

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: April 10th, 2013 SERC Meeting Minutes

Date: May 24th, 2013

The April 10th, 2013 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

14 Voting Members were present:

- Cindy DeWulf, Ohio EPA, SERC Co-Chair
- Nancy Dragani, Ohio EMA, SERC Co-Chair
- Tim Kern, AG Office
- Dan Fisher, Public Utilities Commission of Ohio
- Steve Wagner, Ohio Department of Health
- Jeff Leaming, State Fire Marshal's Office
- Jack Pounds, Chemical Manufacturer Representative
- Clyde McKenzie, Fire Chief Representative
- Randy Van Dyne, Environmental Representative
- Willie Brantingham, Volunteer Firefighters' Representative
- Toby Wagner, Ohio Department of Natural Resources
- Rick Hoffman, Professional Firefighters' Representative
- Staff Lieutenant Kenneth Kocab, State Highway Patrol
- Richard Hughes, Industry Representative

3 Voting Members were not present

- Raenell Nagel, Environmental Representative
- Brian Galligher, LEPC Representative
- Al Phillips, Ohio Department of Transportation

Members not appointed by Governor

- County Interest Representative (**Vacant**)
- Elected Official Representative (**Vacant**)

Waive the 24 Hour Rule:

Randy van Dyne made the motion, seconded by Nancy Dragani, that the 24-hour rule be waived.

Record of Vote: 13 -For
 0- Against
 0- Abstain

Approval of February 13th, 2012 SERC Meeting Minutes:

Cindy asked for a motion to accept the February 13th, 2013 SERC meeting minutes. A motion was made by Willie Brantingham. Motion to accept was seconded by Kenneth Kocab.

Record of Vote: 14 -For
 0 -Against
 0 -Abstain

SERC Committee Reports:

Executive:

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

Cindy mentioned that Jack Pounds has tentatively secured an off-site location in the Columbus area that has agreed to host the June 10th SERC meeting. Our intent is to have committees meet in the morning to be followed by a tour of the facility. Lunch shall be made available for SERC members at the facility prior to the schedule SERC meeting at 1:15 pm.

Ethics training and financial disclosure reports are due May 15th. You can file on-line and SERC will be paying the financial disclosure filing fee for all. Cindy mentioned that you may receive a potential conflict notification letter from the state advising that you may want to abstain on certain vote(s).

The committee discussed the proposed draft changes to the exercise requirements in ORC Chapter 3750 and 5509. We also asked for and received written comments from the statewide LEPCs as to the proposed changes. Comments received centered on implementation and/or funding issues, concerns and questions. We are going to take all the questions and concerns received, identify the process or changes needed and answer those then shall reintroduce for SERC and LEPC review and comment in order to address all concerns prior to introducing any legislative changes.

Cindy discussed the web based "E-Plan System." There is a potential issue with federal funding from USEPA and Homeland Security that may result in the federal government no longer funding the system through the University of Texas at Austin. There are conversations taking place amongst the federal government, University of Texas and a few states that already make use of the E-Plan system within their respective state.

Cindy continued that there is an issue involving how the oil and gas sector reports under the annual chemical inventory reporting scheme specifically under 3750.081 of the Revised Code. We will go into detail under the ODNR portion of the agenda.

We have not scheduled the SERC goal planning and setting session as previously discussed. SERC has 2-3 pending issues that need to be resolved so that we know how to proceed with goal and direction setting.

Administrative & Funding:

The committee met prior to today's SERC meeting.

Cindy introduced **SERC Resolution 2013-31 "Allocation of Emergency Planning Fund"** which outlines the SERC Fund allocated percentage of seventy-five percent (75%) earmarked for LEPCs, twenty percent (20%) for state agencies and five percent (5%) to fire departments for training. Rick Hoffman made a motion to approve as presented. Steve Wagner seconded the motion. No discussion.

Record of Vote: 14- For
0-Against
0-Abstain

The committee discussed two (2) different formats and information content for the SERC letters to be eventually sent to the statewide County Commissioners. The committee has a fall 2013 timeline for the generation and mailing of such letters. Once Cindy and Ohio EPA refines, the intent is to forward a draft to Randy Van Dyne and a few select LEPCs for review and comment.

Cindy proceeded to discuss the E-Plan web based system. Ohio EPA e-mailed the E-Plan web site address and a couple of E-Plan support type documents for the LEPCs to review and comment on. The committee reviewed and discussed. The main theme of comments centered on accounts being set-up, training efforts needed and simple logistical questions on how the implementation will play itself out at the local level. Committee discussed regional training will be needed and shall be contacting Ed Frambes (Hamilton County LEPC) who currently is taking a lead role in incorporating E-Plan into the activities of the LEPC in that area.

Operations & Issues:

No report given due to committee chair Brian Gallagher was not available to attend today's meeting.

Training and Education:

The committee met prior to today's SERC meeting.

Willie Brantingham stated that the committee is coordinating with Ohio EMA to schedule the LEPC Conference and the Ohio EMA Director's Conference together for a 2 day event. As of now, it is looking like the October 2013 time period to take place. The location needs to be addressed since there is no funding to pay for a location. State Fire Academy appears to be best venue at this time. The ODOT-Shipley Building Auditorium can be another possibility as a venue. Committee is discussing conference topics such

as ethanol train accidents and the E-Plan web system. We have surveyed LEPCs on topics they would like to see on the agenda.

Agency Reports:

EMA

Ohio EMA indicates that there are **5 LEPC Exercises up for SFY 2013 Exercise Concurrence**. Kenneth Kocab made a motion to approve **Resolutions 2013-17 thru -21** as documented. Jeff Learning seconded the motion. No discussion.

Record of Vote: 14- For
0- Against
0- Abstain

Nancy Dragani continued that there is **1 LEPC up for SFY 2013 Plan Concurrence**. Clyde McKenzie made a motion to approve as documented. Jeff Learning seconded the motion. No discussion.

Record of Vote: 14- For
0-Against
0-Abstain

EPA

Cindy DeWulf introduced "**2011-2103 LEPC Membership Appointment**" **Resolutions 2013-23 through -30**, appointing new LEPC members for Belmont, Coshocton, Fulton, Knox, Marion, Morrow, Richland and Ross County LEPCs. Willie Brantingham made a motion to approve. Dan Fisher seconded the motion.

Record of Vote: 14- For
0- Against
0- Abstain

LEPC meeting minutes were provided for Coshocton, Fairfield, Knox, Morrow and Tuscarawas.

ODNR: Toby Wagner mentioned that Ohio has had two (2) forest fires already in Ohio and one (1) boating accident.

Mr. Wagner then introduced Molly Corey, attorney with the Ohio Department of Natural Resources. Ms. Corey briefly discussed the petition to USEPA from Teresa Mills centering on the oil and gas sector, reporting under the federal Emergency Planning and Community Right-to-Know and reporting under ORC 3750.081. ODNR has met internally and ODNR representatives have also met with Ohio EPA on the petition. Based on these initial meetings, ODNR is examining the concerns raised in the petition

to determine if statutory language changes and/or changes to the Annual Production Form are necessary. Tim Kern (AGO) has spoken to Mick Hans at USEPA Region 5 regarding the petition and relayed that, under EPCRA, there is no formal petition language that outlines the process or procedure to follow to respond to such. Region 5 most likely will draft a response in letter form to the petitioner that outlines their analysis and findings. Willie Brantingham (Columbiana County) and Rick Hoffman (representing professional fire fighters) raised concerns regarding the lack of key information provided to emergency responders about the hazardous substances being used at their drilling location. Willie Brantingham also raised concerns regarding spill reporting and provided an example of a spill that was not properly reported.

Jack Pounds stated that the ODNR database basically gives the emergency responder and planners' up-to-date information about the wells that are in the crude oil collection phase of the well site, but it seems that the issue is on the active drilling of the well and getting the inventory reports for that phase of the operation. Molly Carey mentioned that the drilling phase is captured also by ODNR and that MSDSs are on-site and also posted on the ODNR web site. Jeff Beattie (OEPA) noted that he has spoken to callers from the oil and gas drilling group asking questions on how Ohio is handling the reporting by the oil and gas industry, but did not have information concerning the number of drilling sites which reported. Jeff Leaming (SFM) stated that his people are developing training modules for the emergency responders on the whole oil & gas industry. He has been out to a few of these drilling sites as a way to gain further understanding of this business.

ODRN and representative from the SERC will continue to examine the issues raised in the petition.

PUCO: Nothing to Report.

Health: Nothing to Report.

SHP: Nothing to Report.

SFM: Jeff Leaming stated that the Bureau of Underground Storage Tank Registration (BUSTR) working to include a revolving loan within the state budget bill to help assist getting sites cleaned-up. Ohio has over 23,000 underground storage tanks registered. Depending on the budget approval, SFM Academy may be able to train volunteer fire fighters up to 36 hours. Jeff plans on attending the HMEP grant workshop that shall coincide with the National Association of State Title III Programs Officials (NASTPO) to learn more about the hazmat grant under HMEP.

ODOT: Not in Attendance.

AGO: Nothing to Report.

Other: Beth Nevel (Brown County EMA and LEPC) mentioned that it has been 16-18 months now that she approached the SERC regarding local level pipeline concerns and

there still remain issues in need of being addressed. She thanked SERC for at least addressing the exercise issue of including exercising pipelines for credit. Pipelines are a hazardous material issue that must be addressed and we must all get a handle on the subject. Ms. Nevel provided an example of residents and emergency responders in Arkansas that were not aware that there was a pipeline running under their homes. Ms. Nevel noted that there needs to be a Right-to-Know type program put into place for the pipeline industry. Changes to the exercise requirements are a good start, but more is needed. Ms. Nevel stated that key information regarding pipelines is needed by LEPCs including pipeline locations and whether they are active. Nancy Dragani stated that maybe we all need more information about the pipeline industry and this issue does bear the need for more discussion. Beth also stated that aging pipeline infrastructure also is a concern.

Meeting adjourned.