

To: State Emergency Response Commission (SERC)

From: Cynthia DeWulf, OEPA/DAPC

Subject: April 13, 2016 SERC Meeting Minutes

Date: May 24, 2016

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The April 13, 2016 State Emergency Response Commission (SERC) meeting was called to order at the Ohio Emergency Management Agency in Columbus, Ohio by Ohio EPA Assistant Director James Canepa.

**15 Voting Members were present:**

John Born, Ohio Department of Public Safety (ODPS), SERC Co-Chair  
Jim Canepa, Ohio EPA, SERC Co-Chair (alternate)  
Frederick Nelson, Attorney General's Office  
Randy Van Dyne, Environmental Representative  
Don McDonald, County Interest Representative  
Larry Flowers, State Fire Marshal  
Dan Fisher, Public Utilities Commission of Ohio  
Tim Flock, LEPC/EMA Representative  
Kevin Crist, Environmental Representative  
Cliff Mason, Fire Chief's Association  
Larry Lindrose, Industry Representative  
Jennifer Klein, Industry Representative  
Staff Captain Kenneth Kocab, State Highway Patrol  
Doug Johnson, Ohio Department of Natural Resources (alternate)  
Gene Phillips, Ohio Department of Health (alternate)

**3 Voting Members not present:**

Willie Brantingham, Volunteer Firefighters' Representative  
Leslie Bricker, Ohio Department of Transportation  
Tammy Eallonardo, Municipality Representative

**1 Member(s) not appointed by Governor**

Professional Firefighters' Representative (Vacant)

The attendees of today's meeting introduced themselves prior to the moving on with the meeting.

**Waive the 24 Hour Rule:**

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

15- For  
0- Against  
0- Abstain

**Approval of February 10, 2016 SERC Meeting Minutes:**

Ohio EPA Assistant Director Canepa asked for a motion to accept the February 10, 2016 SERC meeting minutes. A motion was made by Dan Fisher to accept. Motion to accept was seconded by Don McDonald.

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

**SERC Committee Reports:**

**Executive:**

Assistant Director Canepa outlined three separate SERC rule packets that are undergoing the 5-year rule review process. One packet has 23 SERC rules that have completed the early stakeholders outreach portion and have been filed with the Joint Committee on Agency Rule Review (JCARR) on March 30, 2016. The public hearing is scheduled for June 27, 2016. The second packet has 2 SERC rules that have been recommended by the state’s common sense initiative review to proceed forward to JCARR. The last set of rules contain 14 rules as no change and 2 rules that needed simple changes to make corrections by adding language for incorporation by reference and to fix a rule citation. Assistant Director Canepa asked for a motion to have the Ohio EPA move forward in the 5-year rule review process with the above described rule packages. Kenneth Kocab made a motion as outlined by Assistant Director Canepa. Dough Johnson seconded. Motion approved 15-0.

Assistant Director Canepa reported that the committee received updates from the SERC committees and discussed the issue of SERC receiving voluntary audit disclosures under ORC 3745.72. The voluntary audit disclosure is a self-disclosing audit of potential violations in order to obtain immunity from enforcement actions. The issue will be continued at the June 2016 Executive Committee meeting.

Assistant Director Canepa noted that the Executive Committee discussed the recommended changes to the law which were proposed by Don McDonald. Assistant Director Canepa thanked Mr. McDonald for submitting the recommendations. He noted that SERC is moving forward to include pipelines, but through a different mechanism than proposed by Mr. McDonald. Ohio EPA’s legal staff looked into the recommendation to make hazardous chemicals, hazardous substance and hazardous material synonymous, but found that these terms are specifically referenced in other laws. Creating a new term would create confusion for the regulated community. Assistant Director Canepa reported that the Executive Committee is interested in moving forward with changing the time to submit the notification which is currently 60 and 90 days. Jennifer Klein noted that she would like the opportunity to work with the SERC as it drafts the proposed changes.

**Administrative & Funding:**

Jennifer Klein stated that the committee did meet prior to today’s meeting and reviewed all the LEPC grant applications that were received this past February 2016. The new application format was put into place for this year and the majority of the applications

appeared to be complete.

Jennifer Klein introduced SERC Resolution 2016-43, Allocation of the Emergency Planning Fund under ORC 3750.14 that sets the allocation of the fund to 75% for LEPCs; 20% for state agencies and 5% for fire departments. Jennifer Klein made a motion to approve **Resolutions 2016-43**. Doug Johnson seconded the motion. No discussion.

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

### **Operations and Issues:**

Tim Flock stated that the committee met in Ashland, Ohio in March. The main portion of the meeting was to review the "LEPC Cross-walk" document that has been used for many years. Committee was able to put the document in a Microsoft Word fillable format, as opposed to it being in a PDF format. The document was last updated in 2013. EMA staff were also part of the review process. Mr. Flock asked the membership for a motion to approve the amended "LEPC Cross-walk" document as updated by the committee. Don McDonald made such motion to accept. Randy van Dyne seconded. Motion approved 15-0.

Next meeting shall be in Ashland, Ohio on May 112016.

### **Training and Education:**

Don McDonald stated that the committee focused on the LEPC Conference agenda that is scheduled for October 13, 2016 following the October 12, 2016 EMA Director's meeting. Committee is working on having the conference at the SFM Academy.

### **Agency Reports:**

#### **Department of Public Safety/EMA**

Ohio EMA Deputy Director Russ Decker indicated that there are **6 LEPC Exercises recommended for SFY 2016 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2016-37 through -42**. Jennifer Klein seconded the motion. No discussion.

Record of Vote: 15/14- For  
0-Against  
0/1- Abstain (McDonald-Stark)

### **EPA**

Cindy DeWulf provided the update. Cindy introduced **LEPC SFY 2015-17 LEPC Membership Appointments; Resolutions 2016-44 through -45**, appointing additional members to the Morrow and Muskingum County LEPCs. The names for the county LEPCs were submitted respectively by the County Commissioners. Captain Kocab made a motion to approve. Dan Fisher seconded the motion.

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

LEPC meeting minutes were provided for Allen, Guernsey, Muskingum and Tuscarawas County designated planning districts.

**Statement(s) from SERC Membership**

Dan Fisher mentioned that the PUCO continues to have their PUCO grant that is available for projects and/or training involving hazardous materials.

Jennifer Klein stated that the Ohio Chemistry Technology Council is having their annual awards program scheduled for May 2, 2016.

Randy Van Dyne reported that the University of Findlay has their hazardous material training for crude oil transportation starting in May 2016. The training is available within a 500-mile radius of the university. PUCO grant funds are being used to support the training.

Fire Marshal Larry Flowers stated that \$100,000 in funding has been awarded to the Monroe County Association for local emergency responders for training and equipment. The county was awarded the funds as a result of the large oil pad fire incident a year plus ago. The SFM continues to make grants available for the Marcs radios with a goal to get the radios into each emergency response main business location.

**Statements from Attendees**

NO comments were offered.

**Other Business**

Cindy DeWulf reminded SERC members to file their financial disclosure paperwork which is due in May 2016. SERC shall pay the filing fee on your behalf for appointed members.

Jeff Beattie provided a brief overview of USEPA proposed rule changes to the Risk Management Plan (RMP) program that shall impact LEPCs mostly in the area of local response coordination, facility emergency response plans and exercises. Additional information will be shared with the LEPCs if US EPA adopts these changes.

Meeting adjourned.