

State Emergency Response Commission Meeting
Friday, November 18, 2022
New Jersey Forensic Science Technology Center
1200 Negron Drive
Hamilton, NJ 08691

Minutes

The New Jersey State Emergency Response Commission was called to order on Friday, November 18, 2022, at 10:00 AM EDT, at the New Jersey Forensic Science Technology Center 1200 Negron Drive, Hamilton, NJ 08691. The meeting was held in accordance with Chapter 231 of the Public Laws Act of 1975. Notice of the meeting was sent to news media outlets via a press release on November 2, 2022, and posted on the New Jersey Office of Emergency Management (NJ OEM) and NJSERC Websites (<https://nj.gov/njoem/serc/index.shtml>).

The meeting commenced at 10:06 AM EDT.

SERC Members in Attendance: DR: Designated Representative ALT DR: Alternate DR

Roll Call:

Present in the room:

- Brian Beam, DR for Joseph L. Fiordaliso, President, New Jersey Board of Public Utilities (NJ BPU);
- Robert Burd, DR for Commissioner Diane Gutierrez-Scaccetti, New Jersey Department of Transportation (NJDOT);
- Bruce Tynan, DR for New Jersey Department of Community Affairs Commissioner, Lt. Governor Sheila Y. Oliver (NJDC/DFS);
- Director Robert Van Fossen, DR for Commissioner Shawn LaTourette, New Jersey Department of Environmental Protection (NJDEP) SERC Co-Chairperson;
- LTC Scott Poulton, DR for Colonel Patrick J. Callahan, State Director of New Jersey Emergency Management (NJOEM) and Superintendent, New Jersey State Police (NJSP), SERC Co-Chairperson;
- Christina Brandt-Young, DR for New Jersey Office Attorney General (NJOAG) Matthew J. Platkin, Attorney General;
- Karen Fox, ALT DR for New Jersey Department of Health (NJDOH) Commissioner Judith M. Persichilli;
- Daniel Engelhardt, DR for Laurie Doran, Director, New Jersey Office of Homeland Security and Preparedness (NJOHSP);
- No SERC Member present for New Jersey Department of Military and Veteran Affairs (NJDMAVA)

***[Note: 5 of the 9 voting members must be present for a quorum]**

Participating remotely via phone:

- None

Members of the Public in Attendance:

- None

SERC Member Roll Call Confirms Quorum (As listed above)

Quorum confirmed by Director Robert Van Fossen.

Other Attendees:

- NJDEP - Mitzi Kaiura,
- DMAVA – Kevin Welsh
- OAG – Andrew Reese
- OHSP - Charles Ambio
- NJSP NJOEM – Major Christopher DeMaise, Lt. Lee Carvalho, SFC Daniel Cunning; SFC Daniel Nate; Sean Kielty; Captain Bill Craney; Lt. Monica Nuhfer; SFC Minh Ngo; Tpr. I John Walsh; Tpr. II Christopher Warwick; Lynn Amari; Daniel Wollermann; Alexandru Libby; Sgt. Christopher Gesualdo; Tpr. II Steven Axner; Captain Michael Gallagher; Tpr. I Brian Brown; Lt. John Phelan; Sgt. Mario Pepler; Tpr. I Evan Visone; Tpr. II William Graul; Robert Cooper; Alex Ruffalo; Tpr. II Michael Kyle; Cindy Flagg; Anthony Tremarco
- CISA DHS – Young Oh; Ryan Beckmann
- Burlington Co. OEM – Darryl Williams
- Camden Co. OEM – Mitchel Baron
- Gloucester Co. OEM – Charles Murtaugh
- Mercer Co. OEM – Timothy F. Metzger; Rana Terzian; Bob Hartman
- Ocean Co. OEM – Allen J. Mantz; Michael Eden

Consideration of Minutes of April 20, 2022

Consideration of minutes from the last meeting were provided to SERC in advance of this meeting on November 10, 2022 – all relevant parties reviewed the minutes.

Director Robert Van Fossen inquired as to whether any changes or questions regarding these notes.

Hearing none, Director Robert Van Fossen made a motion to approve minutes.

Seven (7) members of the SERC approved the minutes, with none opposed and only one abstention NJOAG.

With 8 votes the minutes are approved.

Co-Chair Reports:

Director Robert Van Fossen, NJ Department of Environmental Protection (NJDEP) Emergency Management (EM) Program reported that the SERC has been very active over the last 6 months.

- Gloucester County held its first Local Emergency Planning Committee (LEPC) meeting on August 17, 2022, to approve the county's offsite Emergency Response Plan (ERP). Gloucester is NJ's first county-based LEPC.
- SERC members participated in national SERC conference on October 17, 2022.
- NJ SERC members met with the United States Environmental Protection Agency (US EPA) on July 18, 2022, to examine ways in which the US EPA might be able to support implementation of Emergency Planning and Community Right-to-Know Act (EPCRA) in New Jersey, including potential federal funding.
- NJDEP and NJOEM are actively working with municipal LEPCs, have completed US EPA's LEPC survey and have submitted it to the US EPA.
- New Jersey Department of Health (NJDOH) and NJDEP are continuing efforts to streamline and consolidate the State's reporting platforms for EPCRA facilities.
 - A qualified consultant has been retained to integrate the two (2) reporting platforms for EPCRA facilities within the State of New Jersey that are currently in use.

LTC Scott Poulton, NJOEM, provided an update on LEPC outreach and planning.

- Contractors dedicated to LEPCs were on-boarded to assist with the outreach and planning process for new planning districts and this coordination has helped drive our accomplishments.
- New directives have been issued by the State Director to clarify the roles of county and local OEMs in supporting the LEPCs:
 - Directive NJOEM-6 (2022)
 - Directive NJOEM-7(2022)
 - Directive NJOEM-9 (2022) (distinguishing LEPCs and the Municipal Emergency Management Councils)
- These directives explain or eliminate confusing wording and unclear language to ensure OEM partners at every level of government and Non-Governmental Organizations (NGO) can readily understand the planning processes.
- Outreach to local OEMs regarding SERC activities to, educate them about Executive Order 284 (Murphy 2022), included: two (2) HSIN meetings on June 23, 2022, attended by several hundred participants; and presentations at the NJ Emergency Preparedness Conference on May 4, 2022, and the NJ Emergency Management Association on September 13, 2022.
- NJOEM participated in a Cybersecurity & Infrastructure Security (CISA) panel discussion in Virginia on August 25, 2022, with an emphasis on private sector engagement.

- LTC Scott Poulton also briefed the NJ State Association of Chiefs of Police on September 15, 2022, on redistricting efforts and encouraged the membership to take an active role on their LEPC.

Director Robert Van Fossen indicated that both the Planning Working Group (PWG) & the Training Working Group (TWG) have done a great job and will brief the last six (6) months of their accomplishments during Old Business.

Old Business:

1. Report from PWG - Lieutenant John Phelan, Assistant Bureau Chief, Emergency Response Bureau, NJOEM, tasked with researching EPCRA best practices and providing recommendations to the SERC. Refer to attached report entitled "SERC PWG Testimony for November 2022 Meeting" for additional details.
2. Report from TWG - Sergeant First Class Daniel Cuning, Assistant Unit Head, Training and Exercise Unit, NJOEM, tasked with researching best EPCRA training practices and providing recommendation to SERC). Refer to attached report entitled "SERC TWG Testimony for November 2022 Meeting" for additional details.
3. Litigation Update – Andrew Reese, DAG (NJOAG) provided a litigation update that began with thanking the commission and SERC Co-Chairs. The SERC has been sued by the New Jersey Work Environment Council and New Jersey Oil, Chemical and Terminal Local 877 because Linden Township refused public access to the Linden Township off-site Emergency Response Plan (ERP) which they allege is a violation of EPCRA. This case is continuing to go through discovery as Executive Order (EO) 284 gave SERC additional authorities, identified new emergency planning districts, and clarifies LEPC responsibilities. Since the issuance of EO 284, Plaintiffs agreed to keep litigation “on-hold” to investigate LEPC compliance. Trenton and Delran are both alleged to be in noncompliance as well but have made their respective municipality off-site ERPs publicly accessible. A court conference is scheduled for December 2022, at which we hope the case will be settled.

Closed Session:

No Closed Session Required

Return to Open Session:

As there was no closed session, no return to open session is necessary.

New Business:

1. Briefing on Chemical Facility Anti-Terrorism Standards (CFATS), Ryan Beckmann, CISA
2. Tasking for the Planning Working Group, LTC Scott Poulton –

- Tasking for the Planning Working Group (to report back at the April 2023 meeting)
 - Continue to identify emergency planning districts and oversee planning contractors
 - Continue to work with DEP and Department of Health (DOH) Community Right to Know (CRTK) on database functionality.
 - Provide technical assistance / tracking of review of LEPCs and ERPs by NJSP – ERB.
 - Provide assistance and guidance to any existing or new planning districts for compliance purposes.
 - Finalize NJ Open Public Records Act (OPRA) processing with Office of the Attorney General.
3. Tasking for the TWG, Director Robert Van Fossen –
- Tasking for the TWG (to report back at the April 2023 meeting)
 - Develop exercise guidance/tools
 - SFC Daniel Cuning’s presentation addressed some of the exercise guidance that will be developed by the TWG, as well as the deployment grant funding in support of this effort.
 - Deploy grant funding to facilitate exercise planning
 - Deliver 3 exercises in calendar year 2023.
 - Continue to deliver training to emergency managers that include EPCRA requirements.

Director Robert Van Fossen asks if there are any other new business that any of the members would like to bring up?

None heard.

Items Scheduled for Voting and Vote:

1. Approval of county based LEPC Districts.
2. Meeting dates for Calendar Year 2023 (April 28, 2023 & October 27, 2023).

Vote:

Municipality-or county-based LEPC are not one size fits all for the twenty-one (21) counties of New Jersey as there are already municipal LEPCs functioning within many counties. Multi-municipality LEPCs may be preferred to county based LEPCs in certain regions of the State, while multi-county regional LEPCs may be preferred in others.

1. For approval of county based LEPC Districts
 - BURLINGTON
 - Motion – Christina Brandt-Young, NJOAG
 - Seconded – Robert Burd, NJDOT
 - CAPE MAY
 - Motion – Dan Engelhardt, NJOHSP
 - Seconded – Christina Brandt-Young, NJOAG
 - SUSSEX

- Motion – Christina Brandt-Young, NJOAG
- Seconded – Bruce Tynan, NJDCA
- WARREN
 - Motion – Robert Burd, NJDOT
 - Seconded – Christina Brandt-Young, NJOAG

With the approval of 8 voting members, the SERC hereby approved all 4 counties as an Emergency Planning District.

2. For approval of April 28, 2023, and October 27, 2023, meeting dates in Calendar Year 2023

- Motion – Brian Beam, NJBPU
- Seconded – Christina Brandt-Young, NJOAG

With the approval of 8 voting members, the SERC hereby approved the 2023 meeting dates.

Public Comment:

None

Next Meeting:

The SERC meeting is scheduled Friday, April 28, 2023, 10 AM EST, at New Jersey Forensic Technology Center, 1200 Negron Drive, Hamilton, NJ 08691.

Adjournment:

1. For Adjournment

- Motion – Christina Brandt-Young, NJOAG
- Seconded – Bruce Tynan, NJDCA

With the approval of 8 voting members, the SERC hereby declared the meeting adjourned at 11:07 AM EDT.

Respectfully submitted,
Sean Kielty
Acting Recording Secretary