



Clark County Local Emergency Planning Committee
CLARK COUNTY GOVERNMENT CENTER
PUEBLO ROOM
LAS VEGAS, NV 89106

DRAFT MINUTES

Wednesday, May 16, 2012 9:00 A.M.

ATTENDANCE

LEPC MEMBERS PRESENT:

IRENE NAVIS, JANE SHUNNEY, DAN LAKE, CAROLYN LEVERING, ELAINE HOUSER, RYAN TURNER, KIM FERGUSON, FAITH BORDEN, KEVIN NICHOLSON, SCOTT FULLER, MIKE TOOMBS, PHIL KLEVORICK, JEFF BREWER, NICOLE HART, KURT ADAIR, ROY MICHAEL, MIKE RICHARDSON, CALESHA JOHNSON,

LEPC ALTERNATES PRESENT:

GENE PASINSKI, JASON MOYER, GEORGE MOLNAR, DIANA BLAKE, CHRIS SPROULE, DENNIS WILSON, LEO FERNS, GENE PASINSKI RICHARD DOHME, WENDELL RAMCLAM

LEPC MEMBERS ABSENT:

FERNANDEZ LEARY, LAWRENCE SANDS, JAMES OLSCHLAGER, KEVIN BRAME, DAVE GOSS, DAVE DAHL, GLENN CLOSSON, DAVID STUHAN, MIKE MURPHY, BILL RICHARDSON, FRED THOMPSON, SUSAN CROWLEY, , PAUL GERNER, MIKE BRYANT, RIC LAPORTE, JOHN HIGLEY, KEVIN FISHER, WARREN GLIDEWELL, SANDY SEDA, ROGER GOODMAN, GEOFFREY WILLIAMS, BRIAN PASSOW, TOM AXTELL, FELIX ACEVEDO,

I. Call to Order

Irene Navis LEPC Chairman called the meeting to order at 9:10 A.M. on Wednesday May 16, 2012.

II. Roll Call

Irene Navis: Quorum present.

III. Public Comments

Member of the public Arealia Denby introduced herself to the LEPC providing an overview of her background and experience. Ms. Denby then asked about the status of the Hazard Mitigation Plan and specifically wanted to know about the high needs population and if they had been addressed in the plan. The Chair explained that our jurisdiction does have a multi-agency plan and that it is in the process of being updated. Carolyn Levering, City of Las Vegas, then spoke to Ms. Denby further detailing the contact information on the websites for the City of Las Vegas, North Las Vegas, and Henderson where there is public solicitation for feedback. Carolyn advised Ms. Denby that there would be a 30 day window of time allowing the public the opportunity to comment. Carolyn also noted that time was running short on our side to apply so she asked the public to respond as soon as possible.

IV. Approval of February 15, 2012 Regular Meeting Minutes

Motion, by Phil Klevorick: To accept the minutes as recorded.

Seconded, by George Molnar.

No discussion, motioned carried.

V. Approval of the Southern Nevada Health District Emergency Operations Plan, Strategic National Stockpile – Medical Countermeasure Dispensing Plan, Annex K, May 2011.

Jane Shunney, Southern Nevada Health District (SNHD), presented the plan giving a brief overview of the grant that was originally awarded to the City of Las Vegas, the mandates and how it came to the SNHD. Jane further detailed the administrative requirements and discussed that annually they are required to have a Technical Assistance Review (TAR). The TAR is scheduled for next month (June) wherein CDC will come and review this plan, it must be approved by the LEPC. Hard copies of the plan were distributed to the LEPC for review, Jane advised that there was nothing new since last year when it was approved by the LEPC, she then stated that on page 14 she just noticed that there was a mistake under Las Vegas Fire and Rescue item H, that "They shall transport MRS pharmaceutical cache to the pre-identified first responder dispensing sites" Jane clarified that MMRS does in fact NOT do that therefore she will insure that statement is corrected and changed in the plan.

Jane commented that this is an Annex to the SNHD plan and as such they do not publish the Annex, she asked for sensitivity and for the information to not be shared by the LEPC outside of the first responder community.

Motion, by Carolyn Levering: To Approve the plan as presented with the noted change on page 14.

Seconded, by Dan Lake.

No discussion, motioned carried.

VI. A. LOCAL EMERGENCY PLANNING COMMITTEE

The Chair spoke briefly about her recent call for volunteers to serve on the various LEPC subcommittees and that there was a positive response with several new volunteers getting involved.

a. Plans Administration Subcommittee

Richard Brenner was not present. The Chair advised that there was nothing new to report, although she did identify that she had new members for the subcommittee. Richard was to remain the Chair of this group with the following new members, Gene Pasinski, Richard Wells, Leo Ferns and Carolyn Levering.

The Chair advised that this subcommittee had some business to handle with regard to submission of the HazMat Plan that was done in January. She explained that there was an appendix that needed updates and corrections so that will be done by this group and turned in to the SERC for approval.

Dan Lake, asked the Chair to speak regarding SERC and the length of time this LEPC will be ineligible to receive SERC grant funds. Dan also wanted clarification as to the period of time the LEPC could not apply for funds as well as confirmation that all of the grants that had been applied for in the February LEPC meeting were denied for non-compliance. Dan also asked for an explanation as to why the LEPC did not comply.

The Chair advised that the items that were outstanding were easy to fix and they would be submitted. She further added that she was unsure as to the length of time that LEPC was ineligible but that she would check on that and follow-up with the group. The Chair further advised that she thought the plan submittal in January was complete, only later to learn after those grants were submitted for approval that it was not. She advised the group that she is taking steps to correct the deficiencies and as soon as she able to find when the LEPC can get back on track and apply for funding again she will let the LEPC know. The Chair advised that she had been given some

advice that the plan update that was done was going to be sufficient and then she found out that it wasn't, this will be turned around and was one of the reasons that she asked for volunteers for the various committee's to help keep things more on track. She then reiterated that she did not know how long we would be ineligible but she thought that once the eligibility requirements were met the LEPC could get back on track with grant approvals.

Carolyn Levering asked the Chair if there were any grounds for appeal and the Chair advised that she did believe there were and that the appeal time was currently underway. The Chair advised that she planned to file an appeal with the document that was being requested which was one of the appendices for updated phone numbers that she thought was submitted appropriately, she advised that she is putting together an appeal and submittal of documents that will hopefully suffice for the appeal and if it does not she advised she will let the LEPC know.

The Chair asked if there were any other interested LEPC members that would like to participate on this subcommittee. There were no responses.

b. Training Subcommittee

The Chair advised that there are no existing members for this subcommittee but that Calesha Johnson and Kathleen Wegst had volunteered, she also added Ric LaPorte. The Chair then asked for others that may be interested and had another member of the public Arealia Denby, volunteer. The Chair advised that primarily she was looking for LEPC members to volunteer for these groups but that she was happy to include subject matter experts as well.

c. Grants Subcommittee

The Chair advised that there are existing members, Carolyn Levering, Dan Lake, Richard Brenner, Nicole Hart and Ryan Turner. The Chair asked for any other volunteers, Diana Blake advised that she currently participates as the coordinator which the Chair acknowledged as being appropriate. Calesha Johnson spoke up and requested to participate as did Brian Passow.

d. Public Information Subcommittee

The Chair advised that Faith Borden will serve on this subcommittee and she asked for additional volunteers. George Molnar responded and agreed to serve as well.

The Chair then spoke about Open Meeting Law (OML) and the additional requirements that came out of the last legislative session for subcommittees. She advised that a lot of committees are now creating work groups instead of subcommittee's to bypass these more stringent requirements as they are not subject to OML requirements such as agenda's, minutes etc. The Chair suggested that the next time the bylaws are updated that the LEPC change the language to work groups opposed to subcommittees. Dan Lake, stated that he didn't believe we had updated the last bylaws update that was started. The Chair advised that she didn't think that was the case that the LEPC bylaws were updated but that it was the Urban Area that was not, she then advised that she would bring the LEPC bylaws back before the LEPC at the next meeting with that change and a complete update.

Mike Foley, Deputy District Attorney, spoke about OML and advised that the NRS does apply to subcommittees so anytime there is an actual designated subcommittee and anytime they meet or deliberate you have to provide an agenda, post publicly and do everything else. He further advised that calling these working groups will not change the requirements of the OML if there are votes taken it will still be in essence a subcommittee. If all that is taking place at these work groups is discussion and

then the group brings back the product of that discussion to the LEPC for a vote without actually making a decision themselves then you wouldn't need to follow OML.

The Chair advised that these groups did not make votes and that the deliberation did take place in the LEPC meeting. Mike advised that would be ok. Nicole Hart then asked for clarification relative to the grants subcommittee if that was still the case. The Chair advised that for the grants subcommittee that it would probably be best to follow OML based on Mike Foley's direction.

Carolyn Levering, then spoke about the challenge of posting in accordance with OML based on the short turn-around and that everything discussed in the subcommittee was open for scrutiny and reversal by the LEPC. Further, that the point of these meetings of the grants group was to determine eligibility as there are a lot of applications that often don't meet the basic requirements for the funding source. She stated that she felt that as long as the LEPC sees all of the applications that were discussed and with a consensus of the group being reached, and as long as the LEPC is held to the OML standards that should be sufficient.

The Chair agreed that what Carolyn presented was true, and she then asked for an opinion from Mike Foley (*low audible response from Foley.*)

George Molnar asked if it would appropriate for counsel to provide written guidance for subcommittees. The Chair advised that State statute was pretty clear about this topic. Mike Foley advised that he could prepare an email response and the Chair advised that she would get that out to the group in the next couple of weeks.

Diana Blake asked Carolyn Levering for more clarification about the decision that was made relative to the grants subcommittee meeting. Carolyn responded by saying if they are being held to OML then in reality the grants that this group discusses are all known quantities and though they don't know when exactly the SERC if going to drop the grant they do know approximates and can plan accordingly ahead of time to hold the meetings and solicit applications for specific funding streams.

e. Legislative Subcommittee

The Chair advised that there was only one existing member, Arlene Chapman. Richard Wells will be a new volunteer.

f. Community Awareness & Emergency Response

No report

g. Community Organizations Active in Disaster

No report

h. Emergency Management Coordinators Group

Carolyn Levering, presented on behalf of Faith Borden, National Weather Service (NWS) who recently hosted a weather based emergency exercise on a flash flood event. Discussions were had regarding what incidents would prompt what actions from each of the participating entities based upon when they received the information and what level of emergency it was perceived to be. This was an excellent table top discussion about information is perceived by the emergency managers and how they respond and disseminate that information through their chain of command and the public. This was basically a fact finding mission for the NWS on how the local EM's consume their data and how they communicate that out. The group participating requested that the NWS do this type of exercise annually.

The Chair then mentioned the tools available to everyone on the NWS website and encouraged LEPC members to take full advantage of what was there. She then stated that she would work with Faith in order to get more information out to the LEPC about these tools available. Additionally, through the Chair Faith conveyed her desire to work more closely with the Amateur Radio Operators, the Chair has provided that information to the NWS for future partnerships.

i. Metropolitan Medical Response Update

Chris Sproule reported that he continues to report at the Fusion Center as much as possible as they are still working to integrate Fire into Law Enforcement. One of the projects that has been in progress is working with Clark County counterparts to push out the Terrorism Liaison Officer (TLO) program to all firefighters in the valley. This is coming to an end as there have been close to 1700 firefighters that will now be certified as TLO's, the next step will be to push the training out to all of the hospitals.

Chris reported that they are also working to integrate First Watch which has been around with MMRS for a while, it has access to all of the fire department CADS Henderson fire and police CADS as well as AMR and Medic West, the missing component is Law Enforcement namely Metro's CAD so they can get a better operating picture.

One of the other big steps at the Fusion center was gathering all of the Chief's pages so in noteworthy incidents such as a drowning, large fires, mass casualties etc. this information is also reported in real time to the watch desk in the Fusion center.

Last year UMC hosted with MMRS's sponsorship a disaster management and emergency preparedness course that is primarily geared towards hospitals, this year MMRS will again sponsor this training at UMC and it will be held July 19, 2012. THE Incident Management Team is developing a 3 year calendar. Currently there is the All Hazards Incident Management base course scheduled for October 1-5, 2012 the prerequisites are 100-200-300-400. February 4-8, 2013 there will an Op's Section Chief course.

j. NV-1 Disaster Medical Assistance Team Update

No report. Brian Passow advised the new point of contact and provided telephone information so that this could be updated.

k. Nuclear Waste Division Yucca Mountain Update

Phil Klevorick had two things to report. May 2, 2012 there was a court case that was that they are monitoring wherein basically the Nuclear Regulatory Commission (NRC) was sued by the various parties that felt they are being harmed by the NRC not proceeding with the review of the application for Yucca Mountain. Recently the division received a copy of the transcript of that hearing, anyone interested in a copy should contact the office. The basic jest of the case was that if court if the court writes the mandamus then in essence the Yucca Mountain Project is not dead, should they not write the mandamus then it is literally another nail in the coffin of the project. Things could possibly change in November, but where it is now it's still on the table.

The second report is on the site-wide EIS that was recently commented on by all of the vested entities. Phil advised that he expects a final EIS to be distributed in July 2012, should it become available before the next LEPC meeting as he anticipates that it will Phil advised that he will distribute to everyone. In the EIS there will be at least one preferred alternative that was not in the one that was done last summer and secondly it will include the comments that were provided from back in December.

The Chair added that the Department of Energy paid compliments to the locals on the coordinated effort that resulted in a very clear message that increasing or having shipments come through the Las Vegas Urban Area and including the spaghetti bowl was not acceptable to any jurisdiction in Southern Nevada, and because of that they have backed off of the proposal. The site-wide EIS came across with the idea that road conditions had magically improved in the spaghetti bowl and everything was now great and that was going to be an acceptable transportation route for low level waste shipments. There were a number of working group meetings where that was deemed not ok, there were a number of contacts made by RTC and NDOT that supported that idea that it was not ok to start shipments through that area and in fact since then DOE has started to keep up with their long standing practice of sanctioning drivers and companies who violate that requirement. There have been at least two or three a month instances where drivers are taking shipments through the spaghetti bowl or on I-15 and US 93/95 and corrective actions have been issued and followed up on resulting in fines, suspensions and some times firing of the driving companies, so DOE does take this very seriously.

The Chair then advised the LEPC of the projected end date for the program and that all staff with the project will be let go along with all of the consultants by December 2012 unless there is continued funding through appropriations which is not anticipated. She identified Yucca staff members Phil and Gene along with two other staff members seeking employment further asked that if anyone hears of any employment that would be suitable for them to please let them know.

One last thing that the Chair advised was that there is a lessons learned document that is being prepared by the office and it will be made available to LEPC members upon completion.

I. State Emergency Response Commission

No report

m. Satellite Phone Update

Dan Lake reported that the next meeting will be in June as they had put off the last meeting because of the activity surrounding the Simple Truth Exercise. AT&T did a presentation that was hosted by Carolyn Levering last week and they would like to speak to this working group about new technologies as well. That is the purpose of this group to explore new venues and other markets that can assist in our communication efforts.

Dan then reported on the interoperability conference that was recently held in Reno last week, and his personal satisfaction with the topics covered. Dan advised that this was a great opportunity to see statewide projects and to get a better understanding of what was going on elsewhere and what their hopes are for what is expected to be accomplished. The meeting was well done and he expressed that he would like to have seen more involvement and participation from the Southern Nevada area.

n. U.S. Environmental Protection Agency Report

(see attached)

The Chair read over the handout and pointed out the upcoming EPA exercise planned for the end of October. Please contact the EPA or Ric LaPorte for additional information.

B. CITIZEN CORPS COUNCIL REPORTS

- **Amateur Radio Emergency Service**

Bill Smith reported that they participated in the Simple Truth exercise by being present in the Clark County EOC, Red Cross and the Southern Nevada Health District and providing communications support.

Bill further advised that they will be supporting the Red Cross this coming Saturday May 19 with communications.

They continue to assist the hospitals by programming their UHF and VHF radios and bringing up to speed their hamlink packages, there are two hospitals so far that have tested the packet systems, they are hoping for a test between the hospitals next month.

Bill advised that Jeff Hahn from Boyd Gaming, who is also a Ham Operator, will serve as the liaison between ARES/RACES and the National Weather Service (NWS) on the Sky Warn Program. This is a national program that involved not only amateur radio operators but also citizens who have submitted to training with the NWS as weather spotters, it is fairly common that an amateur radio operator is also Sky Warn trained.

Bill further advised that he attended the statewide Interoperability Conference as a presenter and an attendee, which was the first time that Amateur Radio Operators had been invited to participate.

- **Community Emergency Response Team (CERT)**

Carolyn Levering reported that they have been very active in presenting classes one just wrapped up in North Las Vegas with another to begin in Henderson. CERT volunteers participated in Simple Truth, they staffed the Points Of Distribution (POD) locations in North Las Vegas and Henderson. These volunteers also staffed a few positions in the simulation cell for the County. Over the three day period there were 55 volunteers actively participating.

Volunteers will also be participating in Helldorado Days, to be held this coming weekend in the City of Las Vegas. These volunteers are also actively engaged with the Veterans Memorial Tribute Technical Academy, which is the high school magnet program for law enforcement and medical responders. Carolyn stated that she serves on the advisory board there and they are going to be starting "Teen CERT" on that campus this coming fall. The intent is to train the Junior grade students so that they complete before their Senior year and leave with their talents. This will keep program graduates on campus for an additional year making it essentially two years they will be there with their kits. These students are always looking for internship opportunities so please keep them in mind.

- **Fire Corps**

No report. Open discussion about removing from the agenda as this group does not report.

- **Medical Reserve Corps**

Paula Martel reported that they have been cleaning out their inactive volunteers that they have had on record for some time and not heard from. Paula stressed that the goal is to have a really viable program with volunteers who are actively engaged. Currently they have about 200 volunteers, most medical a few who are not. The people that have not been very active are only being moved to the State maintained list of people who only want to be involved in times of emergency need.

Paula asked that anyone able to distribute an “at a glance” flyer to their doctors, pharmacists or veterinarian please do so, she will happily provide that information to you so that you may share.

Paula further reported that they are working diligently to boot the veterinary aspect of the Reserve Corp. She referred back to a few years where they were asked to respond to the Mesquite flooding, and they were ready with people in 30 minutes willing to respond. What they didn't have were the supplies that they really needed. This supply shortage is something that they are working on by using some grant funds to purchase two equipment and supply go bags for the responding veterinarians.

Reserve Corp volunteers also assisted with the Simple Truth Exercise, though it is difficult to get many volunteers during a weekday event they still had good participation with 10 people assisting. This week there will be 30 volunteers helping at the Red Cross exercise. Paula reported that the National Conference will be held next week in Nashville, she plans to attend.

Paula reported that they recently had a visit from the new Surgeon General, Dr. Benjamin, who selected this Reserve Corp as the first of her visits around the country. This was a very comfortable meeting; Paula advised that there are many valuable reports by Dr. Benjamin found on the Surgeon General's website and she suggested that the LEPC take the opportunity to view some of them more closely.

- **Neighborhood Watch**

Nicole Hart reported that LVMPD has 1,442 neighborhood watch programs within their jurisdiction. There is still a valley wide foreclosure problem with vacant homes, so this is still a focus of the program. The convention center area command has seen an increase in their residential and vehicle burglaries, so that is their area of focus in spreading information on how to protect their vehicles and homes. Another relatively new issue that is becoming a problem is people meeting up for online private purchases of property such as things on Craigslist, there are increased reports of robberies at these exchanges. Downtown area command is doing a home security checklist on things to keep in mind to protect your property.

- **Volunteer in Police Service**

Nicole Hart reported that there are presently 458 LVMPD volunteers contributing 38,586 hours of service this past quarter. These volunteers have also issued 2,112 handicap parking violation citations. Further, these volunteers assisted two short of 49,000 visitors at the airport this quarter.

Dan Lake reported on behalf of North Las Vegas Police (NLVPD) that their Citizen Patrol has been actively working the neighborhoods, which has reduced their mid day and early evening burglaries. The presence of these volunteers has also reduced problems at the big box stores in the jurisdiction.

Dan also reported that the Citizen Academy has been very active, there is always a lot of interest.

Ryan Turner reported on behalf of Henderson Police (HPD). There were 20 HPD volunteers that participated in the Simple Truth Exercise at the Henderson POD. Ryan reports that there are between 50 and 60 of these volunteers that offer a range of services to the Henderson community.

VII. Public Comments

- Dan Lake mentioned the Veterans Tribute Career and Technical Academy (VCTCA) where he just spent Monday and part of Tuesday teaching. Dan expressed his satisfaction with the new programming where Junior class students participate in the Teen CERT accreditation, he also mentioned plans for future EOC training.
- Dan Lake reported that next week on Tuesday that they are in concert with LVMPD putting on the third phase of the multi-jurisdiction improvised explosive device (IED) senior executive conference. This will be a Table Top Exercise (TTX) with Mayor's and Chiefs.
- Dan Lake advised that the Regional EOC Continuity group has been actively working on the continuity of operations of EOC's within the jurisdiction so that they can better assist one another in crisis.
- Dan Lake expressed his concern regarding the SERC application and that 30 days has passed. Dan asked the Chair the status and if the appeal has or has not been made for the non-compliance issue. Dan further conveyed his concerns about the amount of time that has elapsed since the deadline passed. The Chair asked for clarification to his question. Dan asked the Chair if she had filed the appeal or if there was intent to file the appeal. The Chair advised Dan that she would file the appeal this week, and that she is hopeful that if she demonstrates compliance that will suffice. The Chair further advised that she has spent time with Richard Brenner, a co-chair for SERC and he was very helpful in helping her to understand what the issues were, she advised that with that assistance she believes that she will be able to craft something that will get the LEPC back on track. Dan asked if this would reinstate the previous submission that was denied and the Chair advised that would be her request.

Next LEPC meeting: Wednesday August 15, 2012 at 9:00 A.M., Pueblo Room Clark County Government Center 500 S. Grand Central Pkwy.

XI. Adjournment

Motion, by Dan Lake: To adjourn

Seconded, by Nicole Hart.

No discussion, motioned carried.

In accordance to Nevada's Open Meeting Law, this meeting was properly posted and electronically recorded.



**U.S. Environmental Protection Agency Pacific Southwest Region
Emergency Prevention and Preparedness Program Update
For the Clark County Local Emergency Planning Committee
Meeting in Las Vegas on Wednesday, May 16, 2012**

EPA Participation in Simple Truth Exercise.

EPA participated in the Simple Truth exercise conducted in Clark County on March 27-29. An EPA On-Scene Coordinator and two personnel from the EPA Environmental Response Team office in Las Vegas participated in exercise activities conducted at the Clark County Emergency Operations Center (EOC). EPA staff also participated in exercise play at the State EOC in Carson City as well as at the FEMA Regional Response Coordination Center in Oakland.

EPA is Coordinating a Post Simple Truth Exercise Training / Table Top

EPA is coordinating a "post" Simple Truth exercise training event/table top exercise. This event will be 1-2 days in duration and will be conducted in concert with the Regional Response Team meeting in Las Vegas on October 22. The goal of this event is to further explore issues that were identified during the Simple Truth exercise. The format of this event would likely include training sessions, facilitated discussion and a table top exercise. Potential topics include plume identification concepts (including sampling and analytical methods), personal protective equipment, viability of anthrax spores and implications on response strategies, mass evacuation coordination, decontamination of structures and personnel, the role of the Incident Command System in such an event and the transition from the crisis phase to consequence management. A working group consisting of local, state and federal partners has been established to design this event.

Emergency Planning and List of EHSs and TPQs

The U.S. EPA took final action to revise the manner for applying the threshold planning quantities (TPQs) for those extremely hazardous substances (EHSs) that are non-reactive solid chemicals in solution. This revision allows facilities subject to the Emergency Planning requirement that have a non-reactive solid EHS in solution, to first multiply the amount of the solid chemical in solution on site by 0.2 before determining if this quantity equals or exceeds the lower published TPQ. This change is based on data that shows less potential for non-reactive solid chemicals in solution to remain airborne and dispersed beyond a facility's fence line in the event of an accidental release. Previously, the EPA assumed that 100 percent of non-reactive solid chemicals in solution could become airborne and dispersed beyond the fence line in the event of an accidental release. The rule became effective on April 23, 2012. For more information, please see the Federal Register volume 77, number 56 posted on Thursday, March 22, 2012 and beginning on page 16679.

Update on EPA Plans to Re-Establish Internet Access to RMP Database

The EPA was exploring plans to re-establish internet access in July 2012 to the Risk Management Plan (RMP) database, except for the Off-site Consequence Analysis (OCA) sections. However, on March 28, 2012, Lawrence Stanton, director of EPA's Office of Emergency Management, released a statement indicating that EPA, based upon comments received from stakeholders, decided to extend the discussion with interested parties on this subject. Therefore, the EPA is postponing the July 2012 target date indefinitely.

The agency received several comments expressing concern that providing non-offsite consequence analysis (or non-OCA) data online may pose a threat to national security. The EPA is particularly mindful of these concerns. All RMP information was voluntarily removed by EPA from the Agency's website following the terrorist attacks of September 11, 2001. Reasonable concerns have been raised that certain types of non-OCA data should not be posted. The agency is also aware of and sensitive to local community "right-to-know" needs about RMP facilities. For this reason, the EPA is looking to continue the dialogue on how to best allow access to share some portions of the RMP data in a way that balances the public's right-to-know about the chemical risks present in their community, with the need to protect our national security.

Under the Risk Management Plan program, hazardous chemical facilities must submit RMPs to EPA as required by the Clean Air Act Amendments of 1990. The agency maintains a national electronic database of RMPs, and that database currently includes plans from approximately 13,000 active RMP facilities.

The EPA identifies two categories of information contained within or derived from RMPs. These are:

- Off-site Consequence Analysis (OCA) information, which includes the portions of RMPs that describe a regulated facility's worst-case scenario(s) and alternative (more likely) release scenarios, and also includes any statewide or national facility rankings developed by EPA which is derived from this information.
- Non-OCA information, which includes the remaining portions of RMPs, including facility registration information, the history of serious accidental releases at the facility, information about the facility's accident prevention and emergency response programs, and an executive summary.

Under the law, public access to OCA information is very limited. In August 1999, the President signed the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRRA). The law restricted the public access of OCA to those with an official need for the information. However, the law and its implementing regulations do allow members of the public limited access to OCA information in designated federal reading rooms, which are usually located in EPA regional offices or Department of Justice offices in each state. Additionally, owners of RMP facilities may make their facility OCA information available to the public, but are not required to do so. There are no legal restrictions on the distribution of non-OCA RMP information.

In late 1999, shortly after the RMP regulation went into effect, the EPA made non-OCA RMP information available to the public via the EPA's internet website. However, after the terrorist attacks of September 11, 2001, the EPA made a voluntary decision to remove all RMP data from the agency's website. Since that time, members of the public desiring access to current non-OCA RMP information from EPA must either visit a federal reading room, or send a Freedom of Information Act (FOIA) request to the agency. The failure to have the non-OCA portions of the RMP database accessible through the agency's website has led to a bureaucratic burden upon the requesters and the agency without any significant additional protection of the information.

The EPA was planning to restore public access to this information. That would allow easier access for the public sector such as community members, police, fire fighters, medical emergency responders, emergency management planners, State Emergency Response Commissions, and Local Emergency Planning Committees.

The EPA still requests input on how the agency may find a balance to achieve both goals – community right-to-know and national security. The EPA will be working to arrange a number of opportunities for dialogue on this subject. If you have comments to share on the best way forward to provide this information online, including any areas for compromise, please contact the EPA's Office of Emergency Management in Washington at 202-564-8600. Comments may be sent to EPA's Director for the Office of Emergency Management, Larry Stanton at Stanton.Larry@epa.gov or to the Deputy Director, Dana Tulis, at tulis.dana@epa.gov .

EPA Pacific Southwest EPP Program Contact

For more information about the U.S. EPA's Emergency Prevention and Preparedness program for Nevada, you may contact the liaison, Mike Ardito, at 415-972-3081 or by email at ardito.michael@epa.gov .