



## Nebraska State Emergency Response Commission (SERC)

October 14, 2020

Meeting Minutes

Nebraska Emergency Management Agency

2433 NW 24<sup>th</sup> Street, Lincoln, NE 68524

1:00 PM CDT

### I. Call to Order, Introduction of Members and Guests

- a. John Grimes called the meeting to order at 1:00 PM CDT and verified public notice and availability of copy of law in the meeting location – NEB. REV. STAT. §§ 84-1407 THROUGH 84-1414 (1999, Cum. Supp. 2006, Supp. 2007).

Member		Affiliation	Present
Director: Jim	Macy	Department of Environment & Energy	
Designee:			
Director: Kyle	Schneweis	Department of Transportation	
Designee: Tom	Sands		x
Superintendent: John	Bolduc	Nebraska State Patrol	
Designee:			
Director: Christopher	Cantrell	State Fire Marshal	x
Designee: Adam	Matzner		
Director: Daryl	Bohac	Nebraska Emergency Management Agency	
Designee: Bryan	Tuma		x
CEO: Dannette	Smith	Department of Health and Human Services	
Designee: Sue	Dempsey		x
Alyssa	Sanders	NEMA - SERC Coordinator	x
Sam	Capps	NDEE - SERC Coordinator for Information	x
Rick	Grauerholz	Municipal Government	x
	VACANT	Local Elected Official	
Rod	Buethe	Firefighters	x
Tim	Hofbauer	Vice Chair – Local Emergency Management	x
Tonya	Ngotel	Public Health	x
Kim	Plouzek	Environmental Protection	x
Polly	Jordening	Labor	x
	VACANT	School District	

Steven	Danon	Small Business	x
Joe	Oswalt	Agricultural Business	x
John	Grimes	Chair – Chemical Industry	x
Matthew	DiVito	Highway Transportation	
Kyle	Keeling	Rail Transportation	
<i>Others in attendance: Terri Blunk (Region VII), Randy Meyers, Randy Garton, Randy Hartman (AVF Omaha), Tom Smith (EM), Brandon Meyers (Region 51), Lynn Marshall (Sarpy County), Jim Dunker (Fillmore County), Ron Tubbs (Howard County), James Rashilla (NEMA), Earl Imler (NEMA), Amber Schoen (NEMA)</i>			

**II. Approval of the agenda for October 14, 2020 meeting**

Rod Buethe motion to approve, Kim Plouzek second, motion approved.

**III. Approval of the minutes from the July 28, 2020 meeting**

Motion made to table the approval of the July 28, 2020 meeting minutes by Rod Buethe. Motion seconded by Kim Plouzek.

**IV. Unfinished Business**

**a) Approval of the minutes from the January 14, 2020 meeting**

- Motion made to table the approval of the January 14, 2020 meeting minutes by Rick Grauerholtz. Motion seconded by Tonya Ngotel.

**b) Review proposed SERC Bylaws changes**

NEMA (Alyssa Sanders):

- Update Bylaws – NDEE is still referred to as NDEQ in the document and needs to be updated. Approval of Bylaws will be addressed at next SERC meeting after members have reviewed.
- Sam Capps is the NDEE-SERC Coordinator for Information. Is she a voting member of the SERC?
  - John Grimes – Per Bylaws, no member may vote by proxy, except the Directors.
  - James Rashilla – The clarification of Article V on voting, is that NEMA and NDEE have a voting member that is a director or designee. They also have a full-time staff member who is working on SERC between meetings such as Alyssa and Sam (non-voting members). Unless Sam is designated by Jim Macy to vote by proxy, she remains a non-voting member.
  - John Grimes – (Review of Article V) Such notification to designate a designee must be in writing that properly identifies the representative.
- Alyssa Sanders – Requesting clarification on Article III, Section 5. What does the SERC consider an inactive member?
  - John Grimes – Per Article III, Section 4. Members shall be considered inactive when they have missed three (3) or more consecutive meetings without notifying the SERC Coordinator. Per Alyssa, only some members have notified her of their absence. Kim Plouzek suggests that the SERC Coordinator (Alyssa Sanders) contact absent members that have not notified her of their anticipated absence to meeting. Alyssa would then communicate with the Chairperson (John Grimes), whether members plan on participating

in the future or if those members need to be replaced. There are also agency heads that are not participating, and those members are key members in emergency plans. Alyssa will prepare documentation for the next SERC meeting regarding members that are not actively participating. John Grimes suggests sending NOTICE to those members to remind them of the Bylaw requirements for SERC. Tonya Ngotel suggests that if those needing notice are Director's of state agencies, to possibly notify the appropriate Board or Admissions agencies and/or governor's office.

**c) Review Proposed Nebraska Emergency Manager's Handbook changes**

- Copies of the HAZMAT section (Chapter 8) were handed out at the last meeting, July 28, 2020. Changes were to be discussed at today's meeting. Alyssa will email Chapter 8 to members for review next meeting.

**V. New Business**

**a. LEPC'S Membership Applications Approval**

- Kim Plouzek motioned to approve both August and September applications.
- Tom Sands seconded the motion.
- **Motion passed**

**b. LEOP Review – Annex F**

- Alyssa Sent Annex-F reviews to Cumming, Hall, Scottsbluff, Thomas, and Wheeler counties. Alyssa is currently going through the standardized template sent out by planners to the counties and will have a new template by January, 2021. Per John, it appears that counties are using the template from NDEQ and not NDEE. Alyssa will ensure that the template includes corrections for NDEE and SDS (formerly MSDS).
- LEOP plans are reviewed by counties every five years, however, the emergency plan (Annex – F) is to be reviewed annually. It is the SERC's responsibility to review every county's emergency plan every year (Statute 81.15.221). The SERC may then give recommendations to the counties on what should be revised or updated. This review is not an approval or disapproval that withholds implementing the plan. It is the county's decision whether they decide to implement suggested changes.
- LEPC's and County Board members are ultimately responsible for reviewing their county's plan. SERC members provide a "big picture" as emergency specialists to recommend plan revisions if needed.
- Alyssa has created forms with whom is identified in statute as having a role in the SERC and the industry that they represent. The form will include fields for the industry representative's signature and date for which the appropriate party signs after reviewing the plan. The form will then need to be returned to Alyssa (mailed or electronically). If certain SERC members are not reviewing plans as assigned, other SERC members may decide how they want to handle plans for those counties that have not yet been reviewed.
- NOTE: If LEOP plans are submitted with revisions (before their 5-year scheduled review), they will need to be reviewed as well.
- LEOP's are built and managed by the Planning and Exercise Training Unit with NEMA.
- Tim Hofbauer – questions whether there is an electronic planning tool for the LEOP review process? If not, it may be a good tool to consider.

- Bryan Tuma – NEMA has received quotes from BOLD Planning’s software provider. We are going to use the Emergency Management Performance Supplemental Grant that Congress provided for Coronavirus relief. Funds will buy the BOLD planning software for NEMA, the state, and the Department of Administrative Services for their Continuity of Operations Planning Effort. After implementing, every county will be able to access their LEOP through the BOLD planning software platform. Everything will be digital and shareable. If a county revises their plan for any reason, they will be able to enter that change and it will be visible on the network thus saving everyone a significant amount of time.
- Kim Plouzek – In the meantime, how does the SERC want to comply with the regulatory duties per statute to review Annex F for individual counties? Individually or as a group?
  - Alyssa Sanders – Statute 81.15.220-221 addresses the emergency plans and the oversight thereof.
- James Rashilla – NEMA as the administrative agency, formerly reviewed the plans. However, since NEMA is not an all hazards environment or planning unit, reviews would be best suited for those voted into SERC as specialists. NEMA’s Planning and Exercise Training Unit members are not experts in hazardous materials as is the SERC.
- Tim Hofbauer – Before sending the template, SERC should review to approve or disapprove. Kim Plouzek agrees that approval will be needed upon completion by Alyssa.
- Sam Capps – Some counties make changes to the plan template to fit their needs. The returned template needs to be carefully looked at and revisions should be outlined or highlighted, so everyone may see what changes are being made.
- Alyssa Sanders – Per statute 81-15-220, there are nine specific components that need to be in emergency plans. The SERC is not looking at the entire plan but are looking at the nine required components per statute before suggesting recommendations for improvement. LEPC’s do not hold liability. SERC, as the governing body, does hold liability and can be sued. Therefore, these positions (law enforcement, public health, fire, etc), as subject matter experts, were identified by the EPA to be a part of the hazardous materials and incident response planning process.
- Steve Danon – In the last meeting, Terri mentioned that EPA’s were going to be available on the portal. Is this some sort of communication channel?
  - Terri Blunk – EPA portal access is still in-the-works. The CSS worker will be talking about it more with the state (possibly November). Portal availability should take place in Spring, 2020. LEPCs will be able to access resources and share documents through the portal.
- Alyssa has been attending LEPC meetings and has been asked to meet with a few county boards. Meetings have gone over very well and she will continue to attend as needed.
- Alyssa Sanders –Work is needed on education with county boards concerning emergency planning.
- Tim Hofbauer – HAZMAT plans are overwhelming. The function of LEPC is

to review the hazard plan by committee reviews and with state level representatives. The group needs to review and approve a template.

- Steve Danon – Collectively there is reliance on the group to provide guidance as each representative brings their own element to the table. Develop a voluntary subcommittee to provide to the body for vote.
- John Grimes – The Commission needs to do their part per statute. Three and/or four subcommittee members would be helpful for review.
- Steve Danon – Regarding the flow of how LEOP's are received. The completed template and plans come to the SERC?
- Alyssa Sanders – LEPC's will submit after they have completed their plans. The authority having jurisdiction will review (county board, etc.), then submit to the SERC for recommendations. After the SERC has reviewed and recommended changes (if any), the LEOP will be returned to the county to either accept or not accept recommendations/changes.
- Bryan – Local entities are responsible for their plans and the SERC is responsible for reviewing the plans and make recommendations. Activities need to include template and planning. Explore what a template looks like and come back with recommendations. If funds are available for the SERC, BOLD Planning may be able to create the template and customize it according to specifications.
  - Motion made by Tonya Ngotel to create a subcommittee and recommends someone from the fire marshal. Tim Hofbauer seconds this motion. None oppose.
  - Alyssa will send an email to members requesting volunteers for subcommittee.
  - John Grimes motioned for tabling. Tonya Ngotel and Rick Grauerholtz seconded motion. None oppose.

**c. Vote on the formation of the Sandhills LEPC (Keith, McPherson, Arthur, and Grant counties).**

- Motion made by Tom Sands to approve. Motion seconded by Bryan Tuma. None oppose.

**d. Review letter of notice to county boards.**

- Bryan Tuma – There has been several reiterations of the letter. After speaking with Earl Imler and Sean Runge, Bryan suggests refraining from sending a letter to county boards stating they are “out of compliance” without an opportunity to become compliant. Instead, engage them during the Nebraska Association of County Officials Conference in December 2020, in Kearney, Nebraska. Possibly set up a booth or get a meeting on the agenda targeting specific counties that are not in compliance and discuss with them the statutory requirements of an LEPC to raise their awareness.
- Steve Danon – Recommends modifying the letter to remind county boards of the conference in December and request a meeting with them to discuss LEPC requirements.

## **VI. SERC Member Reports**

- a. **Bryan Tuma-** COVID funds for public assistance needs to be distributed (Governors Emergency Fund – CRF – Program 192). Things that used to be paid for are no longer eligible. This has been overwhelming for the agency. NEMA is currently working with IBM and OCO to reconstruct the website as tools and information currently available are inadequate (as evidenced with the flood, 2019). NEMA is still working on flood recovery. State Hazard Mitigation plans are to be released in the near future.

**VII. Stakeholder Reports (EPA, FBI, etc)**

- a. **Terri Blunk-** September report sent, and main changes are in OSC. In August, 2020, held webinar with ag facilities and was well received. Webinar link is available. Information for LEPC is included. Currently updating rep training and LEPC trainings. These will be out late Spring or early Summer 2020
- b. **Terri Blunk-** SERC notes. Headquarters is providing guidance on what facilities need to do to avoid future occurrences. Update inventory list for chemicals in August, 2020.
- c. **Terri Blunk-** updated inventory chemicals in August, 2020.

**VIII. Guest Presentation: Bill Pfeifer – State Fire Marshal Training Specialist – HAZMAT Training Trailer**

**IX. Public Comments-** no public comments

**X. Adjournment**

- a. Tonya Ngotel motioned to adjourn, Tom Sands seconded at 2:30 p.m.
- b. Next meeting January 19, 2021 1:00 pm.