

**STATE EMERGENCY RESPONSE COMMISSION
(SERC) MEETING MINUTES**

October 22, 2010

Holiday Inn Express
North Platte, Nebraska

3:00 PM

- I. Call to Order, Introduction of Members - Dick Christensen, Chair called the meeting to order at 3:01 pm

- a. Members Present:

Member	Affiliation	Present
John Baroni	County Elected Official	X
Al Berndt	NE Emergency Management	absent
Richard Christensen	Chairman, Chemistry	X
Steven Danon	Small Business	X
Keith Deiml	Education	X
Don Eisenhauer	Agribusiness	X
John Falgione	State Fire Marshal	X
Joe Francis	Department of Environmental Quality	(Mark Lohnes)
Gary Gandara	Labor	absent
Keith Hansen	Community Health	X
Tim Hofbauer	Local Emergency Management	X
Larry Johnson	Trucking Association	X
Judd Lyons	ARNG	absent
Mac McMeen	City Government	X
Dana Miller	Vice Chair, Fire	X
Tonya Ngotel	SERC Coordinator	X
Kimberly Plouzek	Environmental Protection	x
Tom Sands	Department of Roads	x
Thomas Schwarten	State Patrol	X
Sue Semerena	Health and Human Services	absent

- b. Others Present: Mark DeKraai, PPC; Teri Blunk, EPA Region 7; Maria Reiter, Sarpy County LEPC; Dorothy Lanphier, Douglas County LEPC; Eric Voss, Tri-County LEPC; Charr Hamilton, Southwest Regional LEPC; Nan Gould, Region 26 EMA; Alisia LaMay, NEMA; Evan Knight, NEMA; Logan Lueking, NEMA; Angela Hammond, NEMA; Brian Daake, Beatrice Fire Chief, Tony Sambol, Nebraska Public Health Lab; Sgt. Smith, 72nd Civil Support Team; Tim Gablehouse, Colorado SERC.

- c. Open Meetings Law information – verification of public notice, availability of copy of law in the meeting location - NEB. REV. STAT. §§ 84-1407 through 84-1414 (1999, Cum. Supp. 2006, Supp. 2007) - was referenced and made available.

Tonya Ngotel noted that SERC provided public notice in the Omaha World Herald three (3) weeks prior to the scheduled meeting.

During the last meeting, there was discussion about how the open meeting laws affect Local Emergency Planning Committees (LEPCs). Copies of the open meeting laws were

provided and members were encouraged to take these copies back to their LEPCs so they can be used for meetings. Additional copies can be obtained by contacting the SERC through NEMA. It was noted that, according to the open meeting laws, changes cannot be made to the agenda within 24 hours of the scheduled meeting.

II. Approval of the agenda for October 22, 2010.

Mac McMeen stated that specific items for new business needed to be included on the agenda; however for this meeting there were no new business agenda items. Mac McMeen made a motion to approve the agenda. Larry Johnson seconded the motion. The agenda was approved unanimously.

III. Approval of the minutes from the July 6, 2010, Meeting.

Tonya Ngotel provided a review of minutes from the previous meeting. Larry Johnson made a motion to approve the July 6, 2010 meeting minutes. John Baroni seconded the motion; the motion passed unanimously.

IV. New Business

- a. No new business was conducted at this meeting.

V. Old Business

- a. LEPC Membership Approval – Dick Christensen, Chair

Forty-six applications were submitted and reviewed, including twenty five from Clay County and twelve applications from Douglas County (note: some additional applications were also submitted from Douglas County but not in time to be reviewed at this meeting; those applications will be reviewed in January). The applications from the Tri-Gage County LEPC were typed, which makes for great readability and ease of tabulating information. The new application form (which should be used by all) is on the Nebraska Emergency Management (NEMA) web site and can be downloaded.

Additional Discussion: Letters of confirmation will be sent from the SERC Coordinator to approved applicants. The SERC has discussed having background checks of applicants completed, but due to the cost associated this was not pursued. This is not deemed to be needed anymore, anyway, as the new membership application form states that , with the signature of the chairman the "LEPC attests to the character and intent of the new member". It was noted that the applications from Clay County had also been approved by the County Board of Commissioners, which may have been dictated by their LEPC Bylaws, but which also indicates great communication within the community (Similarly, at the last SERC meeting it was noted that the membership applications from Kimball County has been signed by their County Board of Commissioners).

Mac McMeen made a motion to approve the LEPC Membership applications. Tom Schwarten seconded the motion. The motion passed unanimously. (See attachment for a list of approved LEPC members).

- b. SERC Membership Committee - Tonya Ngotel

There are nineteen positions identified on the SERC, the Transportation position currently is open. A nomination has been sought and an applicant is currently being reviewed. Four current members agreed to seek re-nomination; Dana Miller, Tim Hofbauer, Keith Hansen and Mac McMeen.

c. SERC Subcommittee Report

i. LEPC Conference – Tonya Ngotel

Tonya Ngotel reported the State LEPC Conference is being held today through Sunday, October 22-24, 2010 at the Holiday Inn Express in North Platte, NE. Tim Gablehouse presented this afternoon on national initiatives and Don Angel presented on HazMat Training and Incident Command Teams. The conference will continue over the next two days with highlights being the tour of Bailey Yard, the LEPC awards luncheon and the hands-on demonstration on Sunday. All were encouraged to partake in the weekend activities.

ii. Public Outreach/LEPC Support

a. Recommendations for action based upon LEPC Survey results

Keith Hansen reported on a web survey conducted of LEPC members to better understand their perceptions of LEPC roles and needs (a handout was provided to SERC members). The survey was voluntary; LEPC coordinators were notified of the survey and asked to forward the survey to LEPC members. There were 106 responses; 61 respondents reported their affiliation; 25 out of about 80 LEPCs were represented, however, many respondents did not identify the LEPC to which they belonged. Since the number of individuals who were notified is unknown, the response rate cannot be calculated. The survey did not ask for identifiers or roles.

Summary of Results:

- Many LEPCs used the SIP brochure and “Get a Grown Up” CD.
- Most LEPCs meet quarterly
- Dedicated leadership and membership and regularly scheduled meetings are perceived to be the most important factors in leading to success. Cooperation from the regulated community is also perceived as important
- Respondents identified public apathy, funding, and low membership involvement as the most common obstacles; poor SERC support was not seen as a barrier by most respondents; although 8 respondents indicated the relationship between SERC and their LEPC was non-existent; most respondents thought the relationship between their LEPC and SERC was just about right.
- Although dedicated membership was identified as a factor contributing to the success of their LEPC, many respondents indicated low member involvement was a barrier to the success of their LEPC. These results seem to conflict but may just reflect the current viability of the respective LEPCs.

- Greatest success – most common responses were just getting started, personal contact and communication, and planning
- Regarding how SERC can assist with emergency response plan – most common responses were “don’t know,” “group conflict,” “funding,” “direction and guidelines” (some gave extensive ideas) , and “no assistance needed.”
- Regarding what support respondents would like to see from SERC, most common responses were “don’t know,” “nothing,” “support is good,” “activity guidance,” “attend the meetings,” and “public education” – how to get the public engaged.

Discussion: There was concern that many people do not know about LEPCs. If LEPC members do not know what is expected, then members of general public are even less likely to know. There was discussion about SERC developing an evaluation tool to assess LEPC members knowledge about their duties; however LEPC members indicated they already were required to complete too much paper work.

It was suggested that educational materials for the general public could be given to LEPCs. Two times per year SERC meetings are broadcast using NET. The purpose of this conference is to get back to roots of emergency response and planning; LEPC 101 focusing on why we are here, what we are doing and how we can get better. This is an effort to get back to basics.

SERC members and the public discuss an issue for LEPCs. Some county emergency management agencies will not allow LEPCs to handle money. There was a request for guidance from SERC on this issue. One option would be for LEPCs to get a tax identification as a government entity. Some suggested that SERC has authority to allow LEPCs to handle money. Some donors want to give LEPCs money but the LEPC cannot take the money. It is also difficult at the local level because NEMA provides funding on a reimbursement method; someone must pay up front and then NEMA reimburses. Some LEPCs have a fiscal agent and they have an account (e. g., public health department). There is a problem in some counties in that when they get reimbursed, it goes to the county general fund and does not go back to emergency management. An audience member reported that each county in their regional LEPC contributes \$100 per year to their multi-county LEPC, this money is then used to support the activities of the LEPC and is considered a reimbursable costs. Another member indicated that their money is placed in a non-interest bearing account so there are no tax implications; The account is owned by the LEPC. Tim Gablehouse reported on national models of financing. The most common model is LEPCs signing up for their own bank accounts that are non-interest bearing and obtaining federal tax identification numbers. They finance their activities through knocking on doors and obtaining business donations. Most do not have a 501 (c) (3) tax status; although in New Mexico, all LEPCs are 501 (c) (3)s. The only benefit is to allow contributions to be tax deductible. Since the LEPC must expend

resources for attorney and filing fees, obtaining 501 (c) (3) status is usually not worth the cost unless the LEPC is expecting substantial contributions. There was a recommendation that SERC should develop a guidance about LEPCs having a mission statement, what LEPCs should be doing and how they should finance what they are doing. This has been added as an action for the SERC subcommittee.

- b. SERC Survey - purpose and proposed use of results
Steve Danon made a motion to examine issues to form committee to review the survey results and to recommend action steps. Recommendations will come back to SERC. Kim Plouzek seconded the motion. The motion carried unanimously. SERC Members who volunteered to serve on the committee included Steve Danon, Tim Hofbauer, Richard Christensen, Mark Lohnes, and Keith Hansen. Audience members who volunteered to assist were Maria Reiter, Sarpy County LEPC, Eric Voss Tri-County LEPC and Dorothy Lanphier Douglas County LEPC.
- c. Facility Initiative – Tonya reported she is working with the University of Nebraska Public Policy Center on two brochures (facility and SERC specific); these should be ready for the next meeting.

iii. LEPC Function –

Tonya Ngotel reported that out of 80 active LEPCs only about ¼ are sending in annual reports. These reports - with updated Tier II and LEPC officers and membership information and with projects identified - help Tonya document processes by LEPCs. Submissions are on a calendar year basis. There was a suggestion to clarify what needs to be in the report. These requirements will be included in the brochure.

d. Commodity Flow Studies –UNL Transportation Center

Dr. Aemal Khattak, Associate Professor is leading a team from the University of Nebraska – Lincoln Transportation Center conducting a study examining movement of freight (including hazardous materials transported through pipelines, trucking, trains, and water transport).

Water data includes information from the Army Corps of Engineers. There are three active terminals. Data has been collected from 2004 – 2008. There is not much freight going by water that terminates or originates in NE. Over time there has been a significant reduction in amount of freight on waterways. Freight has primarily been grain and other unknown materials, according to the study there is no known hazardous materials being shipped by freight.

Pipeline data has been collected through the national pipeline mapping system; data is only available one county at a time. To get more access would require being a government agency or operator. Pipeline data for Lancaster County was presented. The

research team is working with NEMA to get more information. They are looking at materials flowing through and within the state.

Train waybill data is based on county data. Business Economic Areas do not follow state boundaries. The research team extrapolated data based on population to estimate portion of freight from Nebraska. The team developed maps depicting hazardous materials originating from and to destinations in Nebraska; but currently, they do not have data on freight passing through Nebraska. There was concern expressed by the audience, at this point, about the lack of information about freight passing-through. And, it was stated that the local responders would have the least amount of information currently about this type of freight (or at least the Hazardous Materials). There was discussion that Union Pacific provides emergency managers, upon request, with a list of hazardous materials passing through each county.

Truck data is from the National Commodity Flow Survey (CFS). Data is available at the state but not the county level. They are looking at origin and destination in NE, just origin in Nebraska, just destination in Nebraska, and neither destination nor origin in Nebraska – four categories. The research will be looking to conduct a survey for first 3 categories for Nebraska businesses. The format of the survey will be similar to national CFS. The research will also include a survey of truck drivers that includes carrier information, vehicle data, load information, origin, destination, and route. The Nebraska State Patrol (NSP) collects quite a bit of information at weigh stations. So the researchers are looking at what NSP collects and then will design the survey to get additional information. Researchers will work with NSP to sample placard information on trucks or mine past data.

Next steps will be to develop the surveys and construct questions and determine what information they can collect outside of survey. Surveys will be completed by spring and conducted by summer.

- e. Other – there was no other old business

VI. Legislative Update – No update at this time.

VII. Report from NEMA – , Tonya Ngotel

NEMA has developed new agreements with 10 hazmat cities. NEMA is looking at the process for hazmat teams and has updated the Governor’s emergency guidelines for public officials for cost share. The guidelines determine who pays for hazmat teams based on who calls. The hazmat roundtable breakout at the conference tomorrow will have more details.

VIII. Report from NDEQ/EPA

- a. NDEQ – Mark Lohnes

The Nebraska Pipeline Association is holding meetings across state in an effort to reach out to communities

Clay County did outreach and invited industry representatives to attend to make contact with the LEPC. Topics included security around chemicals and continuity of operations

(COOP). The meeting included a broad cross section of industry. It was good to have a dialogue in a non-emergency situation.

Sarpy County held an evening meeting including a quiz on emergency response guidance. They went through the quiz as a group and it was humbling. Really good meeting. There has been a complaint about a beef processing facility and the EPA is looking at the complaint in depth. The State waste water people are involved as well.

b. Region 7 EPA – Teri Blunk

Teri provided a handout. Highlights include

- EPA updates toxic release inventory
- Two national workshops will be held in Kansas City on how to find TRI information on the internet
- There are two new products for accessing TRI information on the TRI website

IX. Public Forum / Presentations

Keith Deiml reported that mercury was dumped in a Burke High School water fountain this morning in Omaha and 10 students are in the hospital

a. No public comments

X. Next Meeting – January 4, 2011 – 1:00 pm ; NET Board Room, NET, Lincoln, Nebraska

XI. Adjournment –5:10PM

Don Eisenhower made a motion to adjourn the meeting. Tom Sands seconded the motion; the motion passed unanimously.

Applicant Name	Representation	County
Richard Christensen	Industry/SERC	Clay
Tory Duncan	Media	Clay
Mark Bailey	Fire/National Guard	Clay
Michele Bever	Public Health	Clay & Adams
Dawn Caldwell	Ag	Clay
Jim Fitzgerald	Ag	Clay
Daniel Hansen	Fire	Clay
Dennis Hansen	Business	Clay
Gary Johnson	Government	Clay
Janis Johnson	Health	Clay
Richard Kloke	Nursing Homes	Clay
Tracey Landenberger	Law Enforcement	Clay
Ron Lindrall	Livestock	Clay
Christopher Moore	Fire	Clay
Jim Morgan	Public Health	Clay
Larry Nuss	Industry	Clay
Todd Nuss	Government	Clay
Ron Pughes	Public Works	Clay
Alan Quail	Fire	Clay
Jenny Rees	Education	Clay
Tom Roemmich	Fire	Clay
Bob Rose	EM	Clay
Carol Rose	EM	Clay
Doug Salmon	Business	Clay
Garry Steele	Medical	Clay
Jill McMahon	Fire	Adams
Ted Argintean	Fire	Douglas
Randy Charlton	Industry	Douglas
William Mulherin	Industry	Douglas
Whitney Shipley	EMA	Douglas
Douglas Clark	Public Health	Douglas
John Young	Red Cross	Douglas
John Kuzma	Salvation Army	Douglas
Rebecca Barrientos-Patlan	Citizen	Douglas
Phyllis Dutton	Health Care	Douglas
Leigh Salgado	Industry – Tyson Food	Douglas
Eugene Siadek	Industry – MUD	Douglas
Chrissy Morrison	Industry – Tyson	Douglas
Joseph Grubbs	EMT	Tri- Gage
Eric Voss	Fire	Tri- Gage
Nicholas Capps-Henke	Law Enforcement	Tri- Gage
Dan Mauk	Business	Lincoln
Allen Tegtmeier	Industry	Saunders
Trino Nuno	Public Health	Saunders

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