

**State Emergency Response Commission (SERC)
for Hazardous Materials**

Betty Easley Conference Center
Southwood Campus, Room 152
4075 Esplanade Way
Tallahassee, Florida 32399-0950

July 10, 2009

The State Emergency Response Commission (SERC) for Hazardous Materials met July 10, 2009 in Tallahassee, Florida.

Those members present were:

George Danz, Acting Chair	Mark Tumlin
Greg Lee	John Sherry
Michael Jacobs	Gary Weiss
Michael Murphy	Eric Hamilton
Richard Ward	Dick Wilhelm (for Nancy Stephens)

Mr. George Danz called the meeting to order with the Pledge of Allegiance and introductions. Mr. Danz then addressed the first item on the agenda, the approval the April 3, 2009 meeting minutes. A motion was made to approve the minutes as presented, seconded and passed unanimously.

The second item on the agenda was approval of new member and alternate member appointments to the Local Emergency Planning Committees. A motion was made that all nominations be approved. The motion was seconded and passed unanimously.

The third item on the agenda was a legal update on the GA Foods case. Ms. Leslie Anderson-Adams gave an oral report. Under the settlement agreement, the company will provide hazardous materials training for first responders in October. Responders in Pinellas County will receive first priority to attend the training, with remaining seats being available to other first responders in District 8.

The fourth item on the agenda was the approval of recommended changes to the Local Emergency Planning Committees (LEPCs) membership categories. Mr. Tim Date provided a brief overview on the process leading to the proposed changes to LEPC membership categories. He explained that membership categories required by Section 301 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA) cannot be deleted, but some categories can be combined, and others can be added. The recommended changes to LEPC membership categories were approved by the LEPC Chairs/Staff Contacts at their April 2, 2009 meeting.

Mr. Gary Weiss recognized and thanked Mr. Michael Arnold for chairing the subcommittee that worked on the review and proposed changes to the LEPC membership categories.

A motion was made and seconded that the proposed changes to LEPC membership categories be approved. Following discussion and clarification regarding the proposed category changes, the motion carried.

Mr. Michael Jacobs provided a brief overview for the fifth item on the agenda, the approval of the recommended membership policies for the SERC Subcommittee on Training (SOT). A motion was made and seconded to approve the recommended SOT membership policies. During the discussion, an amendment was made to the original motion to include minor changes in verbiage and the addition of a grandfather clause for current members. The amendment to the original motion was voted on and approved unanimously. Then the original motion (as amended) was approved unanimously.

Next Mr. Michael Jacobs provided an update from the SERC Subcommittee on Training (SOT) meeting held July 9, 2009. Updates were provided on the Chemistry in the High School initiative and other projects. The SOT also discussed the issue of Hazmat Assessment Teams and biological sampling. Mr. Jacobs reported that the Hazardous Materials Medical Protocols are being submitted from the SOT to include on the SERC meeting agenda for October 2, 2009.

Mr. Jacobs reported that the SOT decided to request that the SERC explore the issue of state agencies not having the statutory authority to enable them to conduct air sampling of private residential dwellings.

Mr. Jacobs and Mr. Michael Murphy explained that no state agency has statutory authority for being able to conduct air sampling of private residential dwellings. The Florida Department of Labor and Employment Security had that authority years ago, but when that agency ceased to exist and its functions were redistributed, that particular authority was not reassigned elsewhere. In some cases, that lack of authority has caused a problem when a county requests assistance from a state agency.

The SERC subsequently discussed the issue. Questions were raised as to the scope of authority and crime scenes. It was mentioned that the Drug Enforcement Agency (DEA) has a number of mechanisms in place, especially for things like clandestine labs.

Mr. Murphy said that the specific question is whether the state can call assets of air monitoring and can have them enter into a private dwelling for purposes of air monitoring where an emergency is concerned.

Ms. Leslie Anderson-Adams commented that one agency does not really have authority to interpret another agency's statutes. She suggested possibly contacting the legal counsels of other agencies about doing a memorandum of understanding (MOU).

Mr. Chris Russell, with the U.S. Environmental Protection Agency (EPA), Region 4, discussed the EPA's authorities regarding environmental sampling of private residential dwellings. Mr. Russell suggested that EPA Region 4 be considered as a "safety net" for some of those situations. They can send someone from Region 4, and if it sounds like hazardous chemicals/substances have been introduced from the outside coming in (as long as it isn't natural), they can come in and clear it. Mr. Russell clarified that the EPA doesn't deal with it if it's part of the structure, and they don't deal with it if it's naturally occurring.

Following additional discussion, Acting Chairman Danz asked Ms. Leslie Anderson-Adams to look into the issue of statutory authority and the possible need for a memorandum of understanding (MOU).

Next was the recognition of Mr. Greg Lee for his exemplary service. On behalf of the State Emergency Response Commission (SERC), Acting Chairman Danz presented a plaque to Mr. Greg Lee commemorating his many years of exemplary service as a member of the State Emergency Response Commission. Mr. Lee has served on the SERC since its inception. Mr. Michael Murphy followed the presentation of the plaque with some lighthearted retirement gifts on behalf of the Florida Fire Chiefs Association and the Local Emergency Planning Committees. Mr. Lee thanked everyone and said that it was an honor and a privilege to work with the SERC, its partners and supporting staff.

Ms. Shanti Smith reported on the use of E-Plan, its expansion statewide, and progress on integrating E-Plan with various systems. E-Plan will be incorporated into the scopes of work for the counties requiring each county to designate a "gatekeeper" for the county's access to E-Plan. Ms. Smith is working with Palm Beach County and with companies who offer next-generation 911 to ensure compatibility with E-Plan in future products, updates and patches to current 911 dispatch systems. Mr. Richard Ward offered to put Ms. Smith in touch with the governing board for the statewide law enforcement dispatch center. Mr. John Sherry commented that E-plan is being well received by responders, who find it more user-friendly than other programs out there, due to its interface. Ms. Smith answered questions about updating data in E-Plan and importing data from other systems.

Ms. Shanti Smith provided a preliminary financial status report on revenues received and expenditures incurred for the 2008-2009 fiscal year. There was a reduction in fee revenues compared to the previous year. Additional outreach activities are being conducted, and that may bring in more fee revenues in the future. Ms. Smith also discussed possible reorganization of the Technological Hazards Section.

Next Mr. Michael Younger reported on recent hazardous materials incidents (for the last quarter) in the State of Florida. He referred to Memo #23-09 of the SERC meeting packet for anyone interested in more detail.

Then Mr. Younger presented the update of staff activities and reports by section. Mr. Younger re-iterated the efforts of the Verification unit in conducting out reach to identify facilities that are required to report under EPCRA and that those efforts would also be reviewed for potential RMP sites. Staff has investigated 38 potential releases under Section 304, issued 102 potential notices of violation and 6 second notices of violation. The Risk Management unit conducted 2 on site audits and sent notices of intent to audit to the 20 facilities on the FY 09-10 audit work plan. Staffs from all units have been very busy in support of activations of the State Emergency Operations Center for the panhandle and northeast Florida flooding events, swine flu and the state wide hurricane exercise.

The final enumerated item on the agenda was an update of the meetings and activities conducted by the Local Emergency Planning Committees (LEPCs). Chairman George Danz reported on the LEPCs Chairs and Staff Contacts meeting held July 9, 2009. One concern mentioned during that meeting was the impact of economic pressures on small businesses and how some owners might try to save money by storing hazardous materials at home. In at least one case so far, somebody started storing chlorine in a home garage. Mr. Eric Hamilton commented that there was a similar issue a few years ago with people buying generators for hurricane preparedness and storing fuel for the generators in their garage.

It was also noted that LEPC Districts 9 and 10 have indicated interest in hosting the January 2010 SERC meeting in their part of the state.

Then Acting Chairman Danz solicited any other issues or comments for the SERC. Mr. Michael Murphy commented on the current situation with a number of vacant positions on the State Emergency Response Commission (SERC) and expressed concern about whether there will be a quorum present at future meetings if those positions remain unfilled. Mr. Murphy requested that the SERC consider sending a formal request to the Governor's Office about getting those positions filled. Mr. Murphy agreed to draft the letter if the SERC approved the action. The motion was made, seconded, and passed unanimously.

The next meeting of the State Emergency Response Commission (SERC) is scheduled for October 2, 2009 in Tallahassee (Betty Easley Conference Center).

With no further business or discussion, a motion to adjourn the meeting was made and passed unanimously.