



## RECAP OF THE JANUARY 22, 2020 STATE EMERGENCY RESPONSE COMMISSION MEETING

The January 22, 2020 State Emergency Response Commission (SERC) meeting was held at the Plaza Resort & Spa in Daytona Beach, FL. The Recap presented below was enhanced by discussions/dialogues which ensued at the meetings of SERC's Training Task Force and the LEPC Staff & Chairs held the day prior (i.e. January 21<sup>st</sup>). The SERC meeting was chaired by the Deputy Director of the Florida Division of Emergency Management (FDEM)/SERT Chief Kevin Guthrie. The meeting was punctually called to order at 10:30 a.m. and proceeded with the Pledge of Allegiance and a roll call of SERC members in attendance.

Chair Guthrie announced that "one of our own" (Dwayne Mundy) recently passed away. Mr. Mundy had been an instrumental force regarding hazardous materials planning within the State of Florida. In fact, Mr. Mundy was the last of the original LEPC Coordinators from when the LEPCs were designated by the Florida SERC in 1988.

Chair Guthrie recognized and welcomed attendees from U.S. Department of Transportation's Pipeline & Hazardous Materials Safety Administration.

### APPROVAL OF MINUTES

Following no request(s) for modification(s), Chair Guthrie solicited a motion to approve the *Minutes* from the October 18, 2019 SERC meeting held at the at the San Destin Golf & Beach Resort in Miramar Beach, FL. With such motion provided and seconded, the *Minutes* were approved unanimously upon voice vote.

### NEW BUSINESS

- **THOMAS YATABE AWARD NOMINATIONS** - Chair Guthrie recognized that *Thomas Yatabe Awards* have been established to represent an individual's or company's/agency's "*outstanding achievement, accomplishment or superior participation in hazardous materials planning or response*" during the current year. One Award winner has been selected by each of the LEPCs for their respective Districts. These Awards are always presented in association with the January SERC meetings. The recipients and their nominations read as follows:

EMERALD COAST LEPC - Ms. Nicole McDonald, UWF Environmental Health and Safety

*"Ms. McDonald has been a member in good standing of the Emerald Coast LEPC as an Alternate in the Emergency Management category associated with the University of West Florida. She has been most active with her involvement in the Education and Public Awareness Subcommittee. She has continuously provided guidance and opinions as to how the LEPC can reach out to the public, encouraging public education in social events within the seven counties of the LEPC. She is a staunch supporter of the District activities. For her diligence in promoting the mission of the LEPC, we take great pleasure in nominating her for the Thomas Yatabe Award."*

## APALACHEE LEPC - Ms. Melissa Woehle, Florida Department of Environmental Protection

*“Ms. Woehle has contributed to our LEPC by representing us at the SERC Training Task Force meetings as the TTF Chair. She meticulously takes notes and comes back to our LEPC meetings with detailed reports. Our region has many smaller counties and members especially in the fire service appreciate her representation and her reports from the meetings.”*

## NORTH CENTRAL FLORIDA LEPC - Mr. Dwayne Mundy, North Central Florida Regional Planning Council

*“What Mr. Mundy has done in the field of hazardous materials preparedness and response has been invaluable. Mr. Mundy was the Chair of the Hazards Analysis Working Group for a long time and provided a lot of insight and direction with those activities and projects to include HA site visits for a number of counties and completes the associated paper work to go along with those visits. He is also a valuable resource whenever a question comes up and is always willing to share past experiences to help local jurisdictions work through whatever hazmat situation they are dealing with. If, by chance, Dwayne does not know the answer to a question, there is a pretty good chance that he knows the name and number of somebody that can answer it. This is just the tip of the iceberg as far as the things that Dwayne has accomplished over the years. It is with great pleasure that the North Central Florida LEPC nominates Dwayne Mundy as our Thomas Yatabe recipient this year.”*

Mr. Mundy passed away on December 7, 2019 after a tough but courageous battle with cancer. On a personal note, those that had the privilege of knowing Dwayne are better people because of it. Mr. Mundy will be sorely missed by all those that knew him.

## NORTHEAST FLORIDA LEPC - Chief Joel Sneed, St. Johns Fire & Rescue Operations

*“Chief Joel Sneed has been a member of the Northeast Florida LEPC since 2012. During his time as a member, he has served and assisted on countless projects throughout the years that have greatly enhanced the hazmat capabilities of our region. Chief Sneed has also served as the Northeast Florida LEPC Training Task Force Chair representative for the past five years..”*

## EAST CENTRAL FLORIDA LEPC - Mr. Lee & Ms. Teresa Newsome, Emergency Response Educators and Consultants Inc.

*“Mr. Lee & Ms. Teresa Newsome have been a consistent and dedicated force with their tireless contributions assisting with the management and execution of our LEPC’s annual planning project - the Florida Hazmat Symposium. They have commit countless hours to the Hazmat Symposium Leadership Team strategizing and re-assessing processes which is one of numerous factors and examples of leadership that continues to propel the program.”*

## CENTRAL FLORIDA LEPC - Mr. Mitch Smeykal, Okeechobee County Emergency Management

*“Mr. Mitch Smeykal served as the President of the Florida Emergency Preparedness Association (FEPA) in 2015 and area Governor for Region 6 in 2018. Mr. Smeykal has earned Master Instructor certification through FEPA. He continues to present classes and assist in the certification process in order to bring new instructors on-line so that they will be able to teach at all levels of responsibility. During FY 18/19, Mitch presented classes at the FEPA New Directors and Key Staff Course and the FEPA Intermediate Academy as well as the G-300/400 courses in Okeechobee County. Additionally, he participated in NRC Cobalt Magnet as the lead controller during a multi-day exercise in Osceola County. Mitch has planned, participated in or evaluated numerous LEPC exercises. The most recent being the full-scale active shooter exercise with a hazardous material component in Okeechobee. His ability to observe and provide extremely detailed comments are integral in allowing the players and controllers to understand the skills that must be addressed. Mr. Smeykal has demonstrated exceptional initiative and professionalism over the course of three years by creating the Okeechobee County Mosquito Control Program. This is the first time in the County’s history where the County has a state-approved mosquito control program. The information that was gathered provided much needed technical data that was later used to expand the program locally and in neighboring counties. Finally, Mr. Smeykal created the Okeechobee Ingestion Pathway Radiological Annex for response to nuclear power plant incidents. Prior to the creation of this Annex plans for ingestion pathway counties were extremely limited. This plan templates is now the boiler plate*

*plan for ingestion pathway counties within the state of Florida.”*

#### TAMPA BAY LEPC - Mr. Jeff Tobergte, FDEP Emergency Response Specialist (Retired)

*“Jeff Tobergte recently retired from the Department of Environmental Protection/Office of Emergency Response after 36-years of dedicated service. During his time with the Department, he handled over 9,000 hazardous material incidents that varied from overturned exploding tanker trucks with 8,000-gal fuel spills to identifying the contents of abandoned drums on roadways. Jeff Tobergte was a valuable member of the Tampa Bay LEPC from 1996 - 2019 and the acting Vice Chair for several terms. Mr. Tobergte always participated in LEPC exercises, often acting as the State On-scene Coordinator. He was always willing to review and suggest changes to SERC guidance documents. With his advanced knowledge of the HAZCAT chemical field identification kit, he provided free training to HAZMAT teams and first responders throughout the State. HAZMAT Teams would call Jeff after-hours to request assistance with chemical releases. With his retirement, the entire State of Florida has lost a pioneer in HAZMAT response and environmental cleanups.”*

#### SOUTHWEST FLORIDA LEPC - Mr. William Miller, Ft. Myers Fire Department

*“Mr. Miller was instrumental in starting a regional Hazmat group with leadership from all Hazmat teams in Region 6. We now meet quarterly and coordinate resources, training and exercises. He also provided outreach to rural fire departments to educate them on services provided by our regional hazmat teams.”*

#### TREASURE COAST LEPC - Ms. Norva Blandin, FDEP/West Palm Beach

*“Ms. Norva Blandin currently serves as the Environmental Manager, Compliance Assurance Program, for Florida Department of Environmental Protection, Southeast District/West Palm Beach. Ms. Blandin has fostered the LEPC/EPCRA mission throughout the region through the avocation of outreach and training for first responders, facility owners, emergency managers and planners for hazardous materials and chemical waste compliance and safety. She has worked collaboratively with the LEPC Coordinator and dedicated her department staff to participate in Treasure Coast outreach workshops that provide in-depth education on EPCRA, CERCLA programs and LEPC planning and training opportunities. She provides valuable input and feedback from the FDEP perspective, as well as expertise on compliance requirements for chemical storage, disposal and safety. She encourages networking and coordination with the FDEM staff at every opportunity not only for program personnel, but also for private chemical facility management, promoting public/private relationships at all levels of organization. Ms. Blandin sponsors and engages the Treasure Coast LEPC in the development and conduct of the FDEP Emergency Managers Networking Conference, where annually, she provides a venue for the FDEP, FDEM and LEPC and other local officials and State agency representatives to provide information on their respective capabilities and resources to the region’s first responders, emergency managers, elected officials, State agencies and other organizations.”*

#### SOUTH FLORIDA LEPC - Lt. Maikel Garcia, City of Miami Fire Rescue Department

*“Lt. Maikel Garcia has been a member in good standing of the South Florida LEPC since May 2016. Mr. Garcia is currently Lieutenant and Hazmat Team Coordinator for the City of Miami Fire Rescue Department and liaison on the Southeast Regional Domestic Security Task Force. Mr. Garcia also serves as our SERC Training Task Force representative and a member of the Training and Exercise Subcommittee. In his time as a South Florida LEPC member, Lt. Garcia has been one of the most active members. In addition to his participation on the TTF. His standing with the Hazmat community and high regard by other teams, has enabled Mr. Garcia to assist the Committee in planning, scheduling and registering large numbers of students for our training. Our successes in this area over the last three years are no doubt due to the hard work and dedication of Lt. Maikel Garcia.”*

- **LOCAL EMERGENCY PLANNING COMMITTEES APPOINTMENTS** - Chair Guthrie indicated that the LEPC membership modifications being requested by the LEPCs are/were included in the SERC packet. Following a motion and a second made by SERC members, all LEPC membership changes were approved unanimously upon voice vote. [\[The membership changes for the Tampa Bay LEPC approved during the](#)

quarter were the redesignation of Primaries/Alternates for Hernando County Emergency Management (*Cecilia Patella/Erin Thomas*) and Brenntag Mid-South (*Brant Wilson/Todd Dial*) as well as the redesignation of the Alternate from Manatee County Emergency Management (*Thomas Kitchen*). Additionally, Interested Citizen *Robin DiSabatino* was removed from the Tampa Bay LEPC roster.

- **ESF-10 GIS PORTAL AND SURVEY123 APPLICATION.** Nick Roff of the Florida Department of Environmental Protection characterized ESF-10 as the “*Hazardous Assessment Response Teams*” (HART) They are able to be deployed in the field either independently or with other groups (e.g. EPA). They possess identification and mitigation capabilities. Once deployed, they stand ready for three days of operation without further logistical support. The HARTs participated in Hurricanes Matthew (2016), Irma (2017) & Michael (2018). They often lend assistance with various response and recovery assessments and actions. FDEP has developed a program that uses E-Plan data to define and map Section 302 sites.

## REPORTS

- **SERC TRAINING TASK FORCE (TTF) REPORT** - The following highlights of the January 21<sup>st</sup> meeting were identified by Chair Guthrie that also serves as the Chair of the TTF on an interim basis:
  - **Potential Conflicts of Interest.** FDEM Deputy Legal Counsel Erik L. Saylor summarized the Commission on Ethics’ position/findings regarding a potential Conflict of Interest presented by members of the LEPC and/or the SERC’s Training Task Force. The formal finding/recommendation is included as **Figure 1** to this Recap of SERC-related meetings. Information and procedures associated with soliciting such a formal opinion from Commission on Ethics is available from their website ([www.ethics.state.fl.us/support/FAQs.aspx#request\\_opinion](http://www.ethics.state.fl.us/support/FAQs.aspx#request_opinion)). Also available from their website is their *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees* ([www.ethics.state.fl.us/documents/publications/guidebookletinternet.pdf?cp=2020121](http://www.ethics.state.fl.us/documents/publications/guidebookletinternet.pdf?cp=2020121)).
  - **Standard Operating Guidelines (SOGs)/Standard Operating Procedures (SOPs).** It was identified that the remaining SOGs/SOPs that required updates have all been vetted by the Subject Matter Experts, updated and have been uploaded to the State Portal and are subject to approval by the SERC. Following a motion and a second to approve the updates, all remaining topics were approved. Some of the 18 topics that were updated overall were: *Hazmat Medical Support; Field Analysis of Unidentified Potentially Hazardous Materials; Flaring of Liquefied Petroleum Gases (LPG); Toxic Materials, Poisons & Pesticides; Drums & Abandoned Containers; Biomedical or Biological Waste; Hazardous Materials Incident Timeline; Gas Cylinders & Containers; Radiological; Safety & Health for Hazmat; and Emergencies involving Corrosives*. It should be known that Capt. Frank DeFrancesco (Hernando County Fire Rescue) was instrumental in facilitating the updates associated with the 18 topics.
  - **Hazmat Team Assessments, Deployments, Exercise and Training.** Capt. Patrick Feagle (Ocala Fire Rescue) recognized that John Scott is doing a stellar job of facilitating the Hazmat Team Assessments associated with all Hazmat teams through Florida. At the present time, nearly two-thirds of all Assessments are complete, including the areas of Miami, Tampa & Jacksonville. Full task completion is anticipated by April 2020. The frequency of the next in-person Assessments to be administered in the future by John Scott (or other third-party personnel) has yet to be determined. Additionally, each LEPC may be requested to facilitate completion of the Self Assessments by each of their hazmat teams next year but without the requirement for site visits.

- **NOVA Southeast University Letter.** Mr. Robert Dietrich identified that Chief Mike Murphy and Forest Willis (USCG) were not present to provide an update and no updates are known at this time. The initiative is for Nova Southeast University to provide the training to enable select coastal, pre-authorized, hazmat teams to jointly respond to potential offshore hazardous materials incidents along with the U.S. Coast Guard.
- **Update on RFQ.** FDEM staff solicited RFQs to update the Awareness and Operations Competency documents. Mr. Lee Newsome of Emergency Response Educators & Consultants (EREC) was the lowest bid and awarded the Contract. Mr. Richard Stilp is taking the lead on this. Will solicit review and comments upon completion. Documents will go through TTF twice before being brought before SERC for approval.
- **Medical Protocols.** It was announced that the Hazmat Medical Protocols were updated by Armando “Toby” Bevelacqua & Richard Stilp. Each LEPC has recently been provided one hard copy of the updated Protocols along with the instruction not to reproduce and/or make electronic. Alternatively, bound copy(ies) of this document will be made available for purchase from the Murphy Bevelacqua website (i.e. [www.hazmatclasses.com](http://www.hazmatclasses.com)) at an approximate cost of \$60 - \$65 each.
- **Presentation in association with future TTF meetings.** Chair Guthrie indicated a desire to solicit presentations in association with future TTF quarterly meetings to address *“big hazmat events experienced during the past quarter”* in order to, among other things, determine whether hazmat training requirements need to be revised. In addition, there is the potential for the TTF to provide/establish recommendations for the respective agency (and others) for future response to similar incidents. The presentations should include an overview of the event and responses, both positive and negative, as well as identify how the response could have been improved. Chief Scott Ehlers and Chief Patrick Feagle added that the requested presentations should be expanded to address things such as big structure fires whereby additional lessons learned can be attained.

As far as this past quarter, Chief Patrick Feagle described a structure fire that occurred in Ocala about three months ago in which Ocala Fire Rescue responded. It turns out responders were unknowingly exposed to Phosphorous & powder Mercury since the facility was a recycler of halogen bulbs. The lessons learned included the need for appropriate monitoring to be conducted prior to making entry and to thoroughly clean hazmat gear after each incident so as not to potentially contaminate the fire house. Following the presentation, TTF members recommended that fire departments responding to similar incidents consider coordination with the Florida Department of Environmental Protection/Office of Emergency Response, prior to making entry, since they possess elaborate equipment capable of monitoring chemical exposure(s) down to the minuscule level(s).

- **National Association of Sara Title III Program Officials (NASTTPO) Annual Conference.** FDEM staff has accepted an invitation to present the *“Best Hazardous Materials Practices being implemented within the State of Florida”* at the 2020 NASTTPO Conference. The Conference is scheduled for April 27-30 at the Radisson Hotel Cincinnati Riverfront in Covington, KY.
- **Future TTF Conference Calls.** The next TTF conference calls were scheduled for February 12<sup>th</sup> &

March 11<sup>th</sup>, each starting at 1:30 PM EST.

- **HAZARDS ANALYSIS WORKING GROUP (HAWG) REPORT.** Robert Dietrich identified the current HAWG initiative remains to develop and standardize a Hazards Analysis (HA) guidance document to advise personnel administering the analyses as well as to inform facilities as to how/why the Hazards Analysis process was developed and explain how the information is utilized. An estimated 3,500 of the 12,000+ facilities in Florida are EHS facilities. Hazards Analyses are prepared for each of these facilities, including the requirement for plume modeling.
- **UPDATE ON LEPC ACTIVITIES.** Richard Delp provided the following highlights of yesterday's meeting of the LEPC Staff/Chairs:
  - **2020 Emergency Response Guidebooks.** Robert Dietrich advised that the U.S. Department of Transportation is making progress on the publication of the *2020 Emergency Response Guidebooks* (ERGs) although electronic downloads (for computers, laptops & smart phones) will remain their preferred means of product delivery. Delivery is anticipated in the April-May 2020 timeframe. The ERGs are typically updated every four years. The 2020 ERGs are smaller in size than the 2016 version and the changes in content are unknown at this time. FDEM indicated that the LEPCs should, at minimum, receive similar quantities to those received in 2016 although the actual number of copies to be received is likely to increase in 2020. Once the 2020 ERGs are printed, ALL Florida-bound hard copies will be delivered to the State Logistics Response Center (SLRC) warehouse in Orlando. After which, FDEM will arrange for further dissemination of these ERGs to a limited number of sites to be identified by relevant LEPCs. *It is anticipated that, similar to 2016, the Tampa Bay LEPC will request that the Citrus, Hernando & Pasco County copies of the ERG be delivered to the FDOT warehouse in Spring Hill and the copies intended for Pinellas, Hillsborough & Manatee Counties be delivered to the FDOT warehouse in Clearwater. Mr. Meyer will further coordinate the timing for pick up of these copies with the respective agencies upon notification of receipt of such deliveries.*
  - **Future LEPC, HMEP & HA Contracts.** Robert Dietrich identified that, effective ~April 2020, future LEPC, HMEP & HA Contracts will now be maintained on the State portal where information, status and deliverables of all such Contracts will all be managed. FDOH & FDEP have already and successfully implemented comparable programs. LEPCs are/were requested to notify Robert as expeditiously as possible if any change(s) is warranted in preparation of the FY 2020-21 LEPC Staff Services and/or HMEP Contracts.
  - **Availability of additional HMEP Funding.** Robert Dietrich identified that an additional \$20,000 in HMEP funding has temporarily been reserved for each LEPC but the funding **MUST BE** expended **by June 1, 2020** and "Plans for Expenditure(s)" need to be provided to the LEPC's respective Contract Manager, while copying Robert Dietrich, **by February 28, 2020**. Each LEPC would be welcome to submit additional proposal(s) and/or proposal(s) in excess of the \$20,000 in order to be considered in the event that not all other LEPCs have requested their full (or potentially any) additional allotment of funding. *Mr. Meyer subsequently notified all HMEP Training Subcommittee members of the potential additional funding via an e-mail dated January 30, 2020.*
  - **Dwayne L. Mundy Hazardous Materials Preparedness & Response Lifetime Achievement Award.** Prior to the passing of Dwayne Mundy, the SERC was scheduled to present him the inaugural *Lifetime Achievement Award* due to his numerous contributions in the field of hazardous materials

made over the past 31 years at the January 22, 2020 SERC meeting. The LEPC Chairs and Staff agreed to formally change the name of this award in the future to the “*Dwayne L. Mundy Hazardous Materials Preparedness & Response Lifetime Achievement Award.*” Criteria was established in which to gauge (or evaluate) potential future recipients, including a requirement for a minimum of ten years of service. This level of recognition shall only be awarded on an “as warranted” basis with no obligation to present such an Award annually. Finally, it was agreed that the LEPC Chairs & Staff shall identify any/all future recipients of such an Award which would ultimately be presented by the SERC.

- **Hazmatters Reports.** Richard Delp indicated that each of the LEPCs are required to prepare and submit *Hazmatters* reports for their respective Districts on a quarterly basis. These Reports are always included as part of the SERC materials. The Reports reflect the activities and initiatives undertaken by LEPC staff within their own Districts, including identification of trainings, meetings held/attended and, if applicable, participation in or administration of hazardous materials exercises.

The following was identified for the Tampa Bay LEPC District for the period of October - December 2019 within the Agenda materials:

- Tampa Bay LEPC staff was involved in a number of activities during the quarter. LEPC staff attended the October 17-18, 2019 SERC quarterly meetings held at the SanDestin Resort in Miramar Beach. The quarterly meeting of the Tampa Bay LEPC meeting was held on November 20th at the offices of the Tampa Bay Regional Planning Council.
- The Tampa Bay LEPC's HMEP Training Subcommittee also met on November 20th. The main objective of this meeting was to strategize, determine and stipulate training needs associated with the FY 2019-20 HMEP Training Contract.
- No training expenses were incurred by the Tampa Bay LEPC during the 1<sup>st</sup> Quarter. However, LEPC staff is currently coordinating training associated with the 2nd Quarter, such as enrollment of 37 students being sponsored by the Tampa Bay LEPC to attend the *2020 Hazmat Symposium* and the sponsorship of four Hernando County Fire Rescue personnel to the *160-Hr. Hazmat Technician Certification Course*. Two additional hazmat-related courses are likely to be pursued and conducted during the 2nd Quarter (i.e. three *8-Hr. Water Injection for Propane Incidents* for Southern Manatee Fire Rescue/Hillsborough County Fire Rescue and a *40-Hr. Hazmat Medic* course for Hillsborough County Fire Rescue/Tampa Fire Rescue).
- In terms of miscellany, LEPC staff additionally: attended Paradigm's 2019 Florida Pipeline Safety Program presentation/exercise (October 1); submitted the *FY 2018-19 HMEP Close-Out Report* (October 3); facilitated the (nearly) quarterly meeting of the Preventative Nuclear Radiological Detection Committee (October 7); requested accreditation for Tampa Bay LEPC & Southwest Florida LEPC to jointly coordinate a large, full-scale, HSEEP-compliant, hazmat exercise entitled "*Operation Jet Lag*" at the Sarasota-Bradenton International Airport on February 25, 2020 (October 8); facilitated the (nearly) monthly meeting of the Pinellas Police Standards Council (October 9, November 13 & December 11); attended the Trademark Nitrogen Safety Day Celebration Luncheon (October 11); provided LEPC Activities/Initiatives listing to TBRPC members in conjunction with their October 14, November 4 & December 9 meetings as well as respective LEPC & SERC Recaps; attended the bi-monthly meetings of Ammonia Handlers/Operators (October 15 & December 3); hand-delivered the *FY 2019-20 LEPC Staff Services 1st Quarter Report* (with supporting documentation), the *FY 2018-19 HMEP Program 4th Quarter Report* (with supporting documentation), the original signed copy of the *FY 2018-19 HMEP Contract Modification*, as well as two executed copies of the *FY 2019-20 HMEP Contract* (October 17); coordinated with FDEM staff to establish Wednesday, February 5 & Thursday, February 6, 2020 as the dates in which to host the annual *Emergency Planning & Community Right-to-Know/E-Plan Guidance Workshops* (October 22); submitted Plan of Instructions in association with the request to send four Hernando

County Fire Rescue personnel to attend the *160-Hr. Hazmat Technician Certification Course* for consideration/approval (October 30); attended the *Operation Jet Lag Exercise Planning Meeting* held at the SBIA (November 12); attended the bi-monthly meeting of the Tampa Bay Spill Committee (November 12); attended the tri-annual meeting of U.S. Coast Guard's Area Contingency Planning Subcommittee (November 12); forwarded Flyer regarding FREE 8-Hr. HAZWOPER Refresher & 24-Hr. HAZWOPER courses being conducted by (and at) FDEP OER on December 11-13, 2019 (November 15); submitted Plan of Instructions in association with the *2020 Hazmat Symposium* for consideration/approval (November 19); transmitted the *LEPC Minutes* associated with the November 20<sup>th</sup> meeting to the Tampa Bay LEPC members in "draft" form (November 26); accompanied John Scott III on the Hazmat Team Assessments conducted for Citrus County Fire Rescue (December 4), Hernando County Fire Rescue (December 5), Pasco County Fire Rescue (December 6), Pinellas County Hazmat Team (December 10), Tampa Fire Rescue (December 11), Hillsborough County Fire Rescue (December 12) & the Florida National Guard's 48<sup>th</sup> Civil Support Team (December 13); participated in *Operation Jet Lag Exercise Coordination Meeting* via teleconference (December 10); transmitted the *Hazmaters* report and the LEPC membership changes to FDEM in conjunction with the January 22<sup>nd</sup> SERC meeting (December 10); attended the Tampa Cooperative Safety & Security Initiative's (TCSSI) annual Safety Luncheon (December 11); participated in the Training Task Force teleconference (December 11); and coordinated the roster of *2020 Hazmat Symposium* attendees being sponsored by the Tampa Bay LEPC with Symposium Committee to arrange for a single Invoice and payment of registration fees (December 16).

- **FINANCIAL STATUS REPORT.** Mr. Dietrich indicated that fees collected from facilities reporting their annual hazardous materials inventories, within the State of Florida, are used to fund Florida’s LEPCs. The funds are 100% pass-through. Additionally, Mr. Robert Dietrich identified that the SERC Agenda materials contained numerous tables and graphs depicting program revenues for the past three years and expenditures over the past two years.

The following reports were included as part of the Agenda materials:

- Monthly RMP & EPCRA program revenue allocations since mid-FY 2017-18; and
- Breakdown of General Appropriations and Expenditures by Category for the Hazardous Materials Planning and the Risk Management Planning Programs during FY 2018-19 and 2019-20 (through November 30, 2019).

- **HAZARDOUS MATERIALS INCIDENTS REPORT.** As informational, Mr. Robert Dietrich announced that detailed listings of Section 304 investigations, 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, 2019. Such Reports included documentation of these incidents and portrayed the number of persons evacuated, injured or deceased down to LEPC District and ultimately County levels, to the extent known, applicable and/or available. These are all incidents reported to the State Watch Office. These Reports are routinely shared with the LEPCs, EPA and the SERC.

The following constitutes a consolidation of data associated with *“Transportation Incidents with Evacuations, Injuries and Deaths; Hazardous Materials Incidents with Evacuations, Injuries and Deaths [at fixed facilities]; and Potential Section 304 Investigations”* for the Tampa Bay LEPC District:

County	Date Released	Type	Chemical	Amount Released (Lbs.)	Business Type	# Evacuated	# Injured	# Fatalities
Citrus	NONE							

County	Date Released	Type	Chemical	Amount Released (Lbs.)	Business Type	# Evacuated	# Injured	# Fatalities
Hernando	9/07/19	TR	Natural Gas	Unknown	Pipeline	6	0	0
Hillsborough	9/04/19	FF/304	Anhydrous Ammonia	Unknown	Bottled Water Manufacturing	24	0	0
	9/09/19	304	Sulfuric Acid	767	Steel Investment Foundries	N/A	N/A	N/A
	9/13/19	304	Sulfuric Acid	55 Gallons/895 Lbs.	Soft Drink Manufacturing	N/A	N/A	N/A
	11/07/19	304	Potassium Hydroxide	1,291	Steel Investment Foundries/Transportation	N/A	N/A	N/A
	11/11/19	304	Diluted Avantis/Sodium Hydroxide	5	Bottled Water Manufacturing	N/A	N/A	N/A
	11/13/19	TR	Diesel Fuel	Unknown	Transportation	0	0	1
	11/14/19	FF	Natural Gas	Unknown	Apartment Complex	0	1	0
	11/21/19	TR	Natural Gas	Unknown	Pipeline Construction	11	0	0
Manatee	10/22/19	TR	Oil/Diesel Fuel	188/185	Traffic Accident	0	2	0
Pasco	11/04/19	TR	Diesel Fuel	740	Traffic Accident	0	0	1
	11/15/19	TR	Natural Gas	Unknown	Pipeline	2	0	0
Pinellas	9/25/19	TR	Aviation Gasoline	256	Water Treatment Plant	0	1	0
	10/21/19	304	Mercury	0.62	City Gas	N/A	N/A	N/A
	11/13/19	FF/304	Natural Gas	Unknown	Apartment Complex	12	0	0
<b>TOTAL →</b>						<b>55</b>	<b>4</b>	<b>2</b>

KEY: FF = Fixed Facility incident / TR - Transportation-related incident / 304 - Section 304 Investigation Launched

As has been previously indicated, if the reportable quantity has not been reached or cannot be determined, the amount is typically identified as “unknown.”

- **STAFF ACTIVITIES & REPORT BY SECTION.** Mr. Robert Dietrich identified that FDEM has recently added a few new employees. Chair Guthrie added that a new grants management program is being implemented and expected to be operational by April 2020. All recipients of future LEPC, HMEP and/or HA Contracts are expected to utilize this system/program.

The following Information was provided within the current Agenda materials:

- breakdown of statewide *Hazardous Materials Incident Reports* by LEPC District and type from September 1 - November 30, 2019;
- graphic depicting the sum of annual Hazmat Releases from January 1, 2002 to present;
- monthly enumeration of *Hazardous Materials Incident Reports* from January 2009 to November 30, 2019;
- quantification of *E-Plan Filings* for Year 2018 by LEPC District (there were 12,671 total filings within the State as of December 3, 2019 and 2,067 within Tampa Bay);

- monthly quantification of EPCRA Filing/Technical Assistance calls received for the 2018 calendar year (as of December 3, 2019);
- annual enumeration of Chemical Data in E-Plan since 2012 in terms of the # of statewide facilities and # of chemicals as of (presumably) November 30, 2019. Reporting Year 2018 Chemical data presently denotes 12,671 facilities in Florida with a total of 35,397 chemicals, a slight increase from the 12,428 facilities and 34,516 chemicals reported for 2017; and
- annual quantification of EPCRA (i.e. Tier II, RMP & TRI combined) Filing Fees received electronically (“online”) since 2010. With the exception of a small decrease in number of online payments received between 2010 and 2011, the number of online payments received has grown annually and exponentially from 2011 (394) to 2018 (3,337). This constitutes more than a 846% increase over this time period.

## OTHER BUSINESS

- **2020 Hazmat Symposium.** Chief Jonathan Lamm identified that:
  - The 3.5-day Symposium was, again, hosted at the Plaza Resort & Spa in Daytona Beach on January 21-24, 2020.
  - There were a total of 627 registrants for the event, including 86 instructors, 48 vendors and 42 Symposium Administrative Staff members. This does constitute an increase of approximately 6.5 percent above the 586 that attended the Symposium in 2019.
  - The event drew national and international attention. Attendees arrived from New York, Washington (state) and Colorado among other states as well as attendees from the Canadian provinces of British Columbia and Manitoba.
  - The Symposium committee received 82 White papers from parties interested in providing instruction associated with this year’s event. A total of 68 courses were selected for conduct.
  - A registration cost of \$195 per student is being imposed for the Symposium, whether the students attend one or more courses offered.
  - The 2020 Hazmat Teams competition drew the participation of 14 teams with a total of 14 assessment stations. Chair Guthrie encouraged all to attend the Hazmat Team Competition in 2021 to see *“all the training that is conducted put into action.”*
  - It was acknowledged that the Symposium seems to run smoother with each passing year.
  - A maximum of 12 teams will be participating. Teams will be authorized to participate on a “first come/first served” basis. However, teams will be limited to one registration per jurisdiction unless the number of teams participating have not been maximized.
  - Richard Bergquist and Dwayne Mundy were recognized in association with the Symposium’s Opening Ceremonies held at 8:00 a.m. on Wednesday, January 22, 2020.
  - Much of the success of the Symposium can be (and should be) attributed to the participation and support of the Florida Division of Emergency Management and all ten LEPCs located throughout the State.
  - due to the late legislative session planned for next year, it is hopeful that the Governor may come provide opening remarks in association with the 2021 Hazmat Symposium.
  - It was suggested that a workshop be added to future Symposiums to address Drug Exposure to Law Enforcement Officers when Responding to applicable Incidents, especially considering the fact that they are often first on the scene.

## COMMENTS

- **SERC Bylaw Modifications.** Chair Guthrie identified that changes to the SERC Bylaws are necessary for, at minimum, such things as membership guidelines. As an example, it was mentioned that more than one of the present SERC members have not attended one SERC meeting in the past four years with no means for their removal from the roster. FDEP Deputy Legal Counsel Erik Sayler said he will evaluate procedural requirements to do so. This will likely become a April 2020 SERC Agenda item.
- **Presentation of the “Dwayne L. Mundy Hazardous Materials Preparedness & Response Lifetime Achievement Award.”** This inaugural Award was posthumously presented to the family of Dwayne Mundy. In addition to the Award, it was announced that the Lifetime Achievement Awards to be provided by the SERC in the future will be named in his honor with his namesake.
- **Issuance of Appreciation Letters.** SERC Member Chief Mike Murphy proposed a motion to send appreciation letters to the Governor and Legislature to thank them for their continued support of the hazardous materials planning and response programs and to recognize that these programs need to be retained and funded appropriately. The motion was seconded and approved unanimously.
- **Enforcement/Protection of Underground Utilities.** SERC member Jim Calhoun discussed the need to update the enforcement and protection of underground utilities. SERC member John Kohnke identified that this topic is not within the purview of the Florida State Fire College and/or State Fire Marshal’s Office.

## ADJOURNMENT

Upon identification of no more issues to be brought before the SERC, Chair Guthrie successfully solicited a motion and a second to adjourn the meeting. Following his announcement that the next SERC meeting will be held on April 17, 2020 in St. Augustine, Chair Guthrie concluded the meeting at 12:26 PM.

# EXHIBIT 1



STATE OF FLORIDA

## DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis  
Governor

Jared Moskowitz  
Director

### MEMORANDUM

**TO:** Members of the Local Emergency Planning Council and Training Taskforce  
**CC:** State Emergency Response Commission  
**FROM:** Erik L. Saylor, Deputy General Counsel   
**DATE:** January 15, 2020  
**SUBJECT:** Questions about Form 1 and Conflicts of Interest

The Division's Legal Office would like to provide the following update on a few matters discussed at recent quarterly meetings.

First, the Division would like to thank Richard (Ric) Delp for his assistance in tracking down the history of Local Emergency Planning Committee (LEPC) members filing Form 1 disclosure forms. According to an email received by Mr. Delp from the Commission on Ethics and forwarded to the Division, members of the LEPC do not have to file a Form 1 with their local supervisor of elections. This change in filing status occurred around the year 2000 when the definition of "local officer" was changed in Section 112.3145(1)(a), Florida Statutes. Please note, while membership on the LEPC does not itself require you to file a Form 1 with the Commission on Ethics, you may individually have to file a Form 1 for other reasons (i.e., you are a member of the SERC, or your public employment status requires that you file a Form 1).

Second, questions about conflicts of interest by members of either SERC Training Task Force (TTF) or LEPC have been discussed at the last several TTF and LEPC meetings. Conflicts of interest are potential issues for public employees with secondary employment. This is especially true if the member is a public employee and has secondary employment that could intersect or overlap with their public employment and/or role with the TTF or in their LEPC. Public employment includes, but is not limited to, employment by a public entity such as a fire department, law enforcement agency, etc.

Therefore, if a public employee member of the TTF or LEPC (or potential member) has a second job or secondary source of income from a business they or a family member owns that could intersect or overlap with their role on the TTF or LEPC, or "do business" in their LEPC's geographical areas, please contact the Commission on Ethics and request an informal, written opinion from the Commission on Ethics as it relates to their membership on the TTF or LEPC and their secondary employment or business venture to ensure there is no conflict of interest.

Similarly, if a non-public employee member of the TTF or LEPC (or potential member) owns a business, family member owns the business, or is employed by a business that has the potential for "doing business" in their LEPC's geographic area, please request an informal, written opinion from the Commission on Ethics as it relates to their membership on the TTF or LEPC and their business venture to ensure there is no conflict of interest.

When in doubt about a potential conflict, please seek an informal, written opinion from the Commission on Ethics based upon your unique facts and circumstances. If you have any questions about the items discussed in this memorandum, please contact the Legal Office.