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City of Gainesville

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Member of the City Commission

August 31, 1998

MEMORANDUM

TO: Mayor Paula DeLaney, Commissioner Sande Calkins, Commissioner Ed Jennings, Sr., and Charter Officers

FROM: Commissioner Bruce Delaney, Chair, Public Works Committee
Commissioner Pegeen Hanrahan, Member *PH*

SUBJECT: Recommendations Regarding Prevention of Hazardous Materials Releases and Community Safeguards

On August 26, 1998 the Public Works Committee of the City Commission met to address the Commission's referral of August 10th, which included consideration of "issues of airborne releases and hazardous materials" and development of "a policy statement to take to the Alachua County Board of County Commissioners considering cost recovery methods."

The meeting lasted approximately three hours and included presentations from Gainesville Fire Chief Richard Williams, Keith Baucom, Vice President of PCR, Inc., Chris Bird, Environmental Protection Director for Alachua County, and Dwayne Mundy, staff liaison for the Regional Planning Council's Local Emergency Planning Committee (LEPC). Comments were also offered by members of the Public (Sara Poll, Jim Konish, Arthur Saarinen), Mac McEachern, a member of the Gainesville Regional Airport Authority, and Charles Bullock, ~~and the~~ Director of the Gainesville Job Corps Center. Bob Rohrlack, and Quenta Vettel of CEO were in attendance at the meeting, as were several additional members of city and county staff. Written comments were received on this matter from Mr. Richard Coleman, Mr. Bill Edwards, Mr. Dashwood Hicks, and Mr. Steve D. Baker.

At the conclusion of the meeting it was determined that in order to best develop and communicate a course of action, Commissioner Hanrahan would draft this memorandum for circulation and revision among all interested parties. Commissioner Delaney asked that we consider the proposed actions in light of what the City of Gainesville can accomplish (a) independently of any other organizations; (b) in conjunction with other governmental agencies at the local, regional, state and federal levels and (c) in cooperation with those industries and institutions that use or store hazardous materials.

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While the following considerations were prompted by the most recent release of Trichlorosilane (TCS) at PCR, the Public Works Committee recommends that any actions resulting from this review should apply to all institutions, both public and private, that have the potential to endanger public health and safety through airborne releases of hazardous materials. Local agencies have the capability to identify these facilities using information reported under the federal Emergency Planning and Community Right-to-Know Act. While our foremost interest is in preventing such incidents, previous events have demonstrated a need to improve our response capabilities in the event of future chemical releases.

Recommended Actions to be Investigated:

By the City of Gainesville, independent of actions by other agencies:

- (1) Review our existing fire code for sections that could be better enforced to help prevent such incidents from occurring in the future. Review whether additional fire/hazmat inspectors or coordination with other regulatory agencies would better address the need to prevent future releases.
- (2) Investigate establishing further training and providing personal protective equipment for all public safety personnel that may be called to serve during such an incident.
- (3) Investigate establishing a mechanism for cost recovery for impacts to nearby businesses, neighborhoods, and individuals.
- (4) Direct costs of responding to such emergencies should be compensated by the facility causing the incident. This should include compensation for fire and hazmat teams, police, public works, utilities, and other necessary responders.
- (5) Review the assurances that have been made to the FAA regarding incompatible land uses near the airport. Review whether the City of Gainesville is fully exercising its authority to regulate the siting or expansion of chemical plants in populated or other at-risk areas.
- (6) Investigate establishing a funding source similar to the "gross receipts tax" applied by State Statute to RCRA Treatment, Storage and Disposal Facilities such as Permafix. Review how such a funding source could be used to increase preventative measures on the part of the City.
- (7) Request copies of the reports referred to by PCR regarding the 1994 spill from the NTSB and the EPA as well as PCR's own internal report.

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In coordination with Alachua County, the LEPC, the Florida Department of Community Affairs, the Florida Department of Environmental Protection, the US Environmental Protection Agency, the National Weather Service, and any other relevant governmental organizations:

(1) Investigate institution of early warning or "call out" systems that could be used to notify potentially affected homes and businesses by telephone in the event of an emergency. Review how such a system might be hindered for unlisted phone numbers and whether this problem could be overcome. Audible alarms, coordination with the National Weather Service notification system, and closer coordination with local media outlets should also be considered.

(2) Encourage an update to the Alachua County Hazardous Materials Management Code. Consider implementing a section to address airborne releases of hazardous materials. Expand the cost recovery capabilities. Review instituting permitting requirements at the local level.

(3) Under the Clean Air Act Section 112(r)(1) the "general duty clause" states that owners/operators have a general duty to identify hazards, to design and maintain a safe facility, and to minimize the consequences of releases which do occur. Investigate whether local delegation of this provision may be accomplished by adopting a general duty clause under state law.

(4) Participate in the "Safety Street" public awareness program of the Local Emergency Planning Committee. The kickoff is planned for March 29, 1999.

(5) Review capabilities for air monitoring during emergency incidents and increase capacity for this as appropriate.

(6) Review procedures for reporting of respiratory distress or other health impacts suffered by the public as a result of hazardous materials incidents.

(7) Investigate the possibility of using Doppler Radar equipment to better track movement of chemical plumes.

(8) Investigate establishing a "unified command structure" composed of responding and assisting agencies, to promote operational efficiency through shared knowledge, skills, information and activity coordination.

In coordination with PCR and any other facility that uses or stores hazardous materials in amounts that may threaten public health, safety or welfare:

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(1) Establish procedures for identifying thresholds for which emergency procedures will be initiated and first responders (GFR Hazmat Team) will be called. Chief Williams noted that there may be a reluctance to call 911 during what is perceived to initially be a small spill. A cooperative discussion between GFR and the facilities in question may help eliminate under-reporting that increases public risk.

(2) Establish requirements or other mechanisms that ensure appropriate preventative maintenance programs for storage tanks, hoses, piping, and other appurtenances that contain hazardous materials. Operating procedures and training programs should also be reviewed periodically. Under certain circumstances, external audits from other companies within the same industry may be appropriate.

(3) In the case of PCR, request additional information regarding why double-walled secondary containment is not possible or appropriate for TCS hoses and piping. It was also suggested that it would be helpful to receive additional information regarding reviews and reports of the 1994 and 1998 incidents, and actions that have or have not been taken as a result.

(4) The Gainesville Job Corps Center and the Alachua County Jail represent populations that are proximate to PCR and may be difficult to quickly evacuate. Several businesses and residential areas are also nearby. A cooperative review of the "worst case scenario" that could affect these organizations and individuals would be appropriate. Any equipment, warning mechanism, and other desirable safeguards should be provided by PCR.

This item will be placed on the Commission agenda of September 14, 1998, for review and appropriate action.