



RECAP OF THE JANUARY 25, 2013 STATE EMERGENCY RESPONSE COMMISSION MEETING

The January 25, 2013 SERC meeting was held at the Ocean Center conference facility in Daytona Beach. Mr. Mike Murphy chaired the meeting and called it to order at 10:02 a.m. and proceeded with the Pledge of Allegiance and an introduction of all in attendance.

For the benefit of new SERC Member(s), Chair Murphy characterized the State Emergency Response Commission as “a partnership group between industry, government & citizens regarding hazardous materials planning and response.”

APPROVAL OF MINUTES:

- **Approval of October 12, 2012 SERC meeting Minutes.** The *Minutes* from the October 12, 2012 SERC meeting were approved unanimously.

NEW BUSINESS

- **Local Emergency Planning Committees Appointments.** Mr. Lou Ritter requested approval of membership modifications solicited by each LEPC. SERC unanimously approved all of these changes. In LEPC District 8, the following LEPC membership modifications were requested:
 - Mr. Ed Kinley was reassigned as a “Primary” LEPC member for Universal Environmental Solutions since he had changed company affiliations. A LEPC member since October 1997, Mr. Kinley had previously represented Universal Waste and Transit. No “Alternate” was designated for (or by) Mr. Kinley under the “Local Option” category.
 - Mr. Charles Rowe replaced Mr. Glenn Hall as the “Primary” LEPC appointment for Yara North America, Inc. In turn, Mr. Rowe designated Mr. Kris Kinnison of the same agency to be his “Alternate” on the LEPC under the “Facility Owners and Operators” category.
 - Mr. Greg Becker replaced Ms. Pamela Bartley as the “Alternate” LEPC appointment for the *American Red Cross* (ARC) - Tampa Bay Chapter. The “Primary” LEPC representative from ARC remains Mr. William Douglass under the “Community Group” category.
 - Mr. Lloyd Roberts replaced Mr. Michael Holtcamp as the “Alternate” LEPC appointment for the *Southwest Florida Water Management District* (SWFWMD). The “Primary” LEPC representative from SWFWMD remains Ms. Lesley Touchton under the “Water Management District” category.
 - Mr. Michael Terrell’s LEPC Membership was terminated due to a vacancy of his position with the Manatee County Attorneys Office. As a consequence, the membership of his previously-designated Alternate (Mr. Ron Koper Sr.) was also terminated. Mr. Terrell’s membership had been recognized under the “Non-Elected Local Official” category during his tenure on the LEPC since July 2000.

- **Thomas Yatabe-SERC Award Presentations.** The SERC presented 11 Thomas Yatabe Awards, one for each LEPC District as designated by each respective Local Emergency Planning Committee. The Award signifies “*outstanding contribution made in the implementation and support of the Emergency Planning and Community Right-to-Know Act through achievement(s), accomplishment(s) or superior participation in hazardous material planning or response.*” The 2012 Thomas Yatabe Award winner for District 8 was Mr. Steven Metzler of the Transportation Security Administration and the Nomination Form read as follows in its entirety:

Mr. Steven Metzler graciously allowed LEPC staff, Hillsborough County Emergency Management, Tampa Fire Rescue and others to participate in and modify an exercise scheduled for the City of Sarasota Police/Bomb Team (SABT) on May 25, 2012. The scenario was initially designed solely to test and assess SABT’s response capabilities to the placement of a simulated Improvised Explosive Device (IED) on top of a pipeline transporting an extremely hazardous substance to a storage tank at a Port of Tampa facility. Mr. Metzler enthusiastically supported the alteration of the exercise scenario to incorporate and warrant a hazardous materials response component, a pre-requisite for accreditation as the LEPC’s biennial exercise requirement. The additional element was added to the scenario to assess the hazmat team’s response capabilities and actions which would have transpired in the event that a rupture of the pipeline was sustained while removing the staged IED and resulted in a release of an extremely hazardous substance.

The SABT was one of eight local bomb teams that were trained and exercised during the week of May 22-25, 2012 in preparation for the Republican National Convention hosted in the City of Tampa during late August 2012.

- An Award of Appreciation/Recognition was presented to George Danz for his many years of public service and membership on the SERC. Mr. Danz vacated his SERC membership due to his recent retirement. Similar recognition was prepared for Mr. Richard Smith who was unable to attend the meeting and receive his accolades in person. It is understood that Mr. Smith is scheduled to retire in March and that his Award will be delivered to him.
- Chair Murphy thanked the SERC membership for attending this particular meeting although the meeting date was “out of sync.” The purpose for the alternative scheduling of the SERC meeting was to coincide with the first Annual Hazmat Training Symposium. Lt. Jonathan Lamm and Mr. Paul Wotherspoon declared the Symposium a tremendous success. Lt. Lamm reported that 104 attended the Wednesday afternoon hazmat sessions and 126 attended the Thursday morning hazmat sessions.

Two motions were unanimously approved by the SERC:

- Send letters of appreciation from SERC to the individuals that were pertinent to the success of the Symposium (e.g. Jonathan Lamm, Matt Marshall, Paul Wotherspoon, Lout Ritter, Scott Ehlers, Doug Wolfe); and
- There will be a second (and perhaps annual) Hazmat Training Symposium and that it should be held in conjunction with the Fire Rescue East Conference. It was noted that Chair Murphy challenged

industry representatives to assist with next year's symposium. It could also serve as a great resource for the training of their personnel also.

REPORTS

- **Report from SERC's Training Task Force (TTF).** The following highlights of the January 24, 2013 TTF meeting were identified by TTF Member Mike Murphy:
 - Conference Call. The TTF held a teleconference on December 5, 2012. The teleconference focused on mass casualty and, in particular, how to deal with contaminated remains.
 - Transportation Community Awareness and Emergency Response. TRANSCAER training will be hosted at the Florida State Fire College this year and annually thereafter. Such training has not been provided in the State of Florida in four years. The amenities associated with this training will include the use of classrooms and the auditorium and will be free of charge other than travel, meals and lodging. The specific training topics are currently being solicited. Some HMEP funding could be utilized but the details are yet to come.
 - Standard Operating Guidelines Updates. TTF members volunteered to review the Standard Operating Guidelines (SOGs) associated with 23 specific topics (e.g. Radiological, White Powder, Drums...) for potential updates that may be appropriate and/or relevant. Their findings/recommendations will be the subject of discussion at the next TTF meeting.
 - FDEM's Secure Portal/Sharepoint. FDEM has advised that they now have a Secure Portal (i.e. Sharepoint) for sensitive information and data. The site is password protected. All SERC members & LEPC staff will be provided access to the site although some will only have read and not write privileges.
 - Supplemental Environmental Projects program. FDEM provided a status update of the State's Supplemental Environmental Projects program and potential posting to FDEM's website. Chair Murphy identified that delays in establishing the program and populating the website with potential projects result in lost opportunities for local communities. Chair Murphy reminded the SERC membership that the program is designed to allow the expenditure of 75 percent what would otherwise be a fine to violating industry(ies) to undertake a specific pre-arranged initiative(s). SEPs could include education, training, hazmat equipment...
 - Potential EPA membership on TTF. It was agreed that EPA should be encouraged to become an Ad Hoc member of the TTF.
 - 2012 Hazmat Responder of the Year. It was recognized that Mr. Scott Ehlers was awarded the "Hazmat Responder of the Year" for 2012 by the Florida Fire Chiefs Association.
 - Statewide Medical Protocol Book. Chair Murphy recognized that Dr. Joe Nelson (State Medical Examiner) prepared a Statewide Medical Protocol Book for use during disasters. The comprehensive book addresses all emergencies, including hazmat. It was acknowledged that, with input received from Dr. Nelson, the hazmat section was previously prepared and updated by the TTF.
 - TTF Project Board. Routine and typical updates and discussion ensued.
 - Ethics. Paul Wotherspoon reminded members to be cognizant of what may be perceived to be a potential violation(s) of the Sunshine Law. He identified that two officials from the same body can not discuss an issue that is scheduled to come before their forum outside of the advertised meeting/venue. Be mindful as it pertains to votes, policies and procedures... If you should have any question(s) or require clarification(s), you would be welcome to contact FDEM's new legal counsel - Jennifer Hinson at 850/922-1676.

- Next Scheduled TTF Conference Call. The next quarterly TTF conference call has been scheduled for February 20th at 1:30 p.m.
- **Report on Use of E-Plan as a Tier II Reporting Tool.** Mr. Paul Wotherspoon (FDEM staff) provided the following highlights regarding promotion of the E-Plan system as a means for electronic reporting:
 - The State’s former electronic Tier II reporting program (FloridaHMIS.org) was difficult for industry to enter their data and for FDEM staff to manipulate and/or print desired reports, hence only 46 percent of all facilities filed electronically last year.
 - Staff had been actively entering paper copies of Tier II into HMIS for the 2011 reporting year through mid-December 2012.
 - E-Plan was originally Developed by UT Dallas and EPA Region 6 in 2001. Prior to this coming reporting year, seven States were already using E-Plan as their sole electronic submittal program.
 - In an effort to promote the use of E-Plan for electronic filing, FDEM staff had sent out an invitation to attend any of the eight E-Plan training sessions held at six locations across the State between mid-January and early February 2013. The invitation and informational Flyer was e-mailed to the 6,500± facilities that reported electronically last year.
 - 1,800 first responders use E-Plan in Florida.
 - Companies will be provided an access code and password. Need to go in and validate data. Can upload attachments and data.
 - Resources are included as links within E-Plan (e.g. EPA List of Lists).

Noting that the SERC/FDEM, LEPC staff and many first responders now have access to the E-Plan program, SERC member Taylor Abel inquired as to what entities still require “paper copies” or other alternatives outside the E-Plan program? Mr. Wotherspoon responded that facilities remain required to provide copies to their local fire departments. Mr. Dwayne Mundy (LEPC District 3 Staff Coordinator) affirmed that he will continue to request hard copies or e-mails for all facilities within his District until a comfort level is established with the ability to manipulate the data. Several of the other LEPCs, including District 8, echoed similar sentiments.

- **Report on Future Hazards Analysis Update Contracts.** Mr. Paul Wotherspoon identified that Hazards Analyses (HAs) have been conducted by the LEPCs, Counties and/or contractors for all EHS facilities for the past 20 years. FDEM currently administers “about 50 Contracts” to complete this task annually. Requiring site inspections for each of Section 302 facilities every other year is costly and labor intensive. Mr. Wotherspoon recognized that most of the data collected during the conduct of HAs (e.g. Site Plan, plume modeling, worst case scenario) is already availability through E-Plan or other sources. Mr. Wotherspoon recognized that he is currently evaluating the program to ensure that the program is streamlined, whereby potential duplication is removed and efficiency is increased. Mr. Wotherspoon concluded by stating that the current \$500K± of funding spent annually to administer the program “is not going away.”

Lt. John Scott asked Mr. Wotherspoon to provide a presentation on E-Plan capabilities at a future TTF meeting to demonstrate the E-Plan capabilities. Mr. Wotherspoon agreed to the request and Chair Murphy confirmed that this item will be added to the Agenda for the next TTF meeting.

SERC member John Sherry emphasized the importance of site visits by affirming that “there is no better benefit to first responders than a face-to-face meeting.”

Incoming FEPA Chair (and SERC member) Ron Mills recognized FEPA's interest in providing input to any changes to the HA Program. Mr. Wotherspoon ensured that all relevant parties will be or have been consulted.

LEPC "Chair of Chairs" and SERC member Jennifer Hobbs proposed the following motion which was approved unanimously by the SERC: *"The LEPC Chairs and Staff support the HA program in general, keeping funds in place, but open to changes to improve efficiency and eliminate duplication of effort."*

Mr. Paul Wotherspoon indicated that any changes to the Hazards Analyses Program, if applicable, would need to be approved by the SERC at their April 5, 2013 meeting since the HA Contract period starts on July 1, 2013.

- **Report of Chemical Facility Anti-Terrorism Standards (CFAT).** The U.S. Department of Homeland Security has released an interim final rule that imposes comprehensive federal security regulations for high-risk chemical facilities. This rule establishes risk-based performance standards for the security of our nation's chemical facilities. It requires covered chemical facilities to prepare Security Vulnerability Assessments, which identify facility security vulnerabilities, and to develop and implement Site Security Plans, which include measures that satisfy the identified risk-based performance standards. It also allows certain covered chemical facilities, in specified circumstances, to submit Alternate Security Programs in lieu of a Security Vulnerability Assessment, Site Security Plan, or both.

A total of 430 chemicals have been identified for their potential terrorism. Information for some of these facilities was disseminated during conduct of Risk Management Plan audits by FDEM staff. FDEM staff has been reaching out to the Department of Homeland Security to assist in conduct of their inspections. SERC approved a motion to continue this program and efforts unanimously. SERC member Nancy Stephens added to do everything possible to minimize the site visits associated with facilities.

- **Financial Status Report.** Mr. Wotherspoon reported that the SERC Agenda materials contained numerous tables and graphs depicting a comparison of the various revenues and expenditures associated with FDEM's Hazardous Materials Planning and Risk Management Planning Programs over the past two years. There was slightly less revenue this year compared to last year. As was previously identified, some of the difference could be attributed to the waiver process of fines that has been initiated for facilities that were unaware of filing requirements. There has been a focus to reach out to facilities that are required to report (e.g. golf courses, hospitals...). The financial figures are exclusive of the HMEP Program. Graphics were provided in the Agenda materials to quantify and illustrate:

- Revenues received by Month for RMP & EPCRA programs since FY 2010-11;
- Breakdown of General Appropriations and Expenditures by Category for the Hazardous Materials Planning Program for FYs 2011-12 & 2012-13; and
- Breakdown of General Appropriations and Expenditures by Category for the Risk Management Planning Program for FYs 2011-12 & 2012-13

- **Hazardous Materials Incidents Reports.** Mr. Sam Brackett advised that detailed listings of Section 304 investigation, as well as fixed facility and transportation-related hazardous materials incidents were prepared

and included with the Agenda materials to describe incidents occurring between the period of September 1 - November 30, 2012. Such Reports included documentation of these incidents and portrayed the number of persons evacuated, injured or deceased down to LEPC District and ultimately County level.

SERC Member Taylor Abel recognized that the number of incidents appear to be trending downward. FDEM staff Sam Brackett indicated that much of this trend has been caused by the economy, perhaps more than any other factor.

The following constitute the hazardous material incidents recorded for District 8 during this period, including an enumeration of those evacuated, injured or deceased:

County	Date of Release	Type*	Chemical	Amount Released (Lbs.)	Business Type	# Evacuated	# Injured	# Fatalities
Hills.	9/21/12	304	Paracedic Acid	1-2	Hazmat Disposal	N/A	N/A	N/A
	9/25/12	TR	Natural Gas	Unknown	Pipeline	Unknown	0	0
	10/21/12	304	Phosphoric Acid/ Hydrofloric Acid Solution	275	Mining	N/A	N/A	N/A
Manatee	NONE							
Pasco	NONE							
Pinellas	10/06/12	TR	Natural Gas	Unknown	Pipeline	Unknown	0	0
	10/23/12	FF/304	Unknown Chemical	Unknown	Meth Lab	3	0	0
	10/28/12	FF	Methane	Unknown	Retail Sales	Unknown	0	0
	11/29/12	TR	Natural Gas	Unknown	Pipeline	Unknown	0	0
TOTAL →						3	0	0

* - FF = Fixed Facility incident / TR - Transportation-related incident / 304 - Section 304 Investigation (Closed)

- **Update on Staff Activities and Reports by Section.** Various graphics were provided within the SERC Agenda materials to depict various staff functions and initiatives. These included:
 - monthly enumeration of Hazardous Materials Incident Reports since 2002;
 - *Total Chemical Count* by LEPC (as of 11/30/12);
 - number of Notice of Violations issued statewide for 2011-12; and
 - monthly quantification of Technical Assistance calls received from December 2011 - December 2012.

- **Update on LEPC Activities.** Subcommittee Chair Jennifer Hobbs provided a briefing of the items discussed at yesterday's LEPC Staff & Chairs meeting. The items included:
 - Mr. Tim Date advised the LEPC staffs, as Subgrantees, of the extensive documentation that will now be required in association with quarterly reporting submittals. This documentation will be required for all State contracts. Upon the request of Mr. Chris Rietow, Mr. Paul Wotherspoon and Mr. Tim

Date agreed to hold a teleconference with LEPC staff (or their finance representatives) to further explain the material that will now be required. FDEM staff has attributed these new requirements to auditing procedures.

➤ Mr. Paul Wotherspoon highlighted the E-Plan workshop efforts currently being undertaken around the State. Mr. Wotherspoon added:

- FDEM will share slides with LEPC staff for future use;
- Every Tier II submitted last year has been re-created in E-Plan. Need password and access code for registration. Will only need updating;
- A fake company has been set up in E-Plan for people to “play around with”;
- E-Plan has been modified to accommodate the changes in reporting requirements (i.e. contacts);
- E-Plan tutorials are user friendly;
- Reporting fees can currently be made via by check, ACH, MasterCard, Discover, or Amex. Payments through Visa are currently being considered.
- Multi-location facilities can or will utilize a single-access code;
- Hard copies must continue to be sent to the local fire departments. However, can receive authorization from fire departments that no hard copy requirement;
- LEPCs must keep two years worth of reporting data; and
- Some programming changes are contemplated for E-Plan, which would include identification of County.

➤ Ms. Kate Boer had requested the Minutes from the various HA Contract teleconferences and the associated roster of participants. Mr. Wotherspoon had agreed to share the comments, recommendations and rosters prior to potentially bringing an item forward for SERC consideration.

Mr. Gary Weiss had inquired whether HAs are required by law as we do them now. Mr. Wotherspoon indicated that they are not.

Mr. Manny Cela proposed a motion that was seconded by Ron Mills in support of the HA program and funding subject to refinements to remove potential duplication and ensure efficiency. It was recognized that Motion was unanimously by the LEPC Chairs/Staff.

➤ Ms. Hobbs concluded her remarks by recognizing that the majority of accomplishments achieved by each LEPC is captured in the *Hazmatters* section of the backup SERC Agenda materials.

The following serve as the documented tasks identified by LEPC District 8 staff for the period of September - November 2012:

- District 8 was involved in a number of HMEP and LEPC co-sponsored activities during the quarter. Staff attended the SERC quarterly meetings held in Tallahassee at the Betty Easley Conference Center on October 11-12 and conducted the District 8 LEPC quarterly meeting on November 28th. In addition, staff and/or LEPC members attended the FDEM Region 4 quarterly meeting on November 29th at the offices of the Pasco County Emergency Operations Center under the leadership of FDEM Region 4 Coordinator Paul Siddall. LEPC staff and/or member(s) also participated in: a September 5th teleconference to update and further Training Task Force initiatives; two teleconferences administered by FDEM to discuss Florida HMIS Improvements (i.e.

November 7th & 20th); and a second, separate, November 20th teleconference to discuss Pros/Cons of the Hazards Analyses program.

- The LEPC's Facility Disaster Planning Subcommittee (FDPS) met on November 7th. The Subcommittee focused discussions of considerable enhancements to the annual "EPCRA: How-to-Comply workshop notification process and invites to include a timely Press Release, posting to TBRPC & LEPC websites, and send e-mail invites to members of: the Bay Area Manufacturers Association, Air & Waste Management Association, Florida Manufacturing Chemical Association, Tampa Bay Association of Environmental Professionals, Tampa Bay Propeller Club & the Tampa Bay Spill Committee, as well as fire department representatives. The Subcommittee was also advised of the Supplemental Environmental Projects (SEP) process that was recently approved by the SERC & EPA. While being patterned after the existing efforts of the State of Illinois, the SEP process would allow industry official(s) to select an alternative(s) for up to 75% of what may otherwise be a fine for violation(s) under the EPCRA. The meeting concluded with a consensus to continue conversation regarding potential interest in hosting a "Private Sector Preparedness Certification" workshop in early to mid-2013 at the next FDPS meeting.
- The LEPC's HMEP Training Subcommittee met on November 28th. As would be/is appropriate, discussion revolved around desired training opportunities and needs across the Region. Approximately one-half of the training funds have been spent or accounted for and about one-half of the contract period remains. It was recognized that all four counties had initially requested Foam/Ethanol training, with only one county stepping forward and hosting the training and one more scheduled in December. One possible alternative for the use of unclaimed training dollars was also discussed. Noting the abundance of hazardous materials that exist in the Tampa Bay Region, the popularity of rail as a transportation means for these materials, and the increasing interest and demand for mass transit, the notion of sending representatives to a January 29-31, 2013 Consortium training event entitled "A WMD Event: Freight Rail Hazardous Materials Incident Response involving Mass Transit and Rail Systems" at West Virginia University was discussed. These trainees would likely be valuable assets when building a scenario to be utilized for next year's biennial exercise requirement. It is anticipated that the Subcommittee will next meet on February 27, 2013 with the hopes/expectations of tying up the loose ends of remaining funds. As noted for all HMEP training funding, the pre-requisites consist of: intended for public-sector First Responders; course being deemed "cost effective" by FDEM staff; and course/workshop must at least include a transportation component or nexus.
- With funding from the HMEP program, five Pinellas County firefighters were funded to attend the hands-on portion of the "160-Hr. Hazmat Tech" course (September 12-28, 2012), one LEPC member/Hillsborough County Emergency Management staff was funded to attend the annual "E-Plan Users Conference" in Atlanta, GA (October 23-25, 2012), and a 24-hour "Life Safety & Command" course was conducted in Manatee County (November 27-29, 2012).
- In terms of miscellany, LEPC staff additionally: submitted Thomas Yatabe Award Nomination for District 8 (September 5th); attended the bimonthly Tampa Bay Spill Committee meetings (September 11th & November 13th); attended the tri-annual U.S. Coast Guard Area Contingency Plan meetings (November 13th); facilitated and hosted the Pinellas Police Standards Council meetings (September 12th, October 10th & November 14th); attended the monthly meetings of the Ammonia Handlers/Operators of Tampa (September 12th, October 10th & November 14th); participated in teleconference discussion with Mosaic staff to facilitate revisions to their Emergency Plan (October 19th); facilitated and hosted the October 18th Pinellas Local Mitigation Strategies meeting; met with representatives of Tampa Port Authority, C.F. Industries & Ports America about prospect of an early-2013 workshop for Port tenants to self-identify their hazardous materials, usages and processes, in order to familiarize the facilities with business practices of their neighboring industries (October 16th); attended meeting to discuss updates to Hazardous Materials section of U.S. Coast Guard's Area Contingency Plan (October 25th); facilitated and hosted the quarterly meeting of the Preventative Radiological & Nuclear Detection Committee (October 25th); and prepared article describing annual LEPC program accomplishments and highlights for TBRPC's annual publication entitled "Visions" (November 7th).

OTHER BUSINESS

- Chair Murphy recognized that the Training Task Force will be soliciting the membership of a U.S. Environmental Protection Agency representative on the TTF as an Ad Hoc member and a presentation of their fine implementation program for facilities found to be in violation of EPCRA.

COMMENTS & ADJOURNMENT.

- **Next Meeting.** It was announced that the next SERC meeting will be held in Tallahassee on April 5, 2013.
- **Adjournment.** The SERC meeting was adjourned at 11:50 a.m.