

To: State Emergency Response Commission (SERC)

From: Cindy DeWulf, DAPC & SERC Co-Chair

Subject: June 12th, 2013 SERC Meeting Minutes

Date: July 31st, 2013

The June 12th, 2013 State Emergency Response Commission (SERC) meeting was called to order at the Ashland Specialty Ingredients facility located at 1979 Atlas Road in Columbus, Ohio by Cindy DeWulf, SERC Co-Chair (Ohio EPA).

13 Voting Members were present:

Cindy DeWulf, Ohio EPA, SERC Co-Chair
Dennis Tomcik, Ohio EMA, SERC Co-Chair (Alternate)
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
Randy Van Dyne, Environmental Representative
Staff Lieutenant Kenneth Kocab, State Highway Patrol
Richard Hughes, Industry Representative
Brian Galligher, LEPC Representative
Al Phillips, Ohio Department of Transportation
Don McDonald, County Interest Representative

5 Voting Members were not present

Raenell Nagel, Environmental Representative
Clyde McKenzie, Fire Chief Representative
Willie Brantingham, Volunteer Firefighters' Representative
Toby Wagner, Ohio Department of Natural Resources
Rick Hoffman, Professional Firefighters' Representative

Members not appointed by Governor

Elected Official Representative (**Vacant**)

Waive the 24 Hour Rule:

Steve Wagner made the motion, seconded by Kenneth Kocab, that the 24-hour rule be waived.

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

Approval of April 10th, 2013 SERC Meeting Minutes:

Cindy asked for a motion to accept the April 10th, 2013 SERC meeting minutes. A motion was made by Brian Gallagher. Motion to accept was seconded by Jeff Leaming.

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

SERC Committee Reports:

Executive:

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

Cindy introduced Don McDonald (Stark County LEPC) as a new SERC member representing county interests. Mr. McDonald administers the LEPC program in Stark County and also serves on the SERC's Training & Exercise Committee. SERC has one more pending nomination that has not been enacted on to date by the Governor's Office of Board and Commissions. In addition, the vacant environmental representative spot left by Raenell Nagel still has to be filled.

Ohio EMA has requested to postpone until the August 14th SERC, the discussion and updating on draft changes to Revised Code exercise requirements.

Cindy Dewulf briefed the members on the funding concerns regarding the University of Texas web based information management system "E-Plan." The system will no longer be funded by the federal Department of Homeland Security. Ohio EPA staff have been participating in conference calls with other states representatives which are using E-Plan. The E-Plan operating costs are approximately one million dollars per year. Options for funding have included states directly funding the system and fees paid directly by facilities using the system. Ohio EPA will examine web-based reporting options and report back to the SERC.

Cindy noted that US EPA responded to the oil and gas reporting petition. ODNR will provide an update on the response to the petition during their agency report.

Cindy stated that the Ohio SERC program has received requests for the chemical inventory reports from several news organizations following the explosion at a fertilizer plant in West, Texas. The AGO reviewed the requests and the SERC continues to follow the federal and state law which requires that requests must be made for a specific facility. Other states have interpreted the law differently and have provided the inventory reports for all reporters in their states.

Administrative & Funding:

The committee met prior to today's SERC meeting, and Cindy DeWulf provided the update.

The committee discussed a funding request approval to use LEPC funds to purchase hazmat equipment for law enforcement personnel. The equipment was all allowable under the policy in place.

Cindy introduced **SERC Resolution 2013-47 "SFY 2014 LEPC and Training Grant"** which outlines the SERC funding formula to distribute the grant awards to the statewide LEPCs and **SERC Resolutions 2013-48 "SFY 2014 Ohio EMA Funding"** and **2013-49 "SFY 2014 Ohio EPA Funding."** Jack Pounds made a motion to approve as presented. Randy Van Dyne seconded the motion. No discussion.

Record of Vote: 13/12- For
0-Against
0/1-Abstain (Ohio EMA & Ohio EPA)

The committee plans to move forward with sending out letters to each County Commissioner detailing an update as to the active status of their respective LEPC. The letter shall go out in the fall and will be reviewed by Randy Van Dyne, and at least one LEPC representative.

The committee discussed Ohio EPA's review of chemical inventory reports which include trade secret claims. Ohio EPA will be contacting these facilities which submitted reports claiming the chemical identity as trade secret to ensure that the facilities are following state and federal trade secret requirements. Jeff Beattie is working with USEPA to get an Ohio listing of trade secret claims submitted to them under federal Emergency Planning and Community Right-to-Know Act.

Operations & Issues:

Brian Gallagher reported his committee discussed the University of Texas's E-Plan system and its' funding issues. The committee has a concern about sustainable future funding outside just the next year. Committee feels that the program needs to find some data management people to build us a system and this should be a priority.

Training and Education:

Don McDonald introduced Phil Johnson from Ohio EMA. Mr. Johnson talked of the HMEP Training Grant. There is close to \$300,000 in HMEP training funds directed to Ohio from USDOT under this grant. The thought this year is to hold back \$150,000 for state administration and to provide funding to deliver hazmat training across the state in awareness, hazmat operations and specialized training. Mr. Johnson noted that EMA is going to try this new approach, as unused HMEP training funds have been returned to USDOT in past years.

The LEPC Conference is scheduled for October 30th as part of the 2nd day of the Fall Ohio EMA Director's Conference. No SERC meeting shall be held in conjunction with the meeting. The morning shall have a plenary session from City of Columbus Hazmat Captain Brobst on the Columbus train derailment that impacted area on the outskirts of Columbus. Registration brochure should be finalized soon and committee hopes to have the registration information on the SERC web site.

Agency Reports:

EMA

Ohio EMA indicates that there are **14 LEPC Exercises up for SFY 2013 Exercise Concurrence**. Dan Fisher made a motion to approve **Resolutions 2013-32 thru -45** as documented. Al Phillips seconded the motion. No discussion.

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

Cindy DeWulf continued that there is **SERC Resolution 2013-46, SFY 2013 "State of Ohio" Exercise Concurrence**. Brian Gallagher made a motion to approve as documented. Don McDonald seconded the motion. No discussion.

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

EPA

Cindy DeWulf introduced "**2011-2103 LEPC Membership Appointment**" **Resolutions 2013-50 through -51**, appointing new LEPC members for Lawrence and Ross County LEPCs. Dan Fisher made a motion to approve. Randy Van Dyne seconded the motion.

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

LEPC meeting minutes were provided for Cuyahoga, Lucas, Richland, Summit and Trumbull planning districts.

ODNR:

Molly Corey introduced herself as an attorney with ODNR. She and others are working with Cindy at EPA on the oil and gas inventory reporting issue as a result of the petition as mentioned earlier. The group is looking at Revised Code 3750 (SERC) and 1509 (ODNR) and what the language says in reference to the discrepancies identified by USEPAs response to the petition. We are discussing both short and long term solutions

needed. Short term shall center on notifying our Ohio oil and gas companies on their need to satisfy the federal inventory reporting requirements. The reasoning under ORC 3750.081 was to create a one stop inventory reporting system that is available to the emergency responder for all those historic vertical oil and gas wells that have already been drilled and are in just the production and storage mode for crude oil. The reporting landscape has changed with the Marcellus and Utica shale drilling that is taking place where for chemicals are being used and stored on-site for the drilling phase. This is presenting a different reporting challenge in that the chemicals are generally no longer on-site after 60 days or so. The local groups and responders have a concern for what is there in the “now” and not “what was there” when they have to report March 1 of the following year. Molly noted that one long term solution to address chemical inventory reporting that is likely will be to change ORC 3750 and possibly eliminate of 3750.081. Those discussions continue between the state agencies.

Brian Gallagher asked if fire codes have any language to allow local responders access to this information when the oil and gas company brings the chemicals on-site. Jeff Leaming (SFM) states that the fire code is silent on outside structures or jurisdiction over these sites. It is an Ohio DNR issue.

Molly Cory continued that the MSDS of chemicals at these sites are posted on the ODNR web site. The owners/operators still have spill and release reporting responsibilities. The biggest issue is that these are temporary sites with chemicals on hand for a short time period. Diesel fuel is most likely chemical that would need to be reported. The fracking material is diluted and most likely will not be captured under the EPCRA reporting structure.

Don McDonald mentioned that there is confusion on spill reporting at these drilling locations. Cindy DeWulf stated she will look into the issue with the Kevin Clouse, Ohio EPA Emergency Response Administrator.

PUCO: Nothing to Report.

Health: Nothing to Report.

SHP: Nothing to Report.

SFM:

Jeff Leaming stated that due to the federal sequester, the BUSTR program in Ohio is looking at a 19% budget reduction over the next 2-year period and this may impact jobs and investigations in the field.

ODOT:

Al Phillips reported that his agency is making a push to market and train locals in to the Ohio DOT Quick Clear program that tries to get the traffic flowing quicker after transportation accidents. There are 209 statewide instructors and the training course is being developed to meet the audience directed toward. Ohio DOT wants to make it regional training with a priority directed to the volunteer fire sector. Training could be

between 1-4 hours. Request form for the training can be found on their web site.

AGO: Nothing to Report.

Other:

Meeting adjourned.