

State Emergency Response Commission (SERC) Meeting
 October 28, 2020
 DHSEM

I. Call to Order, Introduction of Members congratulations

- Cabinet Secretary Bianca Ortiz Wertheim called the meeting to order at 1:05 p.m.
- Roll was called followed by introduction of members.
- Meeting was held on Zoom.

Juan	Benavidez	U.S. Department of Transportation / Pipeline and Hazardous Materials Safety Administration	NA	juan.benavidez@dot.gov
Wendy	Blackwell	DHSEM/Preparedness Bureau Chief	505-476-9676	Wendy.Blackwell@state.nm.us
Eric	Brummett	DHSEM/Exercise Coordinator	505-476-0872	Eric.Brummett@state.nm.us
Shawn	Daniels	U.S. Department of Transportation / Pipeline and Hazardous Materials Safety Administration	NA	Shawn.Daniels@dot.gov
Candice	DuBois	DHSEM/Preparedness Bureau Admin	505-476-0628	Candice.DuBois@state.nm.us
Ronald	Fitzherbert	Think CSE	575-496-6271	ron@thinkcse.org
Cynthia	Holmes	DHSEM/Training and Exercise Unit Manager	505-476-9607	Cynthia.Holmes2@state.nm.us
Leo	Jaramillo	County Commissioner, District 2, Rio Arriba County	505-620-0800	leo.jaramillo76@gmail.com
Julie	Jolly	DHSEM/SERC Coordinator	508-476-0617	julie.jolly@state.nm.us
Eugene	McPeck	Sandia National Laboratory /EOC Director	505-844-1134	emcpeek@sandia.gov
Mark	Rowley	NM State Police	505-660-5441	Mark.rowley@state.nm.us
Renee	Soriano	AristaTek Inc.	559-250-5226	renees@aristatek.com
Ron	Spilman	DHSEM/Chief Financial Officer (CFO)	505-920-2807	Ron.Spilman@state.nm.us
Stephanie	Stringer	NM Environment Department, Resource Protection Division Director	505-827-2855	Stephanie.Stringer@state.nm.us
Bianca Ortiz	Wertheim	DHSEM/Cabinet Secretary	505-476-9655	Bianca.Ortiz-Wertheim@state.nm.us

II. Approval of Minutes from February 26, 2020 and Agenda for October 28, 2020 Meeting

- Secretary Ortiz Wertheim asked for a motion to approve previous minutes from February 26, 2020.
- Leo Jaramillo motioned for approval; it was seconded by Mark Rowley and was approved by vote.
- Julie Jolly asked for approval of the agenda for October 28, 2020.
- Mark Rowley motioned for approval; it was seconded by Leo Jaramillo and was approved by vote.

III. Administrative Items

- Secretary Ortiz Wertheim established that we had a quorum. Julie Jolly stated that we have one speaker from AristaTek Inc., Renee Soriano.

IV. New Business

- Julie Jolly asked the SERC to consider changing page four of the bylaws to allow proxy voting. Secretary Ortiz Wertheim stated that it should only be allowed with a written request prior to the meeting authorizing the proxy. Mark Rowley motioned for approval it was seconded by Leo Jaramillo and was approved by vote. Julie Jolly stated that she already had an email from the NM Environment Department to allow Stephanie Stringer to proxy for Janine Kraemer.
- Julie Jolly stated that the requested changes had been made and that the Hazardous Materials Safety Board had accepted the Hazardous Materials Emergency Response (HMER) Plan and had requested that the SERC finalize the plan accepting all the changes made to the plan.
- Secretary Ortiz Wertheim asked for a motion to approve the changes to the HMER plan. Leo Jaramillo motioned for approval; it was seconded by Mark Rowley and was approved by vote.
- Guest Speaker Renee Soriano from AristaTek Inc. discussed their flagship product, PEAC-WMD an easy-to-use analytical software suite that can integrate Tier II files, analyze the hazardous threats in their inventories and model the possible plume/explosive/fireball hazards.
- Julie Jolly discussed the current status of the 2020 HMEP Grant and how COVID-19 affected the use of funds from 2019 and how the funds will cross into 2020.
- Wendy Blackwell stated that Julie Jolly would work with the applicants to prepare updated versions of the scope of work for each 2020 HMEP application.
- Wendy Blackwell further stated that the award would be on hold for about a month until the application up-dates could be done and new Sub-grants could be created.
- Julie Jolly discussed the recent changes put out by Washington DC allowing refreshments and back/overtime pay in the HMEP grant.

- Julie Jolly stated that the administrative code NMAC needed to be changed to remove outdated code, add to the code (i.e. new fee structure) and/or modify the hazardous waste emergency fund.
- Mark Rowley motioned to merge the hazardous waste emergency fund at 12.12.29 in the code with NM Environment Department Orphaned Waste Fund, it was seconded by Leo Jaramillo and was approved by vote.
- Secretary Ortiz Wertheim asked Julie Jolly to put together a list of needed changes then send it out to the membership for comment and discussion at the next meeting. If possible, bring changes to the legislature in 2021. Members will only have two weeks to submit comments.
- Julie Jolly stated that she was supposed to discuss the result of the research into the Tier II fee collection process.
- Ron Spilman discussed the disposition of the Tier II funds.
- Wendy Blackwell asked Ron Spilman where the Tier II funds go?
- Ron Spilman stated that about \$55k comes in at the March 1st timeframe. Ron Spilman stated that it has resulted in a number of audit findings.
- Ron Spilman stated that when the checks come in, they are recorded in the state fund, which is part of the general fund. Ron Spilman stated that it is used to offset some of the costs in the Tier II bucket where Julie's time is recorded.
- Julie Jolly asked if the funds are being used for Tier II exclusive reasons or if it might be used for other office expenses?
- Ron Spilman stated that they probably could be as their method of accounting is a penciled in approach.
- Ron Spilman stated that they are matching the Tier II funds coming in with the Tier II expenditures.
- Ron Spilman stated that the Tier II funds were just too small an amount to worry over.
- Wendy Blackwell asked if we were to change our Tier II account method, would it be a change to the administrative code.
- Ron Spilman stated that as it stands in the administrative code, it should be deposited directly into the general fund.
- Wendy Blackwell asked if the current language is too confusing.
- Ron Spilman stated that the question is where the money should go.
- Secretary Ortiz Wertheim stated that she would like to compile a solution to be placed in front of the commission at a future date. Secretary Ortiz Wertheim asked to move on to the next item.
- Julie Jolly stated that Eugene McPeek from SNL was being looked at as a member in the future.
- Eugene McPeek stated that he would be retiring but would still be very interested.
- Julie Jolly stated that any new Commissioner would have to be approved by the Governor and that a biography would need to be submitted.

- Julie stated that the annual report would be small this year because of the lack of HMEP projects being done this year due to Covid-19.

Contact information given for questions regarding LEPC, SERC, and Tier II:

- o julie.jolly@state.nm.us
- o www.nmdhsem.org
- o Phone: 505-469-8012

V. Old Business

- No old business to address.

VI. Comments

- Secretary Ortiz Wertheim asked for public comments.
- No other public comments were made.

VI. Action Items

1. Julie Jolly to make changes to page four of bylaws changing proxy voting.
2. Julie Jolly to create final version of HMER Plan from DRAFT and publish.
3. Julie Jolly to work with each applicant to prepare updated versions of the scope of work for each 2020 HMEP application.
4. Mark Rowley to assist Julie Jolly to put together a list of needed NMAC changes and to present them at the next SERC meeting.

VII. Adjournment.

- Mark Rowley motioned to adjourn; it was seconded by Ronald Fitzherbert and was approved by vote.
- Secretary Ortiz Wertheim adjourned the meeting at 3 p.m.
- Next meeting will be on the telephone for about an hour in early December 2020.