



## STATE EMERGENCY RESPONSE COMMISSION (SERC) MEETING

California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655  
March 29, 2017 – 1:30 pm  
Multipurpose Room 1 & 2

### **Member's Present**

Jill Talley, Acting Chair – California Governor's Office of Emergency Services (Cal OES) - Present  
Carol Farris, Designee - California State Transportation Agency (Cal STA) - Present  
Catherine Ohaegbu, Designee - California Business, Consumer Services, & Housing Agency (BCSH) - Present  
Natural Resources Agency (NRA) - Absent  
Tom Ahrens, Designee - California Health and Human Services (CHHS) - Present  
Jim Bohon, Designee – California Environmental Protection Agency (Cal EPA) - Present  
Kevin Masuhara, Designee - Department of Food and Agriculture (CDFA) - Present  
Marie Ertl Rich, Designee - Department of Industrial Relations (DIR) - Present  
Randy Alva, Chairperson - Local Emergency Planning Committee (LEPC) Region I - Present  
Jennifer Hobbs, Designee – LEPC Region II - Present  
Bill Fuller, Chairperson - LEPC III - Present  
Jerry Apodaca, Chairperson - LEPC IV - Present  
Joshua Wilson, Designee - LEPC V - Present  
Stephen Mayville, Chairperson - LEPC VI - Present  
Joel Martens, Designee - Certified Unified Program Agency (CUPA) Forum Board - Present  
Lowell Allen, Designee - California State Association of Counties (CSAC) - Present  
League of California Cities - Absent

### **I. Call to Order, Welcome & Introductions by Acting Chair Talley** **1341 hours**

### **II. Approval of May 18, 2017 Meeting Minutes**

- Jill Talley announced the October 26, 2016 SERC meeting minutes in the SERC member folder are not official since there was no quorum but are provided.
- Jill Talley announced the May 18, 2016 SERC minutes in the SERC member folder are provided for review and approval. Stephen Mayville asked for his name to be spelled correctly, "Stephen Mayville." There were no questions and other comments. There was a motion to approve. Second motion. Approved.

***ACTION ITEM – May 18, 2016 SERC Meeting Minutes Approved.***

### III. SERC Strategic Plan

- Jill Talley announced the draft SERC Strategic Plan is being developed by Cal OES; being done to put a structure in place and making the SERC more productive. The plan was not shared because it still needs editing. When starting the Strategic Planning Process, a contractor, Sacramento State University, questioned the SERC members, LEPCs and other stakeholders on how to make the whole SERC process better effective and efficient. The input from the questioning was put into the Strategic Plan.
- Brian Abeel informed the SERC members based on the assessment conducted by the contractor four options were suggested for moving the SERC Strategic Plan forward:
  - Option #1. Keep system as it is today.
  - Option #2. Create more separation of roles between LEPCs and CUPAs.
  - Option #3. Combine LEPCs into the CUPA structure, potentially using county-CUPAs to serve as LEPCs.
  - Option #4. Do nothing.

Once an option is chosen then move forward developing a Strategic Plan beyond the Assessment Phase.

- Jerry Apodaca questioned if option 1 and 4 are the same. Brian Abeel concurred that they were.
- Bill Fuller questioned based on conversations today is Cal OES going to put together a strategic plan?
- Jill Talley said Cal OES will be putting together a Strategic Plan that will be provided to the SERC members in draft. Still need to decide conceptually where the SERC is going. Trying to minimize the duplication of efforts between the SERC, LEPCs and CUPAs. The goal is to have parts of the Strategic Plan fold into the Legislation being drafted to solidify the SERC and LEPCs.
- Bill Fuller raised a concern about his LEPC that is comprised of 13 counties. The CUPAs are not all equal in regards to levels of operation based on resources and staff. If LEPCs were reassigned to county CUPAs we could be facing the same problem, which is a lack of resources to do the job. The expectations of the SERC need to be known prior to developing a Strategic Plan and moving forward.
- Jill Talley believes the SERC expectations and the Strategic Plan go hand in hand. Need SERC members to attend the SERC meetings and receive input from members on the direction the SERC should go.
- Bill Fuller believes the system in place now for the LEPCs works for distributing the information and getting information back. Some LEPC III counties are not staffed to conduct LEPC business. Will the HazMat Team that represents six counties now have to attend multiple meetings? The way the LEPCs are structured today works until we know where things are going to go and know the expectations of the SERC and LEPCs. Creating something new should not be done until we know the direction we are going. Jill Talley agrees this is a valid point, and furthers states the SERC Strategic Plan should change as the SERC changes.
- Jim Bohon suggests a Strategic Planning process perspective for the next twenty years; the Unified Program/CUPAs have a structure within themselves that allows individual CUPAs to join

together into regional bodies. From a structural standpoint you could fundamentally let the county CUPAs be the LEPCs and join together regionally.

- Bill Fuller questions the idea of coming up with a one structure that will fits all.
- Randy Alva stated making the CUPAs the LEPCs would solve any question about duplication of services. Plus, the CUPAs have the fee structure in place to support the restructuring.
- Brian Abeel stated that the Businesses complying with the Business Plan program disclose their hazardous materials inventories (an EPCRA requirement) to the CUPAs and pay a regulation fee.
- General consensus is that the SERC would still operate even if the CUPAs become the LEPCs but do not want a 60 member SERC panel.
- Kim Zagaris says he believes that everyone at the LEPC level wants to provide the best effective response capability to their first responders to protect the public and the environment. All believe that the SERC and LEPC program is not working the way we want it right now. We can continue down the same path, which is not a good idea because when something ultimately happens we all will be called to the table to answer why the program is not working. So therefore, the input is needed now to find out how to make it work. This is an unfunded program. So how do we develop something that allows what needs to be done gets done. We need to come together to figure out how to make it work.
- Jim Bohon requested that the assessment recommendations mentioned by Brian Abeel be shared with the SERC members for reviewing and consideration.
- Jill Talley said the information can be put on the agenda as a discussion item for the next meeting and posted on the web.
- Jim Bohon stated for staff to move forward with the Strategic Plan they need input from the SERC members on the Assessment findings.
- Jill Talley said Cal OES will circulate the report to the SERC attendees. At the next meeting a Strategic Plan will be provided, although there may still be some gaps. At least the backbone will be available for discussion.
- Jerry Apodaca would like to see what the footprint looks like for each recommendation from Sacramento State University, the Assessment contractor. What was the information gathered from the Assessment that went into the recommendations? What would the structure and resources look like if the CUPAs became the LEPCs; what would the footprint of this option look like? What would the foot print be continuing the six LEPCs in its current condition but change the strategic goals and rules? What are the CUPAs doing that we, the LEPCs, are not doing? What are the LEPCs going to provide that the CUPAs are not going to provide? And since the CUPAs are staffed and have the funding element then maybe some of the LEPCs' responsibilities need to be transferred to the CUPAs because the CUPAs have the fiscal means to get the job done, which the LEPCs do not. We need the options laid out in black and white that have tangible targets for action items for the next meeting. Why are we going to have the LEPCs still in the current condition while we are having the CUPAs handle most of the LEPC responsibilities and requirements?
- Joel Martens said the CUPA Forum has looked at this before a number of times over the years. The CUPAs would struggle having the LEPC structure and input from all the LEPC members at the

CUPA level. The CUPAs already have an inspection, enforcement, and regulatory program that are broad, so how do we incorporate the LEPCs into the already established responsibilities and requirements? Believe the LEPCs regional approach has a standalone real value; realize funding is an issue. The CUPAs are a fee for service.

- Jill conceptualizes that maybe not merge the LEPCs and the CUPAs, but perhaps the LEPCs can incorporate by reference things like the CUPAs Area Plan is the LEPC Regional Plan.
- Stephen Mayville stated that the Riverside county LEPC member and sub-chair said that he had been directed by his management that he cannot travel outside of his county to conduct LEPC business. This member is and represents the County CUPA. Where is that participation with respect to LEPC VI? This is an obstacle for having CUPA participation in the LEPC. Participation is resource driven. This member participates in LEPC VI out of personal obligation with the LEPC, but his management isn't supporting it.
- Jill Talley said this is a resource driven obstacle.
- Stephen Mayville said consistency in participation is important at SERC level as well as LEPC level.
- Jill Talley said the Strategic Plan is supposed to address this.

#### **IV. LEPC Support**

- Each of the Cal OES Regional representatives spoke on their support to the LEPCs via their Cal OES LEPC Liaisons. Each Cal OES Region has Emergency Services Coordinators assigned to the LEPCs.
- Brian Abeel said the LEPCs' Chair and Cal OES LEPC Liaison contact information is on the Cal OES HazMat webpage. Currently, the Cal OES LEPC II and V Liaison positions are vacant.
- Randy Alva said Cal OES has been good about dedicating a Liaison to LEPC I. Having a support person from Cal OES is not the issue. The issue is the Cal OES Liaison has to prioritize her agenda and sometimes she is overwhelmed and the LEPC support gets pushed to the back. The LEPC has a timeline to be met; the LEPC needs more of a priority from the Regions.
- Jill Talley said the Regions have been directed to give more priority to the LEPCs and to attend the SERC meetings. Although, when disasters occur like earthquakes, floods, etc then the priority may change. When there is an immediate need and Cal OES Regions cannot handle it then they should push it over to someone else at Cal OES to handle; fortunately usually not all the state is in an emergency at the same time.
- Jennifer Hobbs asked when the Cal OES Liaisons for LEPC II and V will be filled.
- Cal OES Inland representative said even though the Cal OES LEPC V Liaison has relocated up north she is still available to support LEPC V until her former position is filled.
- Cal OES Coastal representative said the Region is currently trying to fill vacancies; once filled the vacant Cal OES LEPC II Liaison position will be filled.
- Jill Talley said Cal OES will temporary fill that position today and someone is listed as the contact.
- Bill Fuller stated some expectations. At the first SERC meeting in 2013, there were discussions about LEPC support and the LEPCs reminded everyone that the LEPC members are all

volunteers. There was at one time a Cal OES Liaison dedicated to LEPC III located in the Red Bluff office that provided the clerical assistance, minutes, meeting logistics and had a budget to handle all that. That staff person and position went away and the budget has changed. LEPC II former chair Dave Dearborn quit because he could not handle the administrative responsibilities. All the LEPC Chairs have discussed this issue amongst themselves and they are experiencing it as well. The LEPC Chairs set up the agendas, transcribe the minutes. There is a point when we need to come up with what the expectations are for the LEPCs' operations and support. His office is the repository for LEPC information, records, and so forth. He has a concern for continuity. When he retires will the Chair responsibilities go to someone else? Will someone accept the position and be the repository? Funding and resources are lacking and there is a resource issue for providing the community awareness piece to the public on topics like oil coming into the state by rail and what to do for shelter in place.

- Jill Talley said it all comes down to funding and resources. Should be able to transcribe meetings using a phone, record the meeting and then post the minutes. The LEPCs need to be smart with the resources they do have. And, there does need to be some funding mechanism to support the LEPC activities. Trying to address the funding issue with the Strategic Plan. Even when there is money there will not be enough, so there is still the need to efficient will the use of the money.
- Bill Fuller said the LEPCs need common expectations from the SERC, Cal OES, and other agencies.

#### **V. LEPC Regional Plan/Area Plan**

- Jill Talley said as mentioned earlier Cal OES is moving forward with the recommendation for the LEPCs to incorporate the CUPAs' Area Plan to save time and effort as well as minimize duplication of efforts.
- Bill Fuller asked about the Regional Plan Project process, which is separate of the Area Plans; is that still going on?
- Brian Abeel said that the project was put on hold because Cal OES was moving forward to develop a legal document that states the CUPAs Area Plans meet the requirements of the LEPC Regional Plan.
- Jill Talley said it will not be a legal document; it will be a document that states hereby incorporating the CUPAs' Area Plan as the Regional Plans. If the LEPC has any changes to what the Area Plans contain then the LEPC can build upon the plan of the CUPAs'.
- Brian Abeel said a reason it was being done was because of the funding and resource issue. And by doing so would relieve the LEPCs of the responsibility to complete and update the LEPCs' Regional Plan. Plus the Area Plans does meet all the LEPC Regional Plan requirements and meets the intent of EPCRA, which is local hazardous materials emergency response planning.
- Jerry Apodaca asked that then one of the LEPC responsibilities would be to reach out to the CUPAs and ask them for their Area Plans and incorporate those into the Regional Plan?
- Jill Talley concurs.

- Jerry Apodaca asked like earlier for a foot print of this action so they can view it and understand the LEPC expectations.
- Jill Talley said if Jerry Apodaca believes it will require more work for the LEPC to collect the Area Plans than to do their Regional Plan than that is a valid point on why this would not work. The logical idea is that these Area Plans are essentially the same; it makes sense to utilize them then to start from scratch (beginning).
- Jim Bohon asked for clarification; are the LEPCs collecting the CUPAs' Area Plan and combining them into some document? This would require legal requirements. Or are you simply saying the CUPAs' Area Plan meets the requirements of the LEPC Regional Plans, because then the LEPC would not have to collect them?
- Jill Talley said it is the latter, which Jim Bohon concurs with.
- Jennifer Hobbs said if it was documented that the LEPCs adopted the Area Plans by reference and let it be known that would cover the LEPCs responsibility?
- Jill Talley concurs.
- Brian Abeel mentioned that through his conversations with Bill Jones from US EPA Region 9, his SERC counterpart who supports other states in Region 9, other states in the country have their local hazardous material emergency plans in lieu of the LEPC Regional Plan.
- Jill Talley stated that Cal OES would recommend what is being done in the other states and Cal OES would produce a policy statement stating the CUPAs Area Plans meet the LEPC Regional Plan requirements.
- Bill Fuller stated this action will be a huge departure from the direction previously taken with the Regional Plan project; assuming this new direction is money (funding) driven.
- Jill Talley said it is efficiency driven.
- Bill Fuller said the Regional Plan project was done to come up with a user friendly document. The counties within LEPC III usually use a cookie-cutter document for their Area Plans and are not very valuable. The purpose of the LEPC Regional Plan project was to create something that was useable and have a function to it.
- Joel Martens, speaking for the CUPA Forum Board, said the CUPA Area Plans are tailored specific to their CUPA jurisdictions. The last time LEPC V was doing their Regional Plan, the focus was mutual aid. The equipment lists from CUPA' Area Plans were put into tables so people could understand what is available. Now one CUPA could view electronically facility information within another CUPA's jurisdiction to do some of the eye level planning and resource determinations. Something that is not covered well in Area Plans is commodity flow studies, which could be looked at in more detail within LEPC Regional Plans; especially for commodity flow that cross jurisdictions.
- Steve Mayville asked if CUPA Area Plans are readily available to the public. Some discussions followed on if they were public documents or not.
- Brian Abeel stated that while working on the LEPC III Regional Plan pilot test using the LEPC Regional Plan project templates links were created within the plan to CUPAs' Area Plans. However, the destination of those links was for either CUPAs' Area Plans or contact information for accessing the Area Plans; not all CUPAs post their Area Plans on the internet.



## **VI. LEPC Individual Websites**

- Cal OES HazMat and the Webmaster have developed a concept of design for the websites. Cal OES HazMat is working with the Webmaster on developing the concept and uploading pertinent information collected from the LEPC Chairs and Cal OES Liaisons for each LEPC. Once completed it will be the responsibility of the LEPC Chairs, Cal OES Liaisons and the Cal OES Regional Web Managers to update and maintain the individual webpages.

## **VII. Response Presentation – Vallejo Odors and Phillips 66 Oil Sheen Unified Command**

- Randy Sawyer, Contra Costa County Chief of Environmental Health and HazMat Officer, presented on an incident that occurred in September 2016 involving strong odors in Vallejo and oil sheens around Phillips 66 unloading docks. The conclusion of the incident was that:
  - The oil sheen came from the unloading of crude at the Phillips 66 terminal.
  - Most likely the leak came from the oil tanker that was unloading at the terminal.
  - There is a possibility that the leak came from a section of Phillips 66 unloading piping that was not hydro-tested.
  - This leak was most likely the source of the Vallejo odors.
- Cross jurisdictional communication and coordination about the incident followed the presentation.

## **VIII. Fruitland Fire Cleanup**

- Jason Musante, USEPA Region IX Federal On-Scene Coordinator, presented on the Fruitland Magnesium Fire Emergency Response and Time-Critical Removal Action.

## **IX. CFATS Presentation and Update**

- Rodney Lockett, Department of Homeland Security Regional Director of The Office of Infrastructure Protection, presented on the Chemical Facility Anti-Terrorism Standards (CFATS).

**NOTE: During the CFATS presentation Jill Talley had to leave and was replaced by Jennifer Plescia, Cal OES, as the Chair of the meeting.**

## **X. Rail Carrier Hazardous Materials Transportation Submittals Update**

- Trevor Anderson, Cal OES HazMat, presented on the Rail Carrier Hazardous Materials Transportation Submittals Update.
- AB 380 required that the railroads provide Cal OES Commodity Flow information for the CUPAs.
- In November 2016, Cal OES sent letters to both Burlington Northern Santa Fe (BNSF) and Union Pacific (UP) Railway Carriers requesting Commodity Flow data from them. They both had been providing Cal OES the information but it was not sent in a manner easy for Cal OES to use. The letter clarified what Cal OES needed for the CUPAs and Commodity Flow information. Some of the data information included:
  - United Nation (UN) Number
  - Standard Transportation Commodity Code (STC)

- HazMat description
- Car Load Type
- To date Cal OES has received all BNSF's information. Also received UP's information. Both companies' information is on a secure web database that Cal OES houses.
- There are also 28 short lines in California. In December 2016 Cal OES sent a letter to these short lines similar to what was sent to BNSF and UP; basically saying hello, if you have any type of hazardous materials being transported on your rail lines please provide that information to Cal OES so that information can be provided to the CUPAs per AB 380. To date Cal OES has received 15 responses back from 28 of the short lines. 6 of the short lines do not transport hazardous materials. The remainder of the 9 provided commodity flow data information, which is also on the secure Cal OES website.
- In December 2017, Cal OES sent a letter to 81 CUPAs, including Cal EPA, informing them that Cal OES has a secure database per AB 380 that they have access to if they provide Cal OES with a non-disclosure agreement that states they have one sole person for their organization whose sole job responsibility is to manage the commodity flow information for their jurisdiction. To date received 13 responses but Cal OES has only given 7 access to the secure website. An issue remains with the other 6's non-disclosure agreements.
- Cal OES has met the requirements of AB 380.
- The next step Cal OES is working on is having the Railroads to provide emergency response plan information. Cal OES has a letter in draft to be finalized within the next week to send to the Railroads.
- The Railroads submit the information on a quarterly basis. Quarterly information is submitted within the month of the following quarters: January-March, April-June, July-September, and October-December.

#### **XI. New Business**

- Stephen Mayville requested a status on the SERC Leg proposal. Jennifer Plescia stated it is still in the works; believe still waiting for the SERC Strategic Plan take shape, which will drive the legislation.
- Brian Abeel stated that the option still needs to be chosen on what conceptual route to take for the SERC and the LEPCs. Once decided work can be done for developing the Strategic Plan and solidifying the SERC and LEPCs in the Emergency Services Act through a Leg proposal.
- Captain Jack Fry will be replacing Randy Alva as the LEPC I Chair.

#### **XII. Public Comment Period**

- None

#### **XIII. Future Meeting Dates**

- Meet twice a year.
- One more this year October 26, 2017.



- Need to meet with stakeholders outside the official meetings to address items discussed earlier and to agree on a direction on how to move forward.

### **XIII. Adjourn**

- Motion to adjourn the meeting. Second. Meeting adjourned at 1620 hours.

DRAFT