

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, OEPA/DAPC & SERC Co-Chair

Subject: February 11th, 2015 SERC Meeting Minutes

Date: March 24th, 2015

The February 11th, 2015 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency in Columbus, Ohio by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

15 Voting Members were present:

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Sima Merick, Ohio EMA, SERC Co-Chair (alternate)
- Tim Kern, Attorney General's Office
- Dan Fisher, Public Utilities Commission of Ohio
- Tim Flock, LEPC/EMA Representative
- Jack Everson, Municipality Representative
- Doug Johnson, Ohio Department of Natural Resources (alternate)
- Jennifer Klein, Industry Representative
- Don McDonald, County Interest Representative
- Larry Lindrose, Industry Representative
- Carl Merckle, Ohio Department of Transportation
- Cliff Mason, Fire Chief's Association
- Randy Van Dyne, Environmental Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Staff Lieutenant Kenneth Kocab, State Highway Patrol

3 Voting Members were not present

- Jeff Leaming, State Fire Marshal's Office
- Michael Snee, Ohio Department of Health (alternate)
- Rick Hoffman, Professional Firefighters' Representative

1 Member(s) not appointed by Governor

- Environmental Representative (Vacant)

Waive the 24 Hour Rule:

Randy Van Dyne made the motion, seconded by Clifford Mason that the 24-hour rule be waived.

Record of Vote: 15- For
 0- Against
 0- Abstain

Approval of December 10th, 2014 SERC Meeting Minutes:

Cindy asked for a motion to accept the December 10th, 2014 SERC meeting minutes. A motion was made by Willie Brantingham. Motion to accept was seconded by Dan Fisher.

Record of Vote: 15 -For
 0 -Against
 0 –Abstain

SERC Committee Reports:

Executive:

Cindy DeWulf stated that the Executive Committee met prior to today’s meeting.

Cindy stated that along with ethics training those SERC members have the upcoming April 15^h, 2015 filing date for financial disclosure reports to the Ethics Commission. SERC will pay for the filing fee associated with filing such report. State agency alternates also are required to report the fiscal disclosure document.

SERC appointments continue to take place. Larry Lindrose has replaced Richard Hughes representing industry. Russ Decker resigned from the SERC due to his new position with the Ohio EMA. Tim Flock, Crawford County EMA has been appointed to replace Mr. Decker. Randy Van Dyne, Willie Brantingham and Don McDonald have been reappointed for another 2 year cycle. Rick Hoffman’s reappointment is still in process.

Ohio EMA stated that there is no update(s) regarding the pending issue of potential changes to the exercise requirements and rules.

Cindy mentioned that a letter from several environmental groups was sent to USEPA seeking clarification on the legality of ODNR receiving the annual chemical inventory reports and not directly to the SERC. USEPA has not issued a formal response to the letter. There is pending legislation to clarify the existing provisions under which the oil and gas industry sector reports their chemical inventory under ORC 3750, Emergency Planning directly to ODNR as long as it meets all data element reporting criteria under the federal Emergency Planning and Community Right-to-Know Act.

Cindy stated that the AGO is revisiting the requirement to submit a map as it applies to the oil and gas sector reporting. Some SERC members have expressed that the submission of a map would result inconsistency statewide. Tim Kern asked SERC members to comment on the requirement to submit a map taking into consideration that there is a difference between the traditional wells that have been in production for many years’ verses the new horizontal well drilling operations that are now taking place. Willie Brantingham stated that the traditional wells ought to have at least 1 map on file and not need to submit annually. Don McDonald stated that the maps required should have more detailed information such as direction the well pipes are located underground,

such as “12 inch line to southwest.” Don noted that is very beneficial information for a responder as opposed to an aerial google map that shows a well in the woods. SERC members expressed that, for the traditional wells, an annual submission of a map is not needed if a map is on file. For oil and gas drillers of the horizontal wells, the SERC members discussed the usefulness of a map with their original chemical inventory submission since the facility may have other chemicals on site during the drilling operation, and the facility may have multiple storage tanks

Cindy stated that Don McDonald has an issue in Stark County involving the reporting of motor oil at oil changing facilities. Don McDonald stated that a quick change oil facility had a release of motor oil that migrated off site and got into a waterway. Lack of release reporting took place and the LEPC is taking enforcement actions as a result. The facility has not submitted an annual inventory report and has stated that they will not file a report, as they believe that motor oil is not a hazardous chemical. This facility stored in excess of 10,000 pounds of motor oil onsite. Don noted that the facility had a safety data sheet that indicated that motor oil was an irritant under OSHA. Don has documentation from federal OSHA stating that they consider oil to be a hazardous substance. This could be a significant reporting, as there are many quick oil change facilities throughout Ohio. Jeff Beattie states that currently Ohio has 50 plus of these type of business reporting with Jiffy Lube reporting the most within the state. Tim Kern will look into the issue and report back to SER at the April 2015 SERC meeting.

Administrative & Funding:

Cindy stated that the committee met prior to today’s meeting.

Cindy reported that the committee had completed drafting penalties for the non-performance of LEPCs. Tim Kern raised the issue of whether penalties were needed to withhold funds from the grant award when administrative order process has been working to date. A discussion followed regarding whether penalties were appropriate, whether additional outreach by the SERC was needed, whether the SERC can withhold funding and hire a consultant to assist the LEPC, and whether the funds can be withheld and then provided to the LEPC if the performance issue was addressed. No decision was reached.

Cindy reported that the committee then reviewed the current LEPC grant applications. All LEPCs submitted an application with the exception of Ross County. The reviews did highlight areas in need of further clarification. As an example, some LEPCs indicated they submitted a plan and the last hazardous analysis were completed in 2003 or 2004. While there is no requirement in statute that addresses updating the initial hazardous analysis, more than 10 years without an update may raise concerns. The SERC may want to add a question to the application seeking an explanation as to why the hazard analysis has not been update in such a large time period. The analysis may have been reviewed more recently, and no changes were needed. The committee also will be making small tweaks to the application itself to make it more streamlined and easy formatted.

Operations & Issues:

The committee could use more people on it. The committee still plans on updating the LEPC membership handbook and once a draft is available, the committee shall send the handbook out to SERC members for review and comment.

Training and Education:

Willie Brantingham stated the committee met earlier in the day. The LEPC Conference is scheduled for September 22nd at the new State Highway Patrol Training facility located next to the state fairgrounds. The theme of the conference is “Go back to the basics” and we hope to have a speaker addressing the ammonium nitrate explosion in West, Texas.

Agency Reports:

EMA

Ohio EMA indicated that there are **5 LEPC Exercises up for SFY 2015 Exercise Concurrence**. Clifford Mason made a motion to approve **Resolutions 2015-1 thru -5** as documented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 15- For
0-Against
0-Abstain

Ohio EMA indicated that there are **10 LEPC Plans up for SFY 2015 Plan Concurrence**. Jack Everson made a motion to approve **Resolutions 2015-6 thru -15** as documented. Donald McDonald seconded the motion. No discussion.

Record of Vote: 15- For
0-Against
0-Abstain

EPA

Cindy DeWulf introduced “**2013-2115 LEPC Membership Appointment**” **Resolutions 2014-16 thru -22**, appointing new members for Jackson, Lucas, Mercer, Portage, Ross, Washington and Wood counties. Donald McDonald made a motion to approve. Staff Lieutenant Kenneth Kocab seconded the motion.

Record of Vote: 17- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Auglaize, Clermont, Hardin, Montgomery-Green and Ross planning districts.

ODNR: Scott Kell spoke to the SERC regarding the oil and gas reporting issue that has been discussed in recent SERC meeting. Mr. Kell reviewed the letter that was sent to USEPA from the environmental groups, and addressed the concerns that were raised in the letter. Mr. Kell reported that t ODNR is working to revise the rules related to the horizontal drilling operations. ODNR is also updating the ODNR website which was built back in 2001 mainly for the traditional wells Ohio has since the current drilling levels we are seeing now did not take place back then. ODNR will invite participation in the design and upgrade of the system once they have that phase ready to go. ODNR's overall goal is to make it EPCRA compliant and assist the emergency responders. ODNR has draft language addressing the chemical disclosure issue that authorizes the ODNR Chief to share that information immediately during emergency situations with responders and the Ohio EPA. The bill has not yet been introduced, but should be soon. ODNR is creating a specific emergency response section that will be structured to have 2 regional offices and people in the field working with responders, county EMAs and the oil and gas industry. ODNR soon should have rules going to JCARR that address the horizontal well pads themselves in requiring more detailed maps with site dimensions, improved engineering designs, locations of berms and dikes and capture points for escaped fluids in case of a spill or release.

Don McDonald raised concerns regarding LEPCs not getting the chemical inventory notifications and inventory reports until long after the fact, and asked if ODNR anticipated a way to make the reporting more time appropriate? Don noted that ODNR inspectors have to do a better job of communicating with the local LEPCs and fire departments, and indicated that there is a hole in communications from ODNR and the locals. Some fire departments have a hard time even getting onto a drilling site without an ODNR inspector with them and Don questioned why local fire departments are not out at a drilling site when operations are being built and drilling taking place. Don stated that ODNR needs to be more proactive and less reactive to the local needs. Don also noted that providing information on the web may not meet the needs of the local emergency responders. Scott Kell agreed that there are communication problems to be addressed on a local level and thanked him for that feedback Scott Kell stated that ODNR has a MOU with the State Fire Marshal to bring their expertise on site. Carl Merckle mentioned that there have been 6-7 well attended table top exercises out east regarding these oil and gas drilling operations. Don McDonald provided a good explanation to the entire membership on the difference between the traditional wells that are scattered throughout mostly eastern Ohio and the new drilling of the oil and gas horizontal wells involving the fracking technology. He stressed that there is a major difference between the two from a planning perspective.

PUCO: No report.

Health: Not in attendance.

SHP: No report

SFM: Not in attendance

ODOT: Carl Merckle mentioned that MARCs radio training is taking place with the ODOT field staff and ODOT is working on initiatives to increase the efficiency in road closure set-up.

AGO: Tim Kern stated that he appreciates Don McDonald's energy and enthusiasm in his discussion of the oil and gas issues presented today and that all of our ultimate goal is compliance and protecting human health and the environment.

Other:

Meeting adjourned.