy presented a draft flyer for facilities about the National Incident Management System and requested that the Local Emergency Planning Committees and the Division of Emergency Management put the National Incident Management System Public-Sector Outreach document on their websites. The purpose of flyer was to provide a tool to assist business in understanding the decision making process in times of emergencies.

Mr. Wolfe called attention to several of the Strategic Items:

1. Public Sector Training Guidelines: These are to be revised in accordance with the newly revised NFPA 472/473 guidelines and medical first receiver policies. Mr. Wolfe noted that this can be accomplished by seeking bids from contractors to perform the work or doing the work in house by TTF personnel.
2. The TTF is working with State Fire Marshal's office to fast-track revisions to the hazardous materials response team self-assessment tool.
3. The Training Task Force is still working to define "Toxmedic". Mr. Wolfe stated the biggest need for this program is to define Toxmedic standards and certifications as they apply to a hazardous materials response team.
4. Mr. Wolfe addressed the Liquefied Petroleum and Natural Gas Industry's credentialing. Mr. Wolfe said that industry representatives are willing to work with the TTF to establish some type of credentialing program to identify what level of response training the contractors and company repair personnel have completed. Mr. Wolfe then stated that he spoke with Ms. Vickie O'Neal from the Florida Department of Agriculture and Consumer Services, which oversees gas industry regulations in the state, and she's going to assist the TTF with information regarding regulations.

Ms. Sheri Powers presented the Financial Status Report on the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Planning (RMP) Programs for the fiscal year. Ms. Powers stated the programs are in good standing financially. She referred everyone to Memorandum #14-08 and the accompanying Table I which provides a

breakdown of the revenue received under the two programs through February 29, 2008 compared with the receipts for the same time period during Fiscal Year 2006-2007. Ms. Powers then referred everyone to Tables II and III which identify expenditures for both programs through February 29, 2008 and she noted expenditures are within budget.

Next, Ms. Sheri Powers referred to Memorandum #15-08 and the corresponding Hazardous Materials Incidents Reports. The reports reflect the hazardous materials incidents reported to the State Warning Point. The incident reports are reviewed by staff on a daily basis to identify potential Section 304 violators and facilities which may have an obligation to report under other sections of the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Risk Management Planning (RMP) programs. Ms. Powers then stated that Table I identifies potential Section 304 incidents by the Local Emergency Planning Committee (LEPC) Districts. Table II provides a breakdown of all hazardous materials accidents for which evacuations, injuries and deaths were reported. Table III provides the comparison of petroleum-related incidents to non-petroleum incidents. Table IV gives a breakdown of incidents occurring at fixed facilities as compared to transportation related incidents.

Next on the agenda, Mr. Sam Brackett referred everyone to Memorandum #16-08 for an update of staff activities and stated there are various activities, charts, and reports listed. Mr. Brackett then stated March 1, 2008 was the deadline for the Emergency Planning and Community Right-to-Know Act (EPCRA) and April 1, 2008 would be the deadline for the Risk Management Planning (RMP) program.

Mr. Brackett then introduced Mr. William (Bill) Milazzo who is now working with Mr. Tim Date and staff. Mr. Brackett then stated the How-to-Comply Handbook was updated and available for the Commission.

Next item on the agenda was a report on Local Emergency Planning Committee activities. Mr. George Danz informed the Commission that the Local Emergency Planning Committee (LEPC) chairs and staff contacts me April 3, 2008 and there was discussion about E-Plan and the Training Task Force (TTF) Membership Guidelines and the procedures that Mr. Doug Wolfe outlined. There were no recommendations for SERC from the Staff and Chairs Meeting other than the support of those issues being brought up by the Training Task Force.

Other Discussion

Ms. Nancy Stephens expressed strong concerns about the firearms bill going through the legislature at this time. Ms. Stephens was concerned that the bill permits anyone with a concealed gun permit to take a gun onto the premises of nearly anywhere possible. Ms. Stephens feels that this is a public safety issue. Also, Ms. Stephens was seeking support from the SERC to write a letter to the Governor's Office expressing strong concern. Most SERC members indicated they could not support this issue without the authority of the specific state organization they represented so Ms. Stephens withdrew her request.

NEXT SCHEDULED SERC MEETING

The next meeting will be held on July 10, 2008. Location is the Department of Environmental Protection, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida.

ADJOURNMENT

There being no further business or discussion the meeting was adjourned.